

CHAPTER 11:06

TRAINING SCHOOLS ACT

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CHAPTER 11:06

TRAINING SCHOOLS ACT

1929 Ed.
c. 193
1952 Ed.
c. 93

8 of 1907

An Act to provide for the establishment of schools for the rehabilitation, and for the vocational and other training, of young offenders who have not attained the age of eighteen years and for purposes connected therewith.

[22ND MAY, 1907]

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1. This Act may be cited as the Training Schools Act.

Short title.
[4 of 1972]

2. In this Act—

Interpretation.
[4 of 1972]

“training school” means—

- (a) a school established under section 4(1); or
- (b) a school certified under section 4(3) for the purposes of section 3;

“headmaster” means the person responsible for the administration and management of a school.

3. The purpose of this Act is to provide for the establishment or the certification of schools, for either sex or both sexes, for the rehabilitation, and for the vocational and other training, of young offenders who have not attained the age of eighteen years.

Purpose of this Act.
[4 of 1972]

4. (1) The Minister may by order—

Specifying and certifying of schools.
[4 of 1972]

- (a) establish a school by declaring any house, building, enclosure, place or part thereof to be a school and may in such order specify the name by which such school shall be known; or
- (b) direct that any school specified under subsection (1)(a) shall cease to be a school.

(2) Every school specified under subsection (1) shall be maintained by moneys provided by Parliament.

(3) The Minister may—

- (a) pursuant to application made to him in that behalf by the headmaster thereof, certify by order that any institution of the character described in section 3 and maintained either wholly or partly by voluntary contribution shall be a school; or
- (b) by order direct that any school certified under subsection (3)(a) shall cease to be a school.

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Saving of existing schools.
[8 of 1907
4 of 1972]

5. The school established by the Essequibo Boys' School Ordinance 1907 is continued as if it were a school established under section 4(1).

Staff of schools.
[4 of 1972]

6. The Minister may out of moneys provided by Parliament provide any school with such staff as he may consider necessary for carrying out the purposes of this Act.

Appointment and duties of official visitors.
[4 of 1972]

7. (1) The Minister shall appoint a visiting committee for each school.

(2) The school shall at all times be open to the inspection of any member of the National Assembly.

Regulations.
[4 of 1972]

8. The Minister may make regulations—

(a) for the appointment of visiting committees and the functions of such committees;

(b) for the proper classification of inmates;

(c) for the proper instruction, moral and religious and vocational training, and rehabilitation of the inmates;

(d) for the establishment of a system of punishments and awards (including the award of small money payments);

(e) generally, for the maintenance of proper discipline, and for the proper conduct and management of schools.

Annual report.
[4 of 1972]

9. The headmaster shall, in the month of February in each year, prepare a full report of the working of the school during the previous year, to be laid before the National Assembly.

SENDING PERSONS TO SCHOOLS

Youths guilty of certain offences may be sent to a school.
[4 of 1972]

10. Where a person apparently under the age of seventeen years is found guilty of an offence punishable in the case of an adult by imprisonment, the court may order that such person be sent to a school and to be there detained in the case where the person is over sixteen years until he attains the age of eighteen years and in other cases for a period not less than two years and not more than three years:

Provided that no person shall be so detained beyond the age of eighteen years.

11. (1) Anyone may bring before a magistrate any person apparently under the age of seventeen years who comes within any of the following descriptions:

Person under 17 who may be sent to a school.
[4 of 1972]

(a) who is found begging, or receiving alms (whether actually or under the pretext of selling or offering for sale anything), or who is in any street or public place for the purpose of so begging or receiving alms; or

(b) who is found wandering and not having any home or settled place of abode, or proper guardianship, or visible means of subsistence; or

(c) who, either being an orphan or having a surviving parent who is undergoing imprisonment, is found destitute; or

(d) who frequents the company of reputed thieves.

(2) The magistrate before whom such a person is brought as coming within one of those descriptions, if from the evidence he is satisfied of that fact, shall order an inquiry to be made into the history and circumstances of such person, and if it is expedient to deal with such person under this Act, may order such person to be sent to a school:

Provided that in the case of a first offence, if the parent or guardian of such person appears before the magistrate, and claims such person, he shall be delivered up to the parent or guardian on the parent or guardian undertaking in writing to be responsible for his good behaviour.

12. Where the parent, or step-parent, or guardian, of a person apparently under the age of seventeen years represents to a magistrate that he is unable to control such person, and that he desires that such person be sent to a school under this Act, the magistrate, if on inquiry he is satisfied that it is expedient to deal with such person under this Act, may order such person to be sent to a school.

Refractory youths may be sent to a school.
[4 of 1972]

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Form of order
of detention.
[4 of 1972]

13. The order of a magistrate sending a person to a school (in this Act referred to as the order of detention) shall be in writing, and shall specify the time for which the person is to be detained in a school, being that time which to the magistrate seems proper for his teaching and training.

Effect of
order.
[3 of 1944
4 of 1972]

14. The order of detention shall be sent to the headmaster with the person and shall be sufficient warrant for the conveyance of the person thither and his detention in a school.

Evidence of
order.

15. An instrument purporting to be an order of detention in a school and to be signed by a magistrate, or purporting to be a copy of that order and to be certified so to be by the clerk to the magistrate by whom the order was made, shall be evidence of the order.

Sending
youthful
offenders to a
school.
[4 of 1972]

16. Where any person who, in the judgment of the court, is under the age of seventeen years is found guilty of an offence punishable with imprisonment before the High Court in its criminal jurisdiction, the Court, instead of awarding a sentence of imprisonment, may order him to be sent to a school, and to be there detained in the case where the person is over sixteen years until he attains the age of eighteen years and in other cases for a period of not less than two years and not more than three:

Provided that no person shall be so detained beyond the age of eighteen years.

Removal of
offender to a
school.
[4 of 1972]

17. The keeper of every prison having in his custody any offender ordered to be sent to a school shall deliver the offender into the custody of the headmaster, together with the warrant or other document in pursuance of which the offender is sent to the school.

Authority for
detaining
offender.
[4 of 1972]

18. The possession of the warrant or other document in pursuance of which an offender is sent to a school shall be sufficient authority for his detention in the school.

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19. Nothing in this Act shall be construed so as to interfere in any way whatsoever with any power contained in any other Act empowering the High Court in its criminal jurisdiction or any magistrate to send any child found guilty of any offence to a reformatory or other institution.

Saving of powers under other Acts. [4 of 1972]

GOVERNMENT AND DISCIPLINE OF A SCHOOL

20. (1) Any boy detained in a school who wilfully refuses or neglects to conform to the regulations thereof, may, for every offence, be ordered by the headmaster or the person in charge, to be whipped with such instrument as the Minister may prescribe, the punishment not to exceed six strokes, or to be kept in solitary confinement for a period not exceeding one day:

Penalties for indiscipline. [4 of 1972]

Provided that for maintaining discipline in the schoolroom the person in charge of it with the approval of the headmaster, may inflict not more than three strokes with such instrument as the Minister may prescribe.

(2) Any girl detained in a school who wilfully refuses or neglects to conform to the regulations thereof, may, for every offence, be ordered by the headmaster to be kept in solitary confinement for a period not exceeding one day:

Refusal of girl in school to conform to regulations.

Provided that nothing in this section shall be construed as empowering a headmaster to keep a boy or girl in solitary confinement for more than twenty-four consecutive hours under any circumstances.

21. Any person ordered to be detained at a school who escapes therefrom at any time before the expiration of his period of detention may be apprehended without a warrant and if the Minister thinks fit, may be then brought before a magistrate to be dealt with in any manner for the treatment of juveniles under section 19 of the Juvenile Offenders Act.

Escape of person from a school. [4 of 1972] c. 10:03

Assisting person to escape from a school or harbouring him after escape.
[4 of 1972]

22. Everyone who—

- (a) knowingly assists, either directly or indirectly, any person detained in a school to escape from the school; or
- (b) directly or indirectly induces a person to escape from a school; or
- (c) knowingly harbours, conceals, or prevents from returning to a school any person who has escaped from a school,

shall be liable on summary conviction to a fine of nineteen thousand five hundred dollars.

Grant of licence to person to live out of school.
[4 of 1972]

23. (1) The headmaster may, with the approval of the Minister, at any time after the expiration of eighteen months of the period of detention allotted to a person, by licence under his hand, permit him to live with any trustworthy and respectable person named in the licence and willing to receive, teach, train, and take charge of him.

(2) A licence so granted shall not be in force for more than six months, but may, at any time before the expiration of those six months, be renewed for a further period, not exceeding six months, to commence from the previous period of six months, and so from time to time until the period of detention of the person has expired.

(3) A licence so granted may also be revoked at any time by the headmaster, by writing under his hand, with the approval of the Minister, and thereupon the person to whom the licence related may be required by him, by writing under his hand, to return to the school.

(4) The time during which a person is absent from a school in pursuance of a licence shall, except where the licence has been forfeited by his misconduct, be deemed to be part of the time of his detention in the school, and, at the expiration of the time allowed by the licence, he shall be taken back to the school.

(5) Any person who escapes from anyone with whom he is placed under a licence, or refuses to return to the school on the revocation of his licence or at the expiration of the time allowed thereby, shall be deemed to have escaped from a school, and shall be liable to the same punishment.

24. The headmaster, subject to the regulations from time to time approved by the Minister, may, with the consent of the person concerned, bind any person ordered to be detained in the school as an apprentice to any trade, calling, or service until he shall complete the age of eighteen years, notwithstanding that his period of detention has not expired; and the binding shall be valid and effectual to all intents and purposes.

Power to apprentice person in a school.
[4 of 1972]

25. The headmaster may, with the approval of the Minister at any time after the expiration of twelve months of the allotted period of detention and with the consent or without the consent of his parent, by licence under his hand permit him to reside away from the school and to live with any trustworthy or respectable person named in the licence and willing to receive, train, teach, and take charge of him on the condition that he attends any educational establishment or school for technical training, or permit him to be enrolled as a member of the Guyana Youth Corps, and a licence so granted shall be subject to the same conditions and regulations as a licence granted under section 23 of this Act.

Permission to reside away from school or to be enrolled in Guyana Youth Corps.
[4 of 1972]

MAINTENANCE OF PERSONS IN THE SCHOOL

26. When a person is detained in a school, the father of the person (and whether the person is legitimate or illegitimate child) shall, if able to do so, contribute to the maintenance and training of the person in the school a sum not exceeding one hundred and eighty-five dollars a week; and where the father of the person is not able to do so, or where the father is able to pay a part only of that sum, then the mother, the guardian, everyone bound by law to contribute to the support of the person, and every male cohabiting with the mother of the person, shall, if able to do so, be bound *singuli in solidum* to contribute that sum to the maintenance of the person in the school, or the part thereof which the father cannot pay.

Liability to contribute to maintenance of persons at a school.
[4 of 1972]

Mode of
enforcing
liability.
[4 of 1972
6 of 1997]

27. (1)(a) On the complaint of a superintendent of police, or of the headmaster, or of a police officer or constable authorised thereto by the headmaster, at any time during the detention of a person in the school, a magistrate, on summons to anyone liable under the last preceding section to contribute to the maintenance of the person in the school, may examine into the defendant's ability to maintain the person, and may if he thinks fit to make an order on the defendant for the payment to the headmaster or his agent of such weekly sum, not exceeding sixty-five dollars a week, as to him seems reasonable, during the whole or any part of the time for which the person is liable to be detained in the school.

(b) Where it is not practicable to secure the presence of the defendant against whom an order is sought under subsection (1)(a) for the purposes of the examination into his ability to maintain a person, the magistrate may make such order in the absence of the defendant:

Provided that upon the application of the defendant a magistrate shall give him an opportunity to be heard in opposition to the order and after such hearing the order may be varied as the magistrate thinks fit.

(2) Where two or more persons are liable to contribute to the maintenance of a person, the magistrate may summon all or any of them before him, and either at the same time or at different times, and may order that each shall be liable for the payment of the whole sum ordered to be paid or for any portion thereof the magistrate directs.

(3) Where the order directs more than one person to pay any amount, the order shall be deemed to be a separate order against each, but where the magistrate orders that each person shall be liable to pay the whole amount named, the one paying shall be entitled to contribution from the others named in the order.

(4) In every proceeding under this section, the magistrate shall have full power, for the purposes of this Act, to inquire into and determine whether the person proceeded against is liable to contribute to the maintenance in the school of the person to whom the proceeding has relation.

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- (5) The order shall specify the time during which the payment is to be made, or may direct the payment to be made until further order; and the order may be enforced by any magistrate in a summary manner by distress, and, in default of sufficient distress by imprisonment, for any term not exceeding three months.
- (6) The payment shall go in relief of the charges on the Treasury in respect of the school, and shall be accounted for by the headmaster and paid over to the Accountant General within seven days after the expiration of every month.
- (7) The President may in his discretion remit, either wholly or partially, any payment so ordered.
- (8) A magistrate may from time to time vary an order of payment, on the application either of the person on whom the order was made or of the headmaster of the school, as the case may be, or his agent, on fourteen days' notice being given to the headmaster or that person respectively.

Terms and enforcement of order for maintenance. Schedule. Form 5. Form 6.

Appropriation of payment.

Power to remit payment.

Variation of order of payment.

DISCHARGE OF PERSONS

28. (1) No person ordered to be sent to the school after attaining the age of thirteen years, who has, to the knowledge of the headmaster, attained the age of eighteen years, shall be detained in the school.

Discharge of person. [16 of 1952]

(2) No person ordered to be sent to the school before the age of thirteen years who has, to the knowledge of the headmaster, attained the age of sixteen years, shall be detained in the school.

29. The Minister may at any time order any person to be discharged from the school, either absolutely or on any conditions the Minister approves, and the person shall be discharged accordingly.

Power of the Minister to order discharge of person.

MISCELLANEOUS PROVISIONS

30. No summons, notice, or order made for the purpose of carrying into effect the provisions of this Act shall be invalidated for want of form only; and the forms contained in the Schedule, or forms to the like

Use of forms. Schedule.

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effect, may be used in the matters to which they refer, with such variations as circumstances require, and, when used, shall be deemed sufficient.

Service of notice.

31. Service of notice may be made on the headmaster by delivery of the notice to him personally or by being sent by post in a letter addressed to him.

Evidence as to person being detained in a school. [4 of 1972]

32. The production of the warrant or other document in pursuance of which a person is directed to be sent to the school, with a statement endorsed thereon or annexed thereto, purporting to be signed by the headmaster, that the person mentioned therein is, at the date of the signing thereof detained in the school, or has been otherwise dealt with according to law, shall be, in all proceedings relating to that person, evidence of the identity of, and of the due making of the order and subsequent detention of, the person named in the warrant or other document.

Procedure and appeal. [4 of 1972]

33. The Acts for the time being in force regulating procedure before magistrates in the exercise of their summary jurisdiction and appeals from the decisions of magistrates shall apply to all offences, payments, and orders in respect of which jurisdiction is given to a magistrate by this Act, or which are by this Act directed to be prosecuted, enforced, or made in a summary manner.

[4 of 1972]

SCHEDULE

s. 13

FORMS

1.

Order sending person to a Training School

GUYANA.

.....DISTRICT.

c. 11:06

Be it remembered that on the day of19..... in pursuance of the Training Schools Act, I, the undersigned magistrate of thedistrict, do order that A.B., being

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a person apparently of the age ofyears, and subject to the provisions of the said Act, be sent to the school, and that he be detained there until theday of 19.....

.....
Magistrate.

s.27 2.

Complaint for enforcing Contributions for Maintenance from Parent, etc.

GUYANA.

.....DISTRICT.

The complaint of the headmaster of the school made to me, the undersigned magistrate for thedistrict, this day of 19, who says that one A.B., of the age of years or thereabouts, is now detained in the school under the Training Schools Act, and has been duly ordered and directed to be detained therein until the.....day of 19....., and that one C.D., dwelling atin the county ofis a person liable to contribute to the maintenance of the said A.B., and is of sufficient ability to contribute to the support and maintenance of the said A.B.; and the said complainant therefore prays that the said C.D. may be summoned to show cause why an order should not be made on him so to contribute.

c.11:06

Exhibited before me.

.....
Magistrate.

s. 27 3.

Summons to Parents, etc.

GUYANA.

.....DISTRICT.

To C.D., of

Whereas complaint has this day been made before me, the undersigned magistrate for thedistrict, for that you [*here*

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state shortly the matter of complaint]:—This is, therefore, to command you to be and appear onday, theday of19, ato’clock in the.....noon atbefore the magistrate who may then be there, to answer the said complaint, and to be further dealt with according to law.

Dated this.....day of..... 19.....

.....
Magistrate.

4.

s.27

Order on Parent, etc., to contribute a Weekly Sum for Maintenance

GUYANA.

.....DISTRICT.

Be it remembered that on thisday of.....19..... ata certain complaint of the headmaster of the school for that one A.B., of the age ofyears or thereabouts, is now detained in the said school under the Training Schools Act, and has been duly ordered and directed to be detained therein until the.....day of19....., and that one C.D., dwelling atin the county of is a person liable to contribute to the maintenance of the said A.B., and is of sufficient ability to contribute to the support and maintenance of the said A.B., was duly heard by and before me, the undersigned magistrate for the.....district, in the presence and hearing of the said C.D.; [or the said C.D. not appearing to the summons duly issued and served in this behalf] and I, having duly examined into the ability of the said C.D., and on consideration of all the circumstances of the case, do order the said C.D., to pay to the said headmaster [or to an agent of the said headmaster], the sum of.....per week from the date of this order, until the.....day of19....., the same to be paid at the expiration of each fourteen days [or as the case may be].

c. 11:06

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Dated this.....day of.....19.....

Magistrate.

NOTE.—WHERE AN ORDER IS MADE ON SEVERAL PERSONS, THIS FORM MUST BE VARIED TO SUIT THE CIRCUMSTANCES.

s. 27

5.

Warrant of Distress for Amount of Contribution for Maintenance in arrear

GUYANA.

.....DISTRICT.

To all Members of the Police Force and Constables.

Whereas on the hearing of a complaint made by the headmaster of the school that A.B., of the age ofyears or thereabouts, is now detained in the said school under the Training Schools Act, and has been duly ordered and directed to be detained therein until theday of19....., and that one C.D., dwelling in the parish ofin the county ofis a person liable to contribute to the maintenance of the said A.B., and is of sufficient ability to contribute to the support and maintenance of the said A.B., an order was made on theday of19, bymagistrate for thedistrict, against the said C.D., to pay to the said headmaster the sum of per week from the date of the said order, until the.....day of19....., the same to be paid at the expiration of each fourteen days; And whereas there is due upon the said order the sum of..... being for [three] periods of [fourteen] days each, and default has been made therein for the space of fourteen days:—This is, therefore, to command you and every of you forthwith to make distress of the goods and chattels of the said C.D., and if, within the space of [five] days next after the making of that distress, the said last-mentioned sum, together with the reasonable charges of taking and keeping the said distress, is not paid, then that you do sell the goods and chattels so by you distrained, and do pay the money arising from the sale to

c. 11:06

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my clerk that he may pay and apply the same as by law directed, and may render the overplus, if any, on demand to the said C.D.; and if no such distress can be found, then that you certify the same to me, to the end that such proceedings may be had therein as the law requires.

Dated this.....day of19

.....
Magistrate.

6.

s. 27

Commitment in Default of Distress

GUYANA.

.....DISTRICT.

To all Members of the Police Force and Constables and to the Keeper of thePrison atin the County of.....

c. 11:06

Whereas on the hearing of a complaint made by the headmaster of the school that A.B., of the age of.....years or thereabouts, is now detained in the said school under the Training Schools Act, and has been duly ordered and directed to be detained therein until theday of19....., and that one C.D., dwelling in the parish ofin the county ofis a person liable to contribute to the maintenance of the said A.B., and is of sufficient ability to contribute to the support and maintenance of the said A.B., an order was made on theday of19....., bymagistrate for the.....district, against the said C.D., to pay to the said headmaster the sum ofper week from the date of the said order until theday of19....., the same to be paid at the expiration of each fourteen days [*or as the case may be*]; And whereas afterwards, on theday of19....., a warrant was issued to all members of the police force and constables commanding them and every of them to levy the sum ofdue upon the said recited order, being for [*three*] periods of [*fourteen*] days each, by distress and sale of the goods and chattels of the said C.D.; And whereas a return has this day been made to me, the

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undersigned magistrate for thedistrict, that no sufficient goods of the said C.D. can be found:—This is, therefore, to command you, the said members of the police force and constables, and every of you, to take the said C.D., and him safely convey to the prison atand there to deliver him to the keeper thereof, together with this precept; And I hereby command you, the said keeper to receive the said C.D. into your custody in the said prison, and there to imprison him for the term of..... unless the said sum, and all costs and charges of the said distress and of the commitment and conveying of the said C.D., to the said prison, amounting to the further sum ofshall be sooner paid unto you, the said keeper; And for your so doing, this shall be your sufficient warrant.

Dated this.....day of19.....

.....
Magistrate.
