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SCHEDULE

CHAPTER 21

CHILDREN AND YOUNG PERSONS LAW

**A Law to make provisions for the welfare of juveniles and the treatment of juvenile
offenders and for the establishment of juvenile courts**

A.N.S.L.Cap
22

[27' August 1991]

PART 1— PRELIMINARY

I. This Law may be cited as the Children and Young Persons Law

Short title

2. In this Law—

Interpretation

"approved institution" means an institution established, or any place or institution declared to be an approved institution under section 19;

"authorized officer" means person appointed by the Commissioner for purposes of this Law and

includes a probation officer;

“child” means person who has not yet attained the age of 14 years;

“Commissioner” means Commissioner for the time being charged with responsibility for youths;

“guardian” in relation to a child or young person includes any person who in the opinion of the court having cognizance of any matter in which a child or young person is concerned, has for the time being the charge of or control over such child or young person,

"juvenile" includes child and young person.

"Juvenile court" means court constituted under section 6.

"probation Officer" includes Assistant Probation Officer;

“State” means Enugu State of Nigeria;

“whipped or "corporal punishment" means whipped with a light rod or cane or birch or whip, which shall be of patterns approved by the Commissioner-.

"young person" means person who has attained the age of 14 years but has not attained the age of 17 years.

PART II— JUVENILE OFFENDER

3. Where a person apparently under the age of 17 years is apprehended with or without warrant, and cannot be brought forthwith before a court

of summary jurisdiction, the police officer in immediate charge of the police station to which such person is brought, shall inquire into the case and in any case and shall —

(a). unless the charge is one of homicide or other grave crime: or

(b). unless it is necessary in the interest of such person to remove him from association with any reputed criminal or prostitute; or

(c). unless the officer has reason to believe that the release of such person may defeat the ends of justice,

release such person on a recognizance being entered into by him or by his parent or guardian, with or without sureties, for such an amount as may in the opinion of the officer, secure the attendance of such person upon the hearing of the charge

4. (1). Where a person apparently under die age of 17 years has

been apprehended and is no so released as aforesaid, the police officer to whom such person is brought, shall cause him to be detained in a place of detention provided under this Law until he can be brought before a court, unless the police officer certifies—

Bail of
juvenile
arrested

custody of
Juvenile not
discharged on
bail after
arrest

- (a). that it is impracticable so to do: or
- (b). that he is of so unruly or depraved a character that he cannot be safely so detained; or
- (c). that by reason of his state of health or his mental or bodily condition it is inadvisable so to detain him.

(2). Such certificate shall be produced to the court before which the person is brought.

5. It shall be the duty of all police officers and prison officers to make arrangements for preventing, so far as is practicable, a juvenile while in custody, from associating with an adult charged with or convicted of any offence

6. (1). A juvenile court for the purpose of the hearing and determination of all matters relating to juveniles shall be constituted by a Magistrate sitting with such other persons, if any, as the Chief Judge shall appoint.

(2) A court when hearing charges against a juvenile shall, unless the juvenile is charged jointly with any other person not being a juvenile, sit either in a different building or room from that in which the ordinary sittings of the court are held, or on different days or at different times from those at which the ordinary sittings are held.

(3). Where in the course of any proceedings in a juvenile court it appears to the court that the person charged or to whom the proceedings relate is of the age of 17 years or upwards, or where in the course of any proceedings in any court other than a juvenile court it appears that the person charged or to whom the proceedings relate is under the age of 17 years, nothing in this section shall be construed as preventing the court, if it thinks it undesirable to adjourn the case, from proceeding with the hearing and determination of the case.

(4). Provision shall be made for preventing persons apparently under the age of 17 years whilst being conveyed to or from court, or whilst waiting before or after their attendance in court, from association with adults charged with or convicted of any offence other than an offence with which the person apparently under the age of 17 years is jointly charged or convicted

(5). In a juvenile court no person other than the members and officers of the court and the parties to the case, their solicitors, and other persons directly concerned in the case, shall except by leave of such court, be allowed to attend:

Provided that bona fide representatives of a newspaper or news agency shall not be excluded, except by special order of the court,

(6). No person shall publish the name, address, school, photograph or anything that is likely to

Association
with adults
while in
custody

Constitution
of juvenile
court

lead to the identification of the child or young person before a juvenile court, save with the permission of such court or in so far as is required by the provisions of this Law.

(7). Any person who acts in contravention of subsection (6) of this section is guilty of an offence and liable on conviction to a fine not exceeding one hundred naira.

7. (1). A court on remanding or committing for trial, a juvenile who is not released on bail, shall, instead of committing him to prison, commit him to custody in a place of detention provided under this Law and named in the committal order to be there detained for the period for which he is remanded or until he is thence delivered in due course of law

Remand or
committal
to custody

Provided that in the case of a young person it shall not be obligatory on the court so to commit him if the court certifies that he is of so unruly a character that he cannot be safely so committed, or that he is of so depraved a character that he is not a fit person to be so detained,

(2). A committal order under this section may be varied or, in the case of a young person who proves to be of so unruly a character that he cannot be safely detained in such custody, or to be of so depraved a character that he is not a fit person to be so detained, revoked by any court acting in or for the place in or for which the court which made the order acted, and if it is revoked the young person may be commuted to prison.

8. (1). Where a juvenile is brought before a juvenile court for any offence it shall be the duty of the court as soon as possible to explain to him in simple language the substance of the alleged offence.

(2) Where a juvenile is brought before a juvenile court for any offence other than homicide the case shall be finally disposed of in such court, and it shall not be necessary to ask the parent whether he consents that the child shall be dealt with in the juvenile court.

(3). After explaining the substance of the alleged offence the court shall ask the juvenile whether he admits the offence.

(4). If the juvenile does not admit the offence the court shall then hear the evidence of the witnesses in support thereof and at the close of the evidence in-chief of each such witness, the court shall ask the juvenile or if the court sees fit in the case of a child, the parent or guardian of such child, whether he wishes to put any question to the witness.

(5). If the juvenile instead of asking questions wishes to make a statement he shall be allowed so to do and it shall be the duty of the court to put to the witnesses such questions as may be necessary to explain anything in the statement of the juvenile.

(6). If it appears to the court that a prima facie case is made out, the evidence of any witness for the defence shall be heard, and the juvenile shall be allowed to give evidence or to make any statement.

(7). If the juvenile admits the offence or the court is satisfied that it is proved, he shall then be asked if he desires to say anything in extenuation or mitigation of the penalty or otherwise.

(8). Before deciding how to deal with the juvenile the court shall obtain such information as to his general conduct, home surroundings, school record, and medical history, as may enable it to deal with the case in the best interests of the juvenile and may put any question arising out of such information.

(9). For the purpose of obtaining such information or for special medical examination or observation the court may from time to time remand the juvenile on bail or to a place of detention.

(10). If the juvenile admits the offence or the court is satisfied that it is proved, and the court decides that a remand is necessary for purposes of inquiry or observation, the court may cause an entry to be made in the court records that the charge is proved and that the juvenile has been so remanded.

(11). The court before which a juvenile so remanded is brought may without further proof of the commission of the offence, make any order in respect of the juvenile which could have been made by the court which so remanded the juvenile.

9. The Magistrates' Courts Rules Committee may make rules for regulating the procedure in juvenile courts, the fees to be charged and the forms to be used therein and such of the provisions of any written law relating to the practice and procedure in magistrates' courts not inconsistent with the provisions of this Law shall have effect subject to any rules so made.

10. Where a juvenile is charged with any offence his parent or guardian may in any case and shall if required by the court, attend at the court before which the case is heard or determined, during all the stages of the proceedings and the court may make such orders as are necessary for the purpose of enforcing attendance.

11. (1). Where a juvenile is charged before any court with any offence for the commission of which a fine, damages, or costs may be Imposed, and the court is of the opinion that the case would be best met by the imposition of a fine, damages, or costs, whether with or without any other punishment, the court may in any case, and shall if the offender is a child, order that the

Attendant at court of parent or guardian

Power to order parent or guardian to pay fine, damages or costs and to give security

fine, damages, or costs awarded be paid by the parent or guardian of the juvenile instead of by the juvenile, unless the court is satisfied that the parent or guardian cannot be found or that he has not conducted to the commission of the offence by neglecting to exercise due care of the juvenile.

(2). Where a juvenile is charged with any offence, the court may order his parent or guardian to give security for his good behaviour.

(3). Where a court thinks that a charge against a juvenile is proved, the court may make an order on the parent or guardian under this section for the payment of damages or costs or requiring him to give security for good behaviour without proceeding to find the juvenile person guilty of the offence.

(4). An order under this section may be made against a parent or guardian who, having been required to attend, has failed so to do, but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard

(5) .Any sum imposed and ordered to be paid by a parent or guardian under this section, or on forfeiture of any such security given by such parent or guardian, may be recovered from him by distress or imprisonment in like manner as if the order had been made on the conviction of the parent or guardian of an offence with which the juvenile was charged.

(6) A parent or guardian may appeal against an order made under this section to the High Court

12. (1). No child shall be ordered to be imprisoned.

(2). No young person shall be ordered to be imprisoned if in the opinion of the court he can be suitably dealt with in any other way whether by probation, fine, corporal punishment, committal to a place of detention or to an approved institution or otherwise

(3). A young person ordered to be imprisoned shall not be allowed to associate with adult prisoners

13. Notwithstanding anything to the contrary in this Law or in any written law, where a juvenile is found guilty of an attempt to murder or of manslaughter, or of wounding with intent to do grievous bodily harm the court may order the offender to be detained for such period as may be specified in the order, and where such order is made the juvenile shall, during that period be liable to be detained in such place and under such condition as the Governor may direct, and whilst so detained shall be deemed to be in legal custody

14. Where a juvenile charged with any offence is tried by a court, and the court is satisfied of his

Restrictions
on
punishment

Detention in the
case of certain
crimes
committed by
juvenile

guilt, the court may-

- (a) dismiss the charge; or
- (b) discharge the offender upon his entering into a recognizance; or
- (c) discharge the offender and place him under lite supervision of a probation officer; -or
- (d) commit the offender by a committal order to the care of a fit person; or
- (e) commit the offender by a committal order to an approved institution; or
- (f) order lite offender to be whipped; or
- (g) order the offender or the parent or guardian of the offender to pay a fine, or damages or costs; or
- (h) order the parent or guardian of the offender to give security for his good behaviour; or
- (i) commit the offender to custody in a place of detention provided under this Law for a period not exceeding 6 months; or
- (j) if the offender is a young person order him to be imprisoned subject to the provisions of subsections (2) and (3) of section 12; or.
- (k) deal with the matter in any other manner in which it may legally be dealt with.

15. (1) The Commissioner or a local government with the prior approval of the Commissioner, may establish remand homes.

Places of
detection

(2) The Commissioner may make rules for the management, upkeep and inspection of such remand homes.

(3) Where a remand home is conveniently situated it shall be a place of detention for the purpose of sections 4.7 and 14.

(4) Where no remand home is conveniently situated juvenile of red to be detained in custody may in the discretion of the police officer or officer of the court as the case may be, be detained in an approved institution, prison or police station or any other suitable place for the care and custody of such person as the police officer or court may think proper.

16. The expressions "conviction" and "sentence" shall not be used in relation to a -juvenile dealt with in a juvenile court and any reference in any written law to a person convicted, a conviction to a sentence shall, in the case of Juvenile be construed as including a reference to a person found guilty of an offence, a finding of guilt or an order made upon such finding, as the case may be.

"conviction " and
"sentence" not to be
used in relation to
juvenile

PART 111.—PROBATION OFFICERS

Appointment of
probation
officer.

17. (1) The Civil Service Commission may appoint fit and proper persons of either sex to be probation officers or assistant probation officers.

(2) An assistant probation officer shall under the direction of a probation officer perform all or any of the duties of a probation officer.

(3) A probation officer when acting under a probation order shall be subject to the control of the courts for the area for which he is appointed.

(4) (a) When a juvenile is charged with any offence other than homicide and the court is satisfied that the charge is proved, the court may make an order discharging the offender conditionally upon his entering into a recognizance, with or without conditions to be of good behaviour and to appear to be further dealt with when called upon at any time during such period, not exceeding 3 years, as may be specified in the order and to comply with such other terms as may be specified in the order.

(b) A recognizance entered into under this section shall, if the court so orders, contain a condition that the offender be under the supervision of a probation officer or such person as may be named in the order during the period specified in the order and such other conditions for securing such supervision as may be specified in the order, and an order requiring the insertion of such conditions in the recognizance is in this Law referred to as a “probation order.”

(5) The probation officer or other person named in a probation order may at any time be relieved of his duties, and in any such case or in case of the death of the person so named, another person may be substituted by the court before which the offender is bound by his recognizance to appear to be further dealt with.

(6) It shall be the duty of a probation officer, subject to the discretion of the court—

(a) to visit or receive reports from the persons under supervision at such reasonable intervals as may be specified in the probation order or, subject thereto, as the probation officer may think fit;

(b) to see that he observes the conditions of recognizance;

(c) to report to the court as to his behaviour;

(d) to advise, assist, and befriend him and when necessary, to endeavour to find him suitable employment.

(7) The court before which any person is bound by his recognizance under this Law to appear to be further dealt with may, upon the application of the probation officer, and after notice to the offender, vary the conditions of the recognizance and may, upon being satisfied with the conduct of that person, make it unnecessary that he should remain longer under supervision, discharge the recognizance.

(8) If the court before which an offender is bound in his recognizance to appear to be further dealt with, or any court, is satisfied by information on oath that the offender has failed to observe any of the conditions of his recognizance, it may issue a warrant for his apprehension, or may, if it thinks fit instead of issuing a warrant in the first instance, issue a summons to the offender and his sureties, if any, requiring him or them to attend at such court and at such time as may be specified in the summons.

(9) The offender, when apprehended, shall, if not brought forthwith before the court before which he is bound by his recognizance to appear to be further dealt with, be brought before a court.

(10) The court before which an offender on apprehension is brought, or before which he appears in pursuance of such summons may, if it is not the court before which he is bound by his recognizance to appear to be further dealt with, remand him in custody or on bail until he can be brought before the said court before which he is bound by his recognizance.

(11) A court before which a person bound by his recognizance to appear to be further dealt with, on being satisfied that he has failed to observe any condition of his recognizance may forthwith, without any further proof of his guilt, deal with him as for the original offence.

PART IV —APPROVED INSTITUTIONS

18. The Commissioner may establish approved institutions and in the case may be, declare any school or institution to be an approved institution for purposes of this Law.

19. (1) A committal order shall be in the form in the Schedule or as near thereto as the circumstances may require.

(2) A committal order shall be prepared in triplicate by the court by which it is issued; provided that where it is proposed to commit the juvenile to a named person the committal order, shall not be prepared until it has been ascertained that such person so named in the order is willing to accept guardianship of such juvenile under the terms of the committal order. The court shall

Establishment
of approved
institutions

Committal
orders:
Schedule

send the committal order in triplicate to the Commissioner together with a report which shall state the tribe or community to which the juvenile belongs, the religion of the person in whose custody the child or young person has been, the circumstances in which and the reasons why the committal order has been issued by the court.

(3) The Commissioner may disallow or confirm a committal order. If the Commissioner disallows an order, the juvenile to whom it relates shall be brought before the court again to be otherwise dealt with under the provisions of section 14 or 27 as to the court may seem proper. If the Commissioner confirms an order, he may confirm or vary the period for which the committal order shall be in force.

(4) One copy of the committal order shall be filed by the Commissioner, another by the court by which it was issued, and the third shall be sent with the juvenile named therein to the approved institution or person to whom the juvenile is to be sent under such order,

20. The operation of a committal order may be suspended pending the completion of arrangements for the reception of the juvenile into an approved institution or on account of his ill health or for other good and sufficient reason and in such a case the court may remand such juvenile in custody or may order him to be committed to the care of some fit and proper person willing to undertake such custody, or may release him on bail.

21. No committal order shall be made in respect of a person who has attained the age of 17 years and no such order shall remain in force after the person to whom it relates has attained the age of 20 years.

Limitation of age

22. At any time during the period of a person's detention in an approved institution the person in charge thereof may grant leave to him to be absent therefrom for such period as the manager of the approved institution may think fit, but during such leave he shall for purposes of this law be deemed to be under the care of the manager who may at any time require him to return to the approved institution.

Leave from approved institution

23. A juvenile whilst detained in or whilst on leave from an approved legal custody institution in accordance with the provisions of this Law and whilst being conveyed to or from such institution shall be deemed to be in legal custody and if he escapes he may be apprehended without warrant and brought back thereto.

Legal custody

24. If the person in charge of an approved institution is satisfied that any juvenile committed to

Procedure in case of unruly etc juvenile

Commitment order
not come into
effect

the institution is of so unruly or depraved a character that it is undesirable that he should remain at such institution, he may cause such juvenile to be brought before a court having jurisdiction in the place where the institution is situated or before the court which issued the committal order and such court may in respect of juvenile make any order which could have been legally made by the court which issued the committal order under the provisions of this law.

25. The Commissioner may—

Power to vary
committal order

(a) if he is satisfied that the juvenile in respect of whom a committal order is about to expire would benefit by further care or training, extend the period of the committal order subject to the provisions of this Law,

(b) order any juvenile whose period of detention has exceeded 12 months to be discharged

(b) order any juvenile to be removed from one approved institution or person, to another such institution or person:

(d) authorize the person in charge, approved institution to release any juvenile on condition that he shall be good behaviour and live under the charge of any trustworthy and respectable person, willing to receive and take charge of him, and to keep him at school or employed in some trade, occupation or calling:

Provided that in the discretion of the person in charge of the approved institution the juvenile so released may be recalled to the approved institution and thereupon the original committal order shall remain in full force and effect

PART V – JUVENILES IN NEED OF CARE AND ATTENTION

Power to bring
before a
juvenile court
in certain cases

26. (1) Any magistrate, justice of the peace, probation officer or other person authorized by the Commissioner in that behalf having reasonable grounds for believing that a juvenile —

(a) is an orphan or is deserted by his relatives; or

(b) has been neglected or ill-treated by the person having the care and custody of such juvenile; or

(c) has a parent or guardian who does not exercise proper care or guardianship; or

(d) is found destitute, and has both parents or one surviving parent, undergoing imprisonment; or

(e) is under the care of a parent or guardian who, by reason of criminal or drunken habits, is unable to have the care of the juvenile: or

(f) is the daughter of a father who has been convicted of an offence under section 218 of the Criminal Code or under the provisions of the Incest (Punishment) Law in respect of any of his

daughters, or

(g) is found wandering and has no home or settled place of abode or visible means of subsistence: or

(h) is found begging or receiving alms, whether or not there is any pretence of singing, playing, performing, offering anything for sale or otherwise, or is found in any Street, premises, or place for the purpose of so begging or receiving alms; or

(i) accompanies any person when that person is begging or receiving alms whether or not there is any pretence of singing, playing, performing, offering anything for sale, or otherwise; or

(j) frequents the company of any reputed thief or common or reputed prostitute; or

(k) is lodging or residing in a house or the part of a house used by any prostitute for the purpose of prostitution, or is otherwise living in circumstances calculated to cause, encourage or favour the seduction or prostitution, of the juvenile; or

(l) in relation to whom an offence under Chapter XXI of the Criminal Code has been committed or attempted; or

(m) is otherwise exposed to moral danger, may bring that juvenile before a juvenile court.

(2) The court if satisfied that the juvenile comes within any of the descriptions contained in subsection (I) of this section may—

(a) issue a committal order—

(i) sending him to an approved institution, or

(ii) committing him to the care of any fit person whether a relative or not, who is willing to undertake the care of him; or

(b) order his parent or guardian to enter into recognizance to exercise proper care and guardianship; or

(c) without making any other order; or in addition to making any other order under either paragraph (a) or (b), make an order placing him under the supervision of a probation officer or of some other person appointed by the court until he attains such age as is specified in such order, which shall not exceed 20 years.

(3) For the purpose of paragraph (m) of subsection (I) of this section but without prejudice to the generality of the words thereof, the fact that a juvenile is found destitute, or is found wandering without any settled place of abode and without visible means of subsistence, or is found begging or receiving alms, whether or not there is any pretence of singing, playing, performing or

offering anything for sale, or is found loitering for the purpose of so begging or receiving alms, shall be evidence that he is exposed to moral danger.

(4) Any court, before which a person is convicted of having committed in respect of a juvenile any offence referred to in paragraph (f) or paragraph (I) of subsection (I), may direct that the juvenile be brought before a juvenile court with a view to that court making such order under that subsection as may be proper, or if satisfied that the material before it is sufficient to enable it properly to exercise jurisdiction, may, notwithstanding anything in Part II, itself make any order which the juvenile court may make.

27. Any person who—

(a) Knowingly assists or induces or persistently attempts to induce a juvenile to run away from a person to whose care he has been committed under this Law or from an approved institution or place of detention at which he has been committed under this Law; or

(b) without lawful authority takes away a juvenile from such person, institution or place; or

(c) knowingly harbours or conceals a juvenile who has so run away or has been so taken away or prevents him from returning, is guilty of an offence and liable upon conviction to a term of imprisonment not exceeding 6 months or to a fine not exceeding N200.

28. Where the parent or guardian of a juvenile proves to a juvenile court that he is unable to control the juvenile, the court, if satisfied—

(a) that it is expedient so to deal with the juvenile; and

(b) that the parent or guardian understands the results which will follow from, and consents to, the making of the order, may make a committal order in respect of such juvenile, or may order him to be placed under the supervision of a probation officer or of some other person appointed by the court until he attains such age as is specified in such order which shall not exceed 20 years

PART VI — CONTRIBUTION BY PARENT OR GUARDIAN TOWARDS MAINTENANCE OF JUVENILE

29. (1) Whenever a juvenile has under section 14, 18, 27 or 29 been committed to an approved institution or to the care of an individual and the court is satisfied that the need for such an order has arisen from neglect on the part of any person who in the opinion of the court is or has been or ought to have been exercising the powers of a parent or a guardian over the child or young person, the court may order such person to make contributions in respect of him.

(2) When making such order the court shall have regard to the means of the person ordered to contribute and no person shall be ordered to contribute a sum exceeding N20 per month.

(3) If any person neglects to comply with such order the court may for every breach of the order direct the amount to be levied in the manner by law provided for levying fines imposed by a court in a criminal proceeding and in addition the court may sentence such person to imprisonment for a term of 3 months

(4) A court having jurisdiction over the place, in which the person or persons liable to contribute may be, may at any time on the application of such person or persons or on the application of a probation officer or any other person appointed by the commissioner in that behalf and on proof of a change of circumstances of the person or persons so required to contribute, increase, reduce or rescind any order in such manner as the court may seem just.

PART VII – DETERMINATION OF AGE

30. Where a person, whether charged with an offence or not, is brought before any court otherwise than for the purpose of giving evidence, and it appears to the court that he is a juvenile, the court shall make due inquiry as to the age of that person, and for that purpose shall require the production of a birth Certificate or other direct evidence as to the date of birth and in the absence of such certificate or evidence, a certificate signed by a medical officer in the service of the State Government giving the opinion as to such age and the age presumed or declared by the court to be the age of the person so brought before it shall, for purposes of this Law, be deemed to be the true age of that person and where it appears to the court that the person so brought before it is the age of 17 years or upwards, that person shall for purposes of this Law be deemed not to be a juvenile.

Presumption or
determination of a

PART VIII—POSSESSION AND CUSTODY OF JUVENILES

31. (I) it shall be an offence —

(a) to barter or sell a juvenile

(b) to place a juvenile in moral danger or to place him in danger of exploitation:

(c) to give a child into the custody, possession, control or guardianship of any person other than a grand-parent or the descendant of a grand-parent of such juvenile whether or not for pecuniary or other benefit;

(d) not being a grand-parent or the descendant of a grandparent of a juvenile, to acquire the

custody, possession or guardianship of such juvenile whether or not for pecuniary or other benefit:

Provided that it shall be a defence to a charge brought under the provisions of this paragraph, the onus of proving which shall be upon the accused, to show that the giving or acquisition was for the benefit the juvenile and that the juvenile is not placed in moral danger or in danger of exploitation by reason of such giving or acquisition or that the giving or acquisition is to accordance with local customary law so far as such local customary law is not repugnant to natural justice, morality or humanity or inconsistent with any written law.

(2) The Commissioner may by order, notwithstanding any local customary law to the contrary, declare that in any area of the State described in such order no person shall give or acquire the custody, possession, control or guardianship of any juvenile or of any female of any specified age below the age of 17 years or remove any such female from such area save in accordance with rules made by the Commissioner and such rules may be made either generally or in respect of any particular area of the State.

(3) No proceedings shall be taken in respect of an offence against the provisions of subsection (1) of this section without the written consent of the Attorney-General who may delegate his powers under this subsection to a law officer

(4) Any person contravening any provision of this section or of any rules made (hereunder is guilty of an offence and liable on conviction to a term of imprisonment not exceeding 7 years.

(5) In this section —

"moral danger" includes slavery', bondage and exposure to destitution, prostitution or immorality of any kind;

"exploitation" includes making unreasonable or excessive use of the services of a child or young person for monetary profit.

PART IX — NEGLECT OF CHILDREN

32. Any person who has attained the age of 17 years and who has the custody, charge or care of any child or young person who has not attained the age of 14 years and who—

(a) wilfully assaults, ill-treats, neglects, abandons, or exposes him or causes or procures him to be assaulted, ill-treated, neglected, abandoned or exposed in a manner likely to cause him unnecessary suffering or injury to health (including injury to or loss of sight or hearing or limb or

Ill- treatment
neglect of
children

organ of the body or any mental derangement); or

(b) exposes him to the risk of homing by allowing him to be in any place near an open fire without any protection or guard against the risk of his being burnt or scalded or without taking any reasonable precaution against that risk; or

(c) leaves him at night unattended by any person over the age of 17; or

(d) leaves him unattended by any person over the age 17 in a motor vehicle, is guilty of an offence and liable on conviction to a fine not exceeding ₦200 or to a term of imprisonment not exceeding 2 y ears.

33. Any person who causes or allows any juvenile to be used for the purpose of begging or for the purpose of trading or hawking between the hour of 8 pm and sunrise is guilty of an offence and liable ca conviction to a fine not exceeding ₦200 or to term of imprisonment not exceeding 2 years.

Prohibition of juveniles being used in begging and in hawking at night

PART X. — POWER TO MAKE REGULATIONS

34. The Commissioner may make regulations generally for the carrying into effect of the provisions of this Law and may without prejudice to the generality of the foregoing provisions, make regulations—

(a) regulating the management, control, inspection and discipline and inferior economy of approved institutions;

(b) providing for the inspection of persons committed to the custody of approval institutions and of individuals.

(c)prescribing the disposal of contributions made under section 29;

(d) prohibiting the employment of children or young persona in any particular trade, occupation, business or calling.

SCHEDULE

SUBSIDIARY LEGISLATION

(Subsidiary' Legislation)

SCHEDULE

The Children and Young Persons Law

Form of Committal Order

In the-----Court of Enugu State,

The -----Court -----.

Let the + boy or girl known by the name of-----

----- whose description appears

below, be taken to -----

(Name of institution or person)

And be there detained in the custody and care of

(the person in charge of the said institution or the name of the said person)

subject to the provisions of the Children and Young Persons Law.

This Committal Order shall remain in force from the date thereof up to and inclusive of the

.....day of ----- 20.....

Description.

Name -----

Sex -----Age -----

Tribe or community-----

Name and address of father-----

Name and address of mother -----

Description of child or young person-----

Reason for issue of committal order -----

Dated this-----day of -----20 -----

Judge-----Division

Magistrial District -----

Confirmed thisday of ----- 20 -----

Commissioner

**Delete as required*

SUBSIDIARY LEGISLATION

Children and Young Persons Law

JUVENILE COURTS RULES

(under section 9)

PART I. -PRELIMINARY

1 These rules may be cited as the Juvenile Courts Rules.

Short title.

2. In these rules—

“court” means juvenile court;

Interpretation

"registrar" means registrar of the court,

“supervision order means order made under section 14 (c) or section 27 of the (2) Law, or under section 29 of the Law not being a committal order

PART II—CONSTITUTION OF JUVENILE COURTS

3. The Chief Judge may from time to time appoint persons to sit with a magistrate for the purpose of constituting a court in any magisterial district and such persons while so appointed shall be the panel, for the district.

Appointment of panel

4. Where a panel has been appointed—

Constitution juvenile court

(a) the court shall be constituted by a magistrate sitting with such persons from the panel, not being more than 2 in number, as the magistrate may from time to time select:

Provided that if at any sitting of a court the only member of the court present is the magistrate, and he thinks it inexpedient in the interests of justice to adjourn the proceedings, he may sit alone: in selecting persons from the panel to sit with him the magistrate shall, so far as is practicable, ensure that at least one member of the court shall be a woman; the magistrate shall be the chairman of the court,

(d) upon every issue or question which falls to be decided by the court other than a question of law, the decision of the majority of the members present shall be the decision of the court;

(e) upon every question of law which falls to be decided by the court the decision of the magistrate shall be the decision of the court:

(f) in deciding every such issue or question no member of the court shall be heard who has not been present during the whole of the antecedent hearing.

PART III—TRIAL OF OFFENDER

5. This Part shall apply in the case of a child or young person brought before a court charged with an offence

Child or young person charged with offence

Parent or guardian to assist child or young person

6. (1) The court shall, except where the child or young person is legally represented, allow his parent or guardian, if present, to assist him in conducting his defence, including the cross examination of witnesses for the prosecution

(2) Where the parent or guardian cannot be found, or cannot in the opinion of the court reasonably be required to attend, the court may allow any relative or other responsible person to take the place of the parent or guardian for the purpose of this Part of these rules.

Admission of offence

7. Where the child or young person admits the offence or the court is satisfied that it is proved, the court, before- deciding how to deal with the child or young person—

(a) shall take into consideration any report which may be furnished by an authorized officer;

(b) may receive any written report of an authorized officer or medical practitioner and consider such report without reading it aloud:

Provided that—

(i) the child or young person shall be told the substance of any part of the report bearing on his character or conduct which the court considers to be material to the manner in which he should be dealt with;

(ii) the parent or guardian, if present, shall be told the substance any part of the report which the court considers to be material to the manner in which such child or young person may be dealt with, and which has reference to his character or conduct, or the character, conduct, home surroundings, or health of such child or young person; and

(iii) if the child or young person or his parent or guardian, having been told the substance of any part of such report, desires to produce evidence with reference thereto, the court, if it thinks the evidence material, shall adjourn the proceedings for the production of further evidence, and shall, if necessary, require the attendance at the adjourned hearing, of the person who made the report;

(c) may require the parent or guardian of the child or young person, if present, to withdraw from the court if acting in pursuance of this rule the court considers it necessary in the interests of the child or young person so to do; and

(d) shall finally, unless it thinks it undesirable so to do, inform the parent or guardian, if present, of the manner in which it proposes to deal with the child or young person, and allow the parent or guardian to make representations.

8. When the court has decided how to deal with the child or young person, it shall explain to

Court to explain order

him the effect of the order to be made and whether and in what circumstances and in what manner he may further be dealt with by the court,

PART IV.—CARE AND PROTECTION CASES AND OTHER APPLICATIONS

9. This Part shall, subject to the exceptions in rules 19, 20 and 21, apply — Juvenile in need of care
- (a) in the case of a child or young person brought or to be brought before a court under Part V of the Law, and
 - (b) in the case of a child or young person appearing or brought or to be brought before a court—
 - (i) under section 24 of the Law, or
 - (ii) in accordance with, or after the breach of a recognizance entered into under the Law or these rules, or
 - (iii) for the purpose of an application under rule 24 of rules or,
 - (iv) otherwise to be further dealt with in respect of a charge or of an application under Part V of the Law after the termination in accordance with section 14 or section 26(2) or section 28 of the Law, of the original proceedings.

10. Where a child or young person is to be brought before the court and an application is to be made to the court for an order in respect of the child or young person, the person intending to make the application shall, unless he is himself the parent or guardian of the child or young person, serve a notice on such parent or guardian, if he can be found, specifying the grounds upon which the child or young person is to be brought before the court, and the time and place at which the court shall sit; and in any case shall send a notice to the registrar.

11. A summons or warrant may if necessary be issued to secure the attendance of the child or young person before the court and the provisions of Part XI of the Criminal Procedure Law shall apply as if the application were by way of complaint for the purpose of instituting proceedings under that Law and the child or young person were the defendant in such proceedings,

12. (1) The court shall, except where the child or young person is legally represented, allow his parent or guardian, if present, to conduct the case in opposition to the application.

(2) Where the parent or guardian cannot be found, or cannot in the opinion of the court reasonably be required to attend, the court may allow any relative or other responsible person to

Notice of Notice of application for order.

Summons to secure attendance

Parent or guardian to conduct case.

take the place of the parent or guardian for the purpose of this Part of these rules.

13. Before proceeding with the hearing the court shall explain to the child or young person the reason for his presence and the substance of any application concerning him which may have been made.

14. (I) The court shall then proceed to hear the evidence tendered in support of the application.

(2) Where the nature of the case, or the evidence to be given, is such that in the opinion of the court it is in the interest of the child or young person that the evidence, other than any evidence relating to the character or conduct of the child or young person, should not be given in his presence, the court may hear any part of that evidence in his absence; and in that event his parent or guardian, if present, shall be permitted to remain in court during the absence of the child or young person,

(3) The court may exclude the parent or guardian of the child or young person while he gives evidence or makes a statement, if the court is satisfied that in the circumstances it is proper so to do:

Provided that the court shall inform the parent or guardian of the substance of any allegation made by the child or young person, and shall give him an opportunity of meeting it by calling evidence or otherwise.

15. If it appears to the court after hearing the evidence in support of the application that a *prima facie* case is made out, it shall tell the child or young person and his parent or guardian if present, that they may give evidence or make a statement and call witnesses.

16. Where a child brought before the court appears to the court to be under the age of 5 years, the court may direct that the child need not attend at any adjourned hearing of the application unless or until required by the court so to do.

17. Where the court is satisfied that an order may be made under section 18 (4) or section 27 or section 29 of the Law or rule 22 or rule 24, or is about to decide what form of order, if any, ought to be made under section 24 of the Law, the court, before deciding how to deal with the child or young person—

(a) shall obtain such information as to the general conduct, home surroundings, school record and medical history of the child or young person as may enable it to

Child or young person to call evidence.

Where child is under 5 years.

Court to make order subject to certain consideration.

Court to explain reasons for child's presence.

Court to hear evidence.

deal with the case in his best interest; and shall, if such information is not fully available, consider the desirability of adjourning the case for such inquiry as may be necessary;

- (b) shall take into consideration any report which may be furnished by an authorized officer;
- (c) may receive any written report of an authorized officer or medical practitioner and consider such report without reading it aloud;

Provided that—

- (i) the child or young person shall be told the substance of any part of the report bearing on his character or conduct which the court considers to be material to the manner in which he should be dealt with;
 - (ii) the parent or guardian, if present, shall be told the substance of any part of the report which the court considers to be material and which has reference to his character or conduct, or the character, conduct, home surroundings, or health of the child or young person; and
 - (iii) if the child or young person or his parent or guardian, having been told the substance of any part of such report, desires to produce evidence with reference thereto, the court, if it thinks the evidence material shall adjourn the proceedings for the production of further evidence, and shall if necessary, require the attendance at the adjourned hearing of the person who made the report;
- (d) may require the parent or guardian of the child or young person, if present, to withdraw from the court, if acting in pursuance of this rule the court considers it necessary in the interests of the child or young person so to do; and
- (e) shall finally, unless it thinks it undesirable so to do, inform the parent or guardian, if present, of the manner in which it proposes to deal with the child or young person, and allow the parent or guardian to make representations.

18. When the court has decided how to deal with the child or young person, it shall explain to him the effect of the order to be made and whether and in what circumstances and in what

manner he may be further dealt with by the court.

19. In the application of this Part to the case of a child Or young person brought before a court under section 17(8) (d) of the Law or rule 22 rule 24, or rule 12 shall not apply where the parent or guardian is the applicant.

20. In the application of this part in the case of a child or young person brought before a court under section 24 of the Law, the following modifications shall effect —

- (a) rules 14 and 15 shall not apply, and
- (b) the certificate of the person in charge of the approved institution to which the child or young person has been committed shall be conclusive evidence that the child or young person is of so unruly or depraved a character that it is undesirable that he should remain at such institution.

21. In the application of this Part of these rules to the case of a child or young person brought before a court under section 28 of the Law, the following modifications shall have effect—

- (a) rules 10 and 12 shall not apply; and
- (b) so much of rule 15 as relates to the parent or guardian shall not apply; and
- (c) before the application is heard the registrar shall give notice thereof to the probation officer for the area of the district of the court unless he is satisfied that the probation officer has already been informed.

PART V.—GENERAL

22. A supervision order may direct the release of the child or young person, and the suspension of any other order which the court make ; at the same time, conditionally upon the child or young person entering into a recognizance of the description and containing the conditions mentioned in subsection (4) of section 17of the Law, save that the condition requiring the child or young person to be of good behaviour may, where he is not charged with an offence, be omitted if the court thinks fit; and such recognizance shall also contain a condition that the child or young person shall appear before the court to be further dealt with when so directed by the person under whose supervision he is placed; and thereupon the provisions of subsection (4) of section 17 and subsection (1) of section 18 of the Law shall, *mutatis mutandis* apply whether the child or young person is an offender or not, and the court before which the child or young person appears under the recognizance may, without further proof of the facts on which the supervision order was grounded, deal with him in any manner in which he might have been dealt

with at the time of making the supervision order:

Provided that—

- (a) the court shall not deal with the child or young person under paragraph (f). (g). (i) or (j) of section 14 of the Law, and
- (b) where at the time of making the supervision order an order under paragraph (f). (g). (i) or (j), of section 14 of the Law was made and suspended, the court may direct that it shall cease to be suspended.

23. Where an order is made under section 17(5) of the Law substituting one probation officer for another, notice thereof shall be served on the child or young person on probation or under suspension

24. A committal order committing a child or young person to the care of a fit person may, on application of any person, be varied or revoked—

- (a) by the court which made it, or
- (b) by the court of the magisterial district where the child or young person is residing, and the court by which the committal order is revoked may, without further proof of the facts on which the supervision order was grounded, deal with the child or young person in any manner in which he might have been dealt with at the time of making the committal order:

Provided that the court shall not deal with the child or young person under paragraph (f), (g), (i) or (j) of section 14 of the Law,

25. The security which a court may, under paragraph (h) of section 14 or section 11 (2) or (3) of the Law, require a parent or guardian to give for the good behavior of a child or young person shall be given by way of recognizance, with or without sureties.

26. Before making an order under section 30 of the Law for the payment of contributions in respect of a child committed to an approved institution or to the care of an individual the court shall give the person liable to make such contributions an opportunity of being heard and may issue a summons to enforce his attendance for that purpose

27. An order made under section 30 of the Law for the payment of contributions in respect of a child committed to an approved institution or to the care of an individual shall be served on the person on whom it is made.

28. Any order, notice, or other document, save a summons under section 18 of the Law, required by the Law or these rules to be served on any person, may, where no other mode of

service is prescribed, be served by any police officer by delivering a copy thereof to such person, or by leaving the same at that person's last known place of abode with some other person for him, or by sending such order, notice or document by registered post to him at his last known place of abode.

29. Where a child or young person is charged with an offence a summons or warrant may be issued by the court to enforce the attendance of the parent or guardian in accordance with section 10 of the Law, and the provisions of Chapters 6 and 10 of the Criminal Procedure Law shall apply as if a complaint were made upon which a summons or warrant could be issued against a defendant and the parent or guardian were such defendant, and a summons to the child or young person may include a summons to the parent or guardian to enforce his attendance for that purpose.

30. (1) Where a young person is committed to prison on remand or committed for trial under section 7 of the Law, or upon the suspension of a committal order under section 21 of the Law the court shall endorse on the warrant of committal a certificate as required by section 7(1) of the Law, which shall also state his apparent age and the fact that he is a young person.

(2) Where a young person is committed to prison upon a finding of guilt in respect of an offence or in default of payment of a fine, damages, or costs, the court shall endorse on the warrant of committal a certificate that the young person cannot be suitably dealt with in anyway other than by imprisonment.

31. The forms in the First Schedule, or forms to the like effect, may be used in the cases to which they refer, with such variations as circumstances may require,

32. The fees prescribed in the Second Schedule shall, unless remitted or waived, be payable by the party prosecuting a proceeding or asking for a service as thereon provided in respect of the proceedings or services to which they relate.

FIRST SCHEDULE

GENERAL TITLE

FORM 1

IN THE JUVENILE COURT OF MAGISTERIAL DISTRICT

Case No.....

Between Complainant/Applicant

And Defendant/Respondent

FORM 2

WARRANT FOR ARREST OF CHILD OR YOUNG PERSON

(General Title as in Form 1)

..... Complaint on oath has been made on the
..... day of by
..... CD that
..... AB, a Child/young person, on the
..... day of at
in the magisterial district aforesaid did/has been is*

.....
*(*State the substance of the offence or the description as mentioned in section 27.)*

You are therefore hereby commanded to bring the said AB before the Juvenile Court sitting at
..... forthwith to answer the said complaint.

Dated this day of 20

.....
Magistrate

FORM 3

(Section 7)

(General Title as in Form 1)

To and to the person officer in charge of the Remand Home (or Approved
Institution) (or Prison) at, hereinafter called
the place of detention

AB, hereinafter called the defendant being n child/young person brought before the -----
-----aforesaid Juvenile Court sitting at charged with having*

.....
*(*State the substance of the offence)*

The hearing of the case being adjourned

You, the said Police Officer are hereby commanded to convey the defendant to the place of detention, and there to deliver him/ her to the person/'officer in charge thereof, together with his warrant, and you, the person/ officer in charge of the said place of detention, to receive him/ her into your custody, and unless he/ she shall have been bailed in the meantime, keep him /her until theday of.....20.....and on that day you, the said Police Officer, are required to convey him /her before the juvenile court sitting at.....at the hour ofthe..... noon, to be further dealt with according to law, unless otherwise ordered in the meantime
DATED this day of, 20.....

.....
Magistrate

FORM 4
SUMMONS FOR ATTENDANCE OF PARENT OR GUARDIAN

(Section 10)

(General Title as in Form 1)

To CD of
AB, a child/young person of whom you are stated to be the parent guardian is charged for that he on theday of, 20 at in the Magisterial District aforesaid. did*-

*(*State the substance of the offence)*

You are therefore summoned to appear before the juvenile court sitting at on day. the day of 20 at the hour of in the noon, and during all the stages of the proceedings
DATED this day of 20

.....
Magistrate

FORM 5

NOTICE TO PARENTS AND GUARDIAN CARE OR PROTECTION

(General Title as in Form 1)

To CD of the parent/guardian of AB, a child young person.

Take notice that AB, a child young person is to be brought before the juvenile court sitting at ----

----- on Day, the..... day of

....., 20..... at the hour of in the

....., noon, by virtue of the provisions of the section of
the Children and Young Persons Law on the ground that

.....

.....

*(*State the ground of application)*

and that you are warned to intend the said court during all the stages of the proceedings

Dated this day of 20.....

.....

Police officer/Authorized Official

Note:—A copy of this notice is to be sent to the Registrar of the juvenile court.

FORM 6

SUMMONS TO PARENT TO CONTRIBUTE

(General Title as in Form 1)

To.....of.....

.....

Complaint has been made this day by, that you are the Father/step-
father/step-mother (or a person cohabiting with mother) of AB, a child/young person (or a person
in whose care and custody AB, a child/young person, has been residing for 2 years immediately
prior to the.....day of20), and
that by your neglect need arose for a committal order in respect of the said AB, and that on the

(said)..... day of..... 20.....
..... a committal order was accordingly made whereby the said
AB was committed to.....an Approved Institution (or to
the care of CD)

You are therefore summoned to appear before the Juvenile Court sitting at on
the..... day of 20
..... at the hour of in the
.....noon, to show cause why an order should
not be made requiring you to contribute such monthly sum as the court, having regard to your
means, thinks fit.

DATED this.....day of

.....

Magistrate

FORM 7

DISPOSAL PENDING OPERATION OF COMMITTAL ORDER

(General Title as in Form 1)

To. and to the person/officer in charge of the Remand
Home (or Approved Institution) (or Prison) at(or to CD of
.....)

AB a child/young peson having been ordered by
..... sitting at on the
..... day of the operation of such committal order being postponed:

It is ordered that AB be taken to the Remand Home (or Approved Institution (or Prison) or to the
Custody of the said CD) at and be there (or by him or her detained until he
she is sent to an Approved Institution in pursuance of the committal order.

You the said Police Officer are therefore commanded to convey the said AB to the said Remand
Home (or Approved Institution) (or Prison) or (address of CD) and there to deliver him her to the
person in charge thereof (or to the said CD) together with this warrant and you, the
person/officer in charge of the said Remand Home (or Approved Institution (or Prison) or the

said CD) to receive him her into custody and detain him her us aforesaid.

DATED this. day of 20

.....

Magistrate

FORM 8

RECOGNIZANCE UNDER PROBATION ORDER OR SUPERVISION ORDER

(General Title as in Form 1)

The undersigned Principal Parry to this recognizance hereby binds himself to perform the following obligations at all times during a period of..... from the date thereof —
(To be of good behavior)

To be and remain under the supervision of AB (or the Probation Officer from

To appear before the juvenile court at.....to be further dealt with at any time when called upon by the court (or when so directed by the said AB (or Probation Officer) (and such further conditions as the case may require).

And the said Principal Party (together with the undersigned surety) (or sureties) hereby acknowledges himself (acknowledge themselves) bound to forfeit to the Governor the sum (s) following

The said Principal party the sum of ~~N~~.....(and the said surety (or sureties) the Sum of ~~N~~..... each) in case the said Principal Party fails to perform the above obligations or any part thereof -----

Principal party.....

Surety.....

TAKEN before me at..... this.....day of,
20.....

.....

Magistrate

.....

Sworn Interpreter

FORM 9

NOTICE OF CHANGE OF PROBATION OFFICER

(General Title as in Form 1)

TAKE NOTICE that..... has been substituted by (or with approval of) the court to perform the duties of Probation Officer in your case in place of..... and that the name of the saidis submitted for that of the said as from this date wherever the name of the said Occurs in the order made by the court in your case on the day of 20 and in the recognizance entered into by you thereupon.

DATED the..... day of20

Magistrate

To.

SECOND SCHEDULE

FEES

₦ : K

On every summons 20

On every warrant of arrest (unless by direction of the court) 50

On every application not including filing fee) 10

On every *subpoena*10

On filing every bond Nil

In respect of other matters or services the same fees shall be paid as are payable in respect of such matters or services in magistrate courts.

CHILDREN AND YOUNG REGULATIONS

(STREET TRADING) REGULATIONS

made under section 34

1. These regulations may be cited as the Children and Young Persons (Street Trading) Regulations.

Short title.

2. For the purposes of these regulations—

"child" means any person under the age of fourteen years; "Street trading" includes the hawking of newspapers, matches, flowers, food and goods or articles of whatever description, playing, singing or performing for profit, shoe-making and other like occupations carried on in a street or in any public place;

Interpretation

"young female" means any girl between the ages of fourteen and sixteen.

3. (1) No child shall engage or be employed in street trading.

(2) No young female shall engage or be employed in street trading except she is so engaged or employed by her parent or person appointed to be a guardian by the court

Prohibition of street trading by children and young females.

Provided that no young female shall engage or be employed in street trading except between the hours of 6.00 a. m and 6. 30 p. m.

4. No child and no young female shall engage or be employed in street trading at or in the vicinity of any barrack, dock or wharf or in, at or near any place or premises selling wines, spirits, beet or native liquors.

Prohibition against trading in certain places.

5. (1) Any person who contravenes any of the provisions of these regulations shall be guilty of an offence and liable on summary conviction therefor, to a fine of one hundred naira or to imprisonment for six months or to both such fine and imprisonment.

Offences

(2) Where in any proceedings for an offence against these regulations the court is satisfied that the commission of the offence by a child or young female was occasioned or contributed to by the wilful default or neglect of a parent or guardian of such child or young female the court may, in addition to any punishment which may be imposed upon the child or young female, order such parent or guardian to pay a fine not exceeding one hundred naira, or in default of payment of such fine to imprisonment for a term not exceeding three months.

CHILDREN AND YOUNG PERSONS LAW (APPROVED INSTITUTIONS) REGULATIONS

made under section 34

1. These regulations may be cited as the Children and Young Persons (Approved Institutions) Regulations.

Short title.

2. In these regulations—

“head of the institution” means in respect of remand home, the warden, and in respect of approved school, the principal;

“inmate” means juvenile in an approved institution,

“official visitor” includes an Administrative Officer, a Medical Officer, a Magistrate. Justice of the Peace, the Commissioner of Police or a superior police officer duly authorized in writing by the Commissioner;

“visiting committee” means committee appointed by the Commissioner under regulation 3.

3.(1) The Commissioner may appoint a visiting committee in respect of each approved institution and in the case of a remand home he shall appoint a sufficient number of women members to the committee to ensure continual supervision by women members,

(2) The visiting committee shall visit the approved institution at least once in every 3 months and at least 2 visits in a year shall be made without notice to the head of the institution or any member of the staff thereof.

(3) The head of the institution shall keep a book in which shall be recorded the signed comments of the members of the visiting committee and that book shall be open to inspection by an official visitor.

4. (1) An inmate shall have the right of access to the visiting committee

(2) The visiting committee shall record and investigate a complaint made by an inmate and may direct that its interview with that inmate shall be in the absence of the head of the institution and members of his staff.

5. The visiting committee may make a report directly to the Commissioner if it considers it expedient so to do

6. (1) A local government shall not establish an approved institution unless and until the building and premises have been approved by the Commissioner after consultation with a medical officer of health.

(2) An approved institution shall not be established in any premises part of which is used as a police station or police barracks save with the prior approval of the Commissioner.

(1) Notwithstanding any law, the head of the institution shall in every case of dangerousness or death send a written report to—

(a) the parents or guardians of the inmate concerned:

Interpretation

Visiting
committee.

Access to
visiting
committee.

Report to
Commissioner

Premises
used for
remand
home.

Report of
deaths and
dangerous
illness.

(b) the Commissioner; and

(c) the magistrate having jurisdiction in the area where the institution is situate.

(2) In addition all cases of death shall be immediately reported in the coroner.

Visits

Reasonable facilities shall be provided for the inmates—

(a) to receive visits from their relatives and friends; and

(b) to send or receive letters.

Books

9. The head of the institution shall keep the fallowing books which shall he open to inspection by the Commissioner, any official visitor and the visiting committee, that is to say-

(a) a register of admissions and discharges;

(b) a daily register in such farm as may be required showing the presence or absence of an inmate:

(c) a log book in which shall be entered events of importance connected with the approved institution and punishment.

Absconding
inmates

1. (1) Where an inmate absconds, the head of the institution shall immediately notify the police and the magistrate having jurisdiction in the area where the institution is situate,

(2) If an absconding inmate be nut apprehended before the expiration of the period for which he is detained or committed, as the case may be, the head of the institution shall inform the Commissioner and make the relevant entries in the log book.

11. Where under any law an inmate is detained in or committed to, as the case may be, an approved institution as a place of safety these regulations shall apply to him in the same way as if he had been committed to custody in die approved institution.

Applicatio
n of rules
to inmates
detained
for safety.

12. Where the Commissioner is satisfied with regard to a particular approved institution that owing to the small number of its inmates, the nature of its premises or other special circumstances. it is desirable so to do, he may from time to time by notice in writing to the head of the institution suspend the application of these rules to that approved institution for time and subject to such conditions as he may specify in the notice.

Suspension
of rules.

CHILDREN AND YOUNG PERSON

(REMAND HOMES) RULES

PART 1—PRELIMINARY.

Short title. **1.** These rules may be cited as the Children and Young Persons (Remand Homes) Rules

Interpretation **2.** In these rules—

“inmate” means a child or young person in a remand home.

“official visitor” means any administrative officer, any medical officer, the Commissioner of Police and any superior police officer duly authorized in writing by him, any magistrate or justice of the peace and any other person authorized in writing by the Secretary to the Local Government;

“subordinate staff” means members of (the staff and) other employees of a remand home engaged as such;

“warden” means person in charge of a remand home.

PART II.—STAFF

Commissioner to approve the person in charge of a remand home. **3.** The person in charge of a remand home, hereinafter in these rules referred to as “warden.” shall be approved by the Commissioner as a fit and proper person to be the principal of a remand home.

Staff to include persons with educational qualification. **4.** The staff of a remand home shall include such number of persons possessing adequate educational qualifications and experience in social work as the Commissioner may require in respect of any particular remand home

Offences by subordinate officers. **5.** Any subordinate officer who—
(a) strikes or uses or offers any violence against or uses threatening or insubordinate language towards his superior officer; or
(b) wilfully disobeys any lawful command of his superior officer, or
(c) commits the offence of being drunk on duty: or
(d) without leave from his superior officer, absents himself from duty: or
(e) being on duty is found asleep; or
(f) pawns, sells, loses by neglect, makes away with, or wilfully or negligently injures any tools, clothing, material, equipment or necessities, issued for the use of an approved institution: or

(g) is guilty of any other act, conduct, disorder or neglect, to the prejudice of good order and discipline,

shall be guilty of an offence against discipline and liable to punishment in accordance with the provisions of rule 6,

6.(1) The warden or any person so authorized in writing by the Commissioner may examine the truth of any such charge and if his decision is against the accused, may impose any one or more of the following punishments—

Inquires into charges against subordinate officers.

(a) extra duty;

(b) a fine, the maximum for which shall not exceed one quarter of a month's pay of the offender

(c) stoppage of pay where there has been neglect of, or injury to, Government property or absence without leave:

Provided that the total of such stoppages shall not exceed 3 months' pay of the offender and that no total sum in excess of one-third of the pay of the offender shall be deducted in any one month;

(d) reduction in rank in cases where that punishment is approved by the Commissioner,

(e) in cases of continued neglect of duty or offences against discipline, the stoppage or withholding of any increment:

(f) dismissal or termination of appointment subject to the approval of the Commissioner,

(2) When the offender is the holder of a pensionable office the punishment set out in subparagraphs (d), (e) and (f) of paragraph (I) of this rule shall be subject to confirmation by the Governor.

Punishment to be recorded

7. All punishments awarded under this Part shall be entered in a register kept for that purpose and will be duly recorded upon the record of service sheet of the offender.

8. A monthly return of all such punishments shall be rendered to the Local Government

Returns.

See _____, _____.

PART 111- INSPECTION

Inspection.

Remand homes shall be open to inspection at all times by any official visitors.

Separate accommodation for boys and girls.

. Where accommodation is provided in a remand home for boys and girls, arrangements shall

Beds.

be made so far as practicable, for the separation of boys from girls except while under supervision and. in any case, the sleeping accommodation for boys shall be separate from that for girls.

11. Each inmate shall sleep in a separate bed.

Food and
clothing.

12. The inmates shall be supplied with sufficient and varied food and suitable clothing.

Medical
examination

13.(1) Each inmate shall be thoroughly cleansed on admission and shall be medically examined by a doctor as soon as possible after his admission to the remand home, and in the case of a boy known to be awaiting removal to an approved institution, immediately before such removal, and at such other time as may be considered necessary by a medical officer or the warden.

(2) Such examinations shall include any steps necessary to ascertain whether venereal disease is present in cases where reason exists to suspect its presence, and may take place either at the remand home or, if so desired by a medical officer, at a suitable clinic.

Health
precaution.

14.(1) Arrangements shall be made for a medical officer to attend the remand home, and such medical officer shall conform to the instructions of the Chief Medical Officer of the state Ministry of Health.

(2) Any inmate known or suspected to be suffering from an infectious disease in a remand home shall, so far as is practicable, be isolated from the other inmates and where such infectious disease occurs in a remand home, inmates subsequently admitted shall, so far as is practicable, be kept separate for the necessary period, from those who have been in contact with the disease.

15. Reasonable occupation and recreation for the inmates shall be provided.

Recreation.

16.(1) Arrangements may be made for the attendance of the inmates at a religious service in the remand home or at a place of public worship

Religious
exercises.

(2) Inmate may be visited at convenient times by a minister of the religious persuasion to which they belong.

PART IV.—DISCIPLINE

17. The warden shall be responsible for discipline which shall be maintained by his personal influence.

Warden
responsible
for
discipline.

18. When punishment is necessary for the maintenance of discipline, one of the following methods shall be adopted —

Methods of punishment.

(a) temporary loss of recreation or privileges;

(b) reduction in quality or quantity of food

Provided that no inmate shall be deprived of 2 meals in succession or suffer reduction in quality or quantity on more than one day without the approval of a medical officer;

(c) separation from other inmates, subject to the following conditions—

(i) no inmate under the age of 12 shall be kept in separation: and

(ii) some form of occupation shall be given, and

(iii) means of communication with a member of the staff shall be provided;

(d) corporal punishment:

Provided that every effort shall be made to enforce discipline without resort to corporal punishment but where it is found necessary its application shall be in strict accordance with rules 19, 20 and 21

19. Corporal punishment shall be subject to the following conditions—

Corporal punishment

(a) it shall be inflicted only with a cane or similar instrument to be approved by the Commissioner;

(b) it shall be applied either on the hands or on the buttocks over the normal clothing.

(c) it shall be limited to not more than 6 strokes on each hand, or to not more than 6 strokes on the buttocks.

Corporal punishment for girls prohibited

20. Corporal punishment shall not be administered to girls

Infliction of corporal punishment

21. No member of the staff other than the warden shall inflict corporal punishment

Other punishment prohibited

22. No form of striking, cuffing, shaking or other corporal punishment not authorized by these rules shall be inflicted by any person

Punishment book to be kept.

23. All punishments shall be immediately recorded in the punishment book kept for that purpose and that book shall be open for inspection at any time by an official visitor

PART V.—VISITING COMMITTEE

Visiting
committee

24. (1) The Secretary to the Local Government shall appoint a visiting committee for each remand home in his area and shall appoint a sufficient number of women members to such committee to ensure continual supervision by women members.

(2) The visiting committee shall visit at least once in every 3 months and at least 2 visits in a year shall be made without notice to the warden or any member of the staff of the remand home

(3) The warden shall keep a book in which shall be recorded the signed comments of the members of the visiting committee and that book shall be open to inspection by any official visitor.

Inmates to
have access
to visiting
committees.

25. (1) Every inmate shall have the right of access to the visiting committee which shall record and investigate any complaint made by an inmate.

(2) The visiting committee may direct that an interview with an inmate shall be in the absence of the warden and members of the staff.

PART VI.—MISCELLANEOUS

26. The visiting committee may make a report directly to the Secretary to the Local Government if it considers it expedient so to do.

Report to
Secretary to
the Local
Government.

27. A local government shall not establish a remand home unless and until the buildings and premises to be used for such home have been approved by the Commissioner after consultation with a medical officer of health and a remand home shall not be established in any premises any part of which is used as a police station or police barracks save with the prior approval of the Commissioner.

Premises to
be inspected
in certain
cases before
remand home
is established

28. In addition to the provisions of any other written law the death or dangerous illness of any inmate shall be reported by the warden to the parents or guardians of the inmate, to the magistrate and to the commissioner, in case of sudden death, to the coroner.

Death and
dangerous
illness to be
reported.

29. Reasonable facilities shall be given for boys to receive visits from their relatives and friends and to send or receive letters.

visits

30.(1) The warden shall keep a register of admissions and discharges, a daily register in such form as may be required showing presence or absence of each boy remanded, and a log book in which shall be entered even event of importance connected with the remand home and all punishments.

Accounts and audit.

(2) These books shall be open to inspection by the Commissioner, any official visitor. And the visiting committee and shall be inspected by or on behalf of the Commissioner at regular intervals not exceeding 3 months.

31. The warden shall keep accounts to the satisfaction of the Commissioner and such accounts shall, once in each financial year. Be audited in a person approved by the Commissioner for that purpose.

Accounts and audit.

32. If an inmate absconds, the police and the magistrate shall be notified immediately and if such inmate be not apprehended before the end of the period for which he is liable to be detained, the Commissioner shall be informed and the relevant entries recorded in the log book.

Inmate absconding.

33. An inmate detained in a remand home as a place of safety under the provision of any other written law shall be subject to these rules in the same way as it lie had been committed to custody in the remand home.

Application of rules to inmates detained for safety.

34. Where the Commissioner is satisfied with regard to any particular remand home that owing to the small number of inmates, the nature of the premises or other special circumstances it is desirable so do, he may from time to time by notice in writing to the warden suspend the application of any of these rules to the remand home specified in the notice for such time and subject to such conditions as may be specified in the notice

Suspension of rules.

CHILDREN AND YOUNG PERSONS (FOSTER CHILDREN)

REGULATIONS

made under section 3

1. These regulations may be cited as the Children and Young Persons (Foster Children) Regulations.

Short title.

2. In these regulations—

Interpretation.

“foster-child” means a child or young person committed to the care of an individual under a

committal order,

“foster-parent” means a person with whom a child or young person is boarded out under a committal order.

3. Before receiving a foster-child to be boarded out with him under a committal order a foster-parent shall sign in the form in the Schedule to these regulations an undertaking in duplicate, one copy of which shall be retained by the foster-parent and the other by the registrar of the court making the committal order.

Acknowledgement of custody of foster-child

4. On the delivery of the foster-child the foster-parent shall give a written acknowledgment of having received into his custody the foster-child and any articles clothing accompanying him.

Form of undertaking to be given by foster-parent (Schedule).

5. A foster-parent shall not become or continue to be a party to any contract for the purpose of insuring the payment to him for his own benefit of a sum of money upon the illness or death of a foster-child boarded out with him and where an authorized officer has reason to believe that this prohibition has been contravened the foster-child shall be immediately withdrawn from the foster-parent and a report of the same, made to the court which issued the committal order

Certain contracts of insurance prohibited

6. The probation officer shall arrange for every foster-child to be visited within a month of his being boarded but and thereafter as often as may be necessary but at least once in every 3 months.

Visits to foster-children.

7. Where a number of foster-children are boarded out in the same locality the probation officer shall, if practicable, appoint a committee of not less than 3 persons (one at least of whom shall be a woman) who shall visit by one or more of their number each foster-child in accordance with the provisions of regulation 6, and may give such other directions and powers to the committee as may be expedient for the care and supervision of foster-children.

Visits by special committees.

Number of foster-children restricted.

Not more than 2 foster-children shall be boarded out in the same home at the same time unless they are members of one family whom it is desirable to keep together

SCHEDULE
UNDERTAKING OF FOSTER PARENT

Probation Officer of the..... district

Name of child or young person

Name of Foster Parent.....

I..... of do hereby engage with the probation officer in consideration of my receiving the sum of..... per month to bring up aged years on the day of last, as one of my own children and to provide him (her) with proper food, lodging and clothing, and to Endeavour to train him (her) in habits of honesty, obedience, personal cleanliness and industry; to take care that he (she) shall I receive appropriate religious instruction and attend school, and in case of his (her) illness, forthwith to report the illness to the above named probation officer, and at all times to permit him (her) to be examined and the home and the clothing to be inspected by a probation officer or by any person authorized for that purpose by the probation officer, and I do also hereby engage upon the demand of the probation officer, to give up possession of the child.

DATED this day of 20

..... Signature (in full) of Foster-Parent

..... Address of foster-Parent.

.....Witness to the signature of the Foster-Parent.

.....Address of Witness.

Communications to the probation officer to be addressed—

CHILDREN AND YOUNG PERSONS (APPLICABLE AREAS) ORDER
(made under section 3(2))

1. This order may be cited as the Children and Young Persons (Applicable Areas) Order

2. In this Order—

“female” means any female who has not attained the age of seventeen years.

Prohibition on
the removal of
females.

3. Where a court makes an order under subsection (1) of section 30 of the Law ordering any person to make contributions in respect of any child or young person committed to an approved institution or to the care of an individual under a committal order such contributions shall be paid to the registrar of the court concerned.

Allocation of
contribution

4. The court may upon the application of a probation officer—

(a) upon proof that the child or young person is being maintained in an approved institution authorize the payment of all such contributions to such institution, or

(b) upon the production of an undertaking signed by the individual with whom such child or young person has been boarded out, authorize the payment of all such contributions to such individual.

CHILDREN AND YOUNG PERSONS (RESTRICTION ON REMOVAL OF FEMALES) RULES

Made under section 31

1. These rules may be cited as the Children and Young Persons (Restriction on Removal of Females) Rules and shall apply to any order made under the provisions of section 32 (2) of the Children and Young Persons Law.

Short title and
application

2. In these rules the expression—

“female” means any female who has not attained the age of seventeen years.

Interpretation

3. No person other than—

(a) the lawful parent of a female; or

(b) the mother of such female, if she be illegitimate; or

(c) where both parents are dead, the member of the family who by local law or custom is the guardian of such female; or

(d) The guardian or custodian of such female appointed by the court. shall remove any female to

Restrictions on
movement of
females

whom these rules apply unless such person has first obtained both the consent of those relatives or persons referred to in paragraphs (a), (b) or (c) as the case may be, and the written approval of the local government officer or a social welfare officer,

Duty to
report

4. Where any female is removed in accordance with the provisions of rule 3 then the persons being persons not within the scope of paragraphs (a), (b), (c) and (d) of rule 3 so removing the Said female shall on arrival within the area to which removal has taken place forthwith report to the local government officer or social welfare officer for that area and shall on that occasion and on such other occasions as the local government or social welfare officer may direct furnish particulars as may be required.

CHILDREN AND YOUNG PERSONS (APPLICABLE AREAS) ORDER

(made under section 3(2))

Short title and
application.

1. This order may be cited as the Children and Young Persons (Applicable Areas) Order

Interpretation.

2. In this Order—

“female” means any female who has not attained the age of seventeen years.

Prohibition on
the removal of
females.

3. No person shall remove any female from any part of the State save in accordance with the Children and Young Persons (Restriction on Removal of Females) Rules.

Declaration of Approval Institution

Made under section 18

ENUGU APPROVED SCHOOL

The Enugu Approved School is for purposes of this Law, declared an approved institution in respect of male children and male young persons who, the date of committal order made on their behalf, have not attained the age of sixteen years and provided that no such order shall remain in force after the person to whom it relates shall have attained the age of eighteen years