

GOVERNMENT NOTICE NO. 72 published on 25/1/2019

THE LAW OF THE CHILD ACT
(CAP. 13)

REGULATIONS

(Made under section 157(a))

THE LAW OF THE CHILD (CHILD PROTECTION)(AMENDMENT)
REGULATIONS, 2019

Citation
G.N No 11
of 2015

1. These Regulations may be cited as the Law of the Child (Child Protection)(Amendment) Regulations, 2019 and shall be read as one with the Law of the Child (Child Protection) Regulations, 2014 hereinafter referred to as the “principal Regulations”.

Amendment
of Regulation
3

2.The principal Regulations are amended in regulation 3,
by-

(a) deleting the closing words of sub regulation (2) and substituting for them the following:

“any decision on the child’s care shall be subject to the principles provided under sub regulation (3).”

(b) deleting paragraphs (a), (b), (c), (d), (e) appearing immediately after the closing words as amended;

(c) adding immediately after sub regulation (2), a new sub regulation 3 as follows:

“(3) The principles governing decision on the child’s care shall be as follows-

(a) child placement shall be family based rather than institutional based;

(b) placement of the child shall be on temporary basis rather than permanent basis;

- (c) unless it is in the best interest of a child, siblings shall not be separated;
- (d) due regards shall be paid on the desirability of continuity in the child's upbringing, and to the child's ethic, religious, cultural and linguistic background; and
- (e) delays in reaching a decision on the child's future or any other delays which are likely to prejudice the child's welfare shall be avoided."

Amendment
of
Regulation 16

16, by-

3. The principal Regulations are amended in regulation

- (a) deleting sub regulation (1) and substituting for it the following:

"(1) The social welfare officer shall, in determining whether there is reasonable cause to believe that the child is suffering harm, ensure that, in undertaking an investigation, a child who is capable of verbal expression is afforded an opportunity of making his own verbal expression and not in the presence of a parent."

- (b) deleting sub regulation (2); and
- (c) renumbering sub regulations (3), (4), (5), (6) (7), (8) and (9) as sub regulations (2), (3), (4), (5) (6), (7) and (8) respectively.

Amendment
of Regulation
22

22 -

4. The principal Regulations are amended in regulation

- (a) in sub regulation (2), by inserting the word "from" between the words "child" and "any";
- (b) deleting the word "removed" appearing in sub regulation (8) and substituting for it the word "moved"; and
- (c) deleting the word "removed" appearing in sub

regulation (9) and substituting for it the word “moved”.

Amendment
of Regulation
30

30 -

5. The principal Regulations are amended in regulation

(a) in sub regulation (2) by-

(i) deleting the words “subject to sub regulation (2)” appearing in paragraph (a);

(ii) deleting paragraph (b) and substituting for it the following:

“(b) may be a member of the MVC Committee; or”

(iii) adding immediately after paragraph (b), a new paragraph (c) as follows:

“(c) may be any other person who is deemed by the head of the social welfare department to have relevant experience and knowledge.”

(iv) re-designating the contents of paragraph (c) as contents of paragraph (d);

(b) by re-designating the contents of sub regulation (4) as contents of sub regulation (3).

Amendment
of Regulation
34

34 -

6. The principal Regulations are amended in regulation 34, by deleting sub regulation (2) and substituting for it the following:

“(2) All documents and the minutes of the child protection conference shall be confidential and shall not, unless with the consent of the head of the social welfare department or an order of court, be released to any person other than those attending the child protection conference.”

Amendment of
Regulation 39

39 -

7. The principal Regulations are amended in regulation

(a) by deleting the closing words of sub regulation (1) and substituting for them the following:

“and the child is for whatever reason, without parental care, the parent cannot be found, or the parents are unwilling to care for the child, the child shall be presumed to be at risk of suffering harm and a child protection referral shall be made by the police, DPP, Court or Approved

School in accordance with Regulations 12.”

- (b) in sub regulation (3), by-
 - (i) deleting the words “adode to the” appearing in opening words of that sub regulation and substituting for them the words “aboard, the”;
 - (ii) designating the contents of sub paragraphs (i) and (ii) as contents of paragraphs (a) and (b) respectively;
 - (iii) adding immediately after paragraph (b) as designated the following closing words:
“shall secure a temporary place of aboard for the child.”

Amendment of
Regulation 46

46 -

8. The principal Regulations are amended in regulation

- (a) in sub regulation (1), by deleting words “orall” appearing in paragraph (a) and substituting for it the word ‘orally’;
- (b) by deleting sub regulation (2) and substituting for it the following:
“(2) Where -
 - (a) the child is lost, abandoned or seeking refuge;
 - (b) the mother, father, guardian or carer of the child are unknown or cannot be found after reasonable enquiry has been made; or
 - (c) the mother, father, guardian or carer of the child are incompetent,the social welfare department may make a application and seek the consent of court at the initial hearing to proceed without notification of that parent.” .

Dodoma,
3 December, 2018

UMMY A. MWALIMU
*Minister for Health, Community Development,
Gender, Elderly and Children*