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CHILDREN AND YOUNG PERSONS WELFARE ACT

CHAPTER 37:51

Act

21 of 1972

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Note

on

Subsidiary Legislation

This Chapter contains no Subsidiary Legislation.

Note

This Act has not been affected by the Age of Majority Act, Ch. 37.:01. (See s. 3(4) of that Act).

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CHILDREN AND YOUNG PERSONS WELFARE ACT

21 of 1972.

AN ACT to make further provisions for the care and welfare of delinquent and maladjusted children and young persons in Dominica and for matters connected therewith.

Commencement.

[28th September 1972]

PART I
PRELIMINARY

Short title.

1. This Act may be cited as the -
CHILDREN AND YOUNG PERSONS WELFARE ACT.

Interpretation.

2. In this Act -
"child" means a person who is under the age of fourteen years;
"Minister" means the Minister responsible for Community Development and Social Affairs;
"Organisation" means the organisation created under section 3;
"school" means a school established under this Act;
"Trustees" means trustees appointed under section 9;
"young person" means a person between the ages of 14 and 18 years.

PART II
ESTABLISHMENT AND MANAGEMENT OF THE ORGANISATION

Establishment of the Organisation.

3. (1) An Organisation to be known as the Dominica Children and Young Persons Welfare Organisation is hereby established.
- (2) The Organisation shall be a non-sectarian and non-profit making body.

Objectives of the Organisation.

4. The objectives of the Organisation shall be to promote the care, welfare. education and rehabilitation of delinquent and maladjusted children and young persons in Dominica and to establish and run institutions in which they may be housed or in which studies aimed at

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character formation as well as the acquisition of industrial and agricultural and other skills may be pursued.

Government and control of Organisation.

5. The Organisation shall be governed by a Board of Trustees who, subject to this Act and to such directions as may from time to time be given by the Minister, shall execute the decisions and direct and control the affairs of the Organisation.

Composition of the Organisation.

6. (1) The Organisation shall consist of not more than ten persons appointed by the Minister as follows:

- (a) three representing government agencies directly responsible for youth, education, and agriculture;
- (b) one representing the National Youth Council;
- (c) two representing the Christian Council of Dominica;
- (d) three representing other private sector interests;
- (e) one officer of the Ministry of Community Development and Social Affairs, who shall serve as secretary/treasurer.

(2) The Minister shall appoint the Chairman of the Organisation not being a public officer from amongst the members.

(3) The persons nominated under section 6(1)(b) to 6(1)(d) shall hold office for a period not exceeding two years but shall be eligible for re-appointment.

Meetings of the Organisation.

7. (1) The Organisation shall meet once every quarter and at such other times as may be necessary or expedient for the transaction of its business.

(2) The Chairman shall within seven days of the receipt by him of a request in writing addressed to him by any five members of the Organisation call a meeting of the Organisation.

(3) A quorum of the Organisation shall be any five members. (4) The decisions of the Organisation shall be taken by a simple majority of the votes of the members present, and in addition to an original vote in any case in which the vote is equal, the Chairman presiding at a meeting shall have a casting vote.

Powers and functions of the Organisation.

8. The Organisation shall be a body corporate and subject to this Act, shall have power-

- (a) to have a head office in Roseau;

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- (b) to adopt, alter and use a corporate seal, which shall be judicially recognised;
- (c) to sue and be sued in its corporate name;
- (d) to enter into contracts and to execute all instruments necessary or convenient in the exercise of any of its powers;
- (e) to acquire property, real or personal, or mixed, tangible or intangible, by any lawful means including the exercise of the power of eminent domain, to hold, operate and administer the said property, and to dispose of any part thereof that the Organisation may find surplus to its purposes;
- (f) to acquire and import equipment, machinery and materials necessary and essential for carrying out the purposes of this Act free of duty or taxes of any kind;
- (g) to build, construct or acquire buildings to be used as homes or schools for the welfare and education of delinquent or maladjusted children and young persons;
- (h) to employ by contract such construction and accounting experts, attorneys or other personnel as may be necessary;
- (i) to accept grants of any kind from any source;
- (j) to upkeep, repair and maintain any building or property of any kind owned by the Organisation;
- (k) to implement any recommendation of the Minister with regard to the care, welfare, education and rehabilitation of delinquent and maladjusted children and young persons.

The Board of Trustees.

9. There shall be a Board of Trustees appointed by the Minister from the members of the Organisation which shall comprise -

- (a) the Chairman of the Organisation who shall be Chairman of the Board of Trustees;
- (b) the secretary/treasurer of the Organisation;
- (c) a representative of the Christian Council of Dominica, nominated by the President;
- (d) two members of the Organisation appointed by the Minister acting in his own discretion.

Meetings of the Board of Trustees.

10. (1) The Trustees shall meet at least once a month and at such other times as may be necessary or expedient for the transaction of the business of the Organisation.

(2) A quorum of the Board of Trustees shall be any three trustees.

(3) The Chairman shall within seven days of the receipt by him of a notice in writing addressed to him by any three members of the Board, call a special meeting of the Board.

(4) In the absence of the Chairman from a meeting of the Board of Trustees, the members present shall appoint one of their members to preside as Chairman, and the member so appointed shall for that meeting have all the powers of the Chairman,

(5) Decisions shall be taken by a simple majority of the votes of the members present and voting.

Powers and functions of the Board of Trustees.

11. The Board of Trustees shall have the following powers:

- (a) subject to such directions as may be given by the Minister from time to time, to have complete control and supervision of the property and activities of the Organisation;
- (b) subject to this Act, to do all such things as are necessary or convenient for the purpose of exercising those powers and performing those duties and functions of the Organisation with regard to its responsibilities for the education, care, welfare and rehabilitation of delinquent and maladjusted children and young persons as may be appropriately carried out by the Board;
- (c) to implement the decisions of the Organisation;
- (d) to implement the recommendations of the Minister;
- (e) to make and enforce Regulations for the efficient operation of the Organisation;
- (f) to pay the expenses of the Organisation, including any salaries or other remuneration payable to any of its members, officers, servants, contractors or employees, as it may with the approval of the Minister determine, including such allowances to its members, officers and servants as the Minister may approve;

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- (g) to dispose of or acquire property of any kind whatsoever on behalf of the Organisation when authorised by the Organisation to do so;
- (h) to cause curricula to be prepared for the vocational training of children and young persons within the care or supervision of the Organisation;
- (i) to initiate welfare or rehabilitation programmes for implementation by the Organisation;
- (j) to make rules to be approved by the Organisation for the management and day to day operation of any home or training school owned or managed by the Organisation;
- (k) to do all acts or things necessary or convenient for carrying out the purposes of this Act.

PART III

ACCOMMODATION AND WELFARE

Establishment of training schools.

12. (1) It shall be lawful for the Organisation to establish training schools at which delinquent and maladjusted children or young persons may be given such training and instruction, and be subject to such disciplinary and moral influence as will conduce to their rehabilitation, reformation, and the prevention of crime.

(2) The Organisation shall defray the expenses attendant on the establishment, conduct and maintenance of training schools from any moneys provided by the Government and other sources.

Course of training in schools.

13. The course of training undertaken at a training school shall aim at-

- (a) fitting the students to the conditions of life and work in Dominica;
- (b) imparting basic agricultural, industrial and other skills, and the related technological knowledge;
- (c) imparting an awareness of the need for the economic use of time and resources;
- (d) providing the necessary qualifications for entry into gainful employment or further vocational training;

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- (e) fostering self discipline, team spirit and a sense of responsibility as well as new interests and enthusiasm.

Curricula of training schools.

14. Without prejudice to section 13, training schools shall aim at providing training in agriculture, carpentry and joinery, brickwork, masonry, plumbing, welding, machine shop work, motor mechanics, electricity, book crafts, book binding, cane work, wood engraving, pottery, wood carving, toy making, art work, general education, English, elementary mathematics, current affairs, history and commerce, sewing, needle work, domestic science and such other subjects as the Trustees may from time to time determine.

The Principal of the schools.

15. (1) A school shall be under the supervision of a Principal, and shall have such staff. as is necessary to carry out its courses of instruction.

(2) The Principal shall have the following duties:

- (a) preparing course outlines and syllabuses for the school for the approval of the Trustees;
- (b) establishing a placement programme for the pupils of the school;
- (c) providing the Trustees with information regarding occupational requirements and current demands for the skills of young persons;
- (d) establishing good relations between the school and employers, and arranging visits to industrial concerns and firms;
- (e) carrying out such instructions as may be given to him from time to time by the Trustees with regard to the schools.

Accommodation.

16. It shall be lawful for the Organisation to provide accommodation for maladjusted or delinquent children and young persons, and to supervise, control and regulate their places of abode.

Residence and schooling.

17. Unless the Trustees for special reasons with the approval of the Organisation otherwise decide, a child or young person shall not be kept at a training school or be given accommodation in any home or abode run by the Organisation for the children and young persons for any period in excess of two years.

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MISCELLANEOUS

Training schools. Ch. 4:20.

18. Any school established or run by the Organisation for the care, welfare and rehabilitation of delinquent or maladjusted children or young persons shall be deemed to be a training school for the purpose of section 93 of the Magistrate's Code of Procedure Act or of any enactment to the like effect

Detention of young persons. Ch. 12:34.

19. Where a young person is convicted of an offence and is sentenced to detention at a training school run by the Organisation, sections 9 to 17 inclusive and section 19 of the Government Training School Act shall apply.

Regulations.

20. The Minister may make Regulations for all or any of the following matters:

- (a) the discipline of a school;
- (b) the clothing and diet of the persons remanded or detained by a court's order in a school;
- (c) the remission for good conduct of part of the time for which a person has been sent to a school;
- (d) the payment of gratuities by Government on the discharge of persons ordered by a court to be detained in a school;
- (e) generally for the better carrying out of the provisions of this Act.

L.R.O. 1/1991