



Children and Young Persons (Scotland) Act 1937

1937 CHAPTER 37 1 Edw 8 and 1 Geo 6

PART IV

PROTECTION OF CHILDREN AND YOUNG PERSONS IN RELATION TO CRIMINAL PROCEEDINGS

Modifications etc. (not altering text)

C1 Pt. IV amended by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), [Sch. 2 Pt. I](#) paras, 1, 2

39— F1
43.

Textual Amendments

F1 Ss. 24, 25, 39–45, 47–55, 57(1)(2), 58, 59(2)–(4), 63, 67, 103, Sch. 1 repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), s. 460, [Sch. 10 Pt. I](#)

General Provisions as to Proceedings in Court

44, 45. F2

Textual Amendments

F2 Ss. 24, 25, 39–45, 47–55, 57(1)(2), 58, 59(2)–(4), 63, 67, 103, Sch. 1 repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), s. 460, [Sch. 10 Pt. I](#)

Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons (Scotland) Act 1937, Part IV. (See end of Document for details)

F3 46 Power to prohibit publication of certain matter in newspapers.

- (1) In relation to any proceedings in any court . . . ^{F4}, the court may direct that—
- (a) no newspaper report of the proceedings shall reveal the name, address, or school, or include any particulars calculated to lead to the identification, of [^{F5}a person under the age of seventeen years] concerned in the proceedings, either as being the person [^{F6}by or against] or in respect of whom the proceedings are taken, or as being a witness therein;
 - (b) no picture shall be published in any newspaper as being or including a picture of [^{F5}a person under the age of seventeen years] so concerned in the proceedings as aforesaid;
- except in so far (if at all) as may be permitted by the direction of the court.
- (2) Any person who publishes any matter in contravention of any such direction shall on summary conviction be liable in respect of each offence to a fine not exceeding [^{F7}level 4 on the standard scale].

Textual Amendments

- F3** S. 46 repealed (E.W.)(S.) by *Criminal Procedure (Scotland) Act 1975 (c. 21)*, s. 460, **Sch. 10 Pt. I** so far as relating to criminal proceedings; extended by *Children and Young Persons Act 1963 (c. 37)*, s. **57(3)(4)**
- F4** Words repealed by *Children and Young Persons Act 1963 (c. 37)*, s. 64, **Sch. 5**
- F5** Words substituted by *Social Work (Scotland) Act 1968 (c. 49)*, **Sch. 2 para. 7**
- F6** Words substituted by *Children and Young Persons Act 1963 (c. 37)*, s. **57(1)**
- F7** Words substituted by virtue of *Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1)*, s. **289G** and by *1995 c. 40, ss. 3, 7(2)*, **Sch. 1 para. 3(1)**, **Sch. 2 Pt. II** it is provided (1.4.1996) that s. 46(2) shall have effect as if the maximum fine that may be imposed on a summary conviction for the offence mentioned therein were a fine not exceeding level 4 on the standard scale instead of a fine not exceeding £50

Modifications etc. (not altering text)

- C2** S. 46 extended with modifications by *Cable and Broadcasting Act 1984 (c. 46, SIF 96)*, s. 57(1), **Sch. 5 para. 5(3)**
- C3** S. 46 applied with modifications by *Broadcasting Act 1990 (c. 42, SIF 96)*, s. 203(1), **Sch. 20 para. 4(2)**
- C4** S. 46 applied (4.4.2005) by *Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8)*, ss. **111(5)**, 145(2); *S.S.I. 2004/420, art. 3, sch. 5*

47— ^{F8}
 54.

Textual Amendments

- F8** Ss. 24, 25, 39–45, 47–55, 57(1)(2), 58, 59(2)–(4), 63, 67, 103, **Sch. 1** repealed by *Criminal Procedure (Scotland) Act 1975 (c. 21)*, s. 460, **Sch. 10 Pt. I**

Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons (Scotland) Act 1937, Part IV. (See end of Document for details)

Juvenile Offenders

55 F9

Textual Amendments

F9 Ss. 24, 25, 39–45, 47–55, 57(1)(2), 58, 59(2)–(4), 63, 67, 103, Sch. 1 repealed by Criminal Procedure (Scotland) Act 1975 (c. 21), s. 460, **Sch. 10 Pt. I**

56 F10

Textual Amendments

F10 Ss. 56, 64 repealed by Criminal Justice (Scotland) Act 1949 (c. 94), **Sch. 12**

57 **Punishment of certain grave crimes.**

(1) F11

(3) A person detained pursuant to the directions of the Secretary of State under [^{F12}section [^{F13}205 or 206]of the ^{M1}Criminal Procedure (Scotland) Act 1975]. . . shall, while so detained, be deemed to be in legal custody.

(4) F14

Textual Amendments

F11 Ss. 24, 25, 39–45, 47–55, 57(1)(2), 58, 59(2)–(4), 63, 67, 103, Sch. 1 repealed by Criminal Procedure (Scotland) Act 1975 (c. 21), s. 460, **Sch. 10 Pt. I**

F12 Words substituted by Criminal Procedure (Scotland) Act 1975 (c. 21), **Sch. 9 para. 7**

F13 Words substituted by Prisons (Scotland) Act 1989 (c. 45, SIF 39:1), s. 45(1), **Sch. 2 para. 1**

F14 S. 57(4) repealed by Statute Law (Repeals) Act 1975 (c. 10), **Sch. Pt. XIV**

Marginal Citations

M1 1975 c. 21.

[^{F16}58] F15

Textual Amendments

F15 Ss. 24, 25, 39–45, 47–55, 57(1)(2), 58, 59(2)–(4), 63, 67, 103, Sch. 1 repealed by Criminal Procedure (Scotland) Act 1975 (c. 21), s. 460, **Sch. 10 Pt. I**

F16 S. 58A inserted by Social Work (Scotland) Act 1968 (c. 49), **Sch. 2 para. 16**

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[^{F17}58A Committal for residential training.

- (1) ^{F18}
- (2) A child detained pursuant to the directions of the Secretary of State under [^{F19}section 413 of the ^{M2}Criminal Procedure (Scotland) Act 1975] shall, while so detained, be deemed to be in legal custody.
- (3) Any child so detained as aforesaid may at any time be released conditionally or unconditionally by the Secretary of State, and any such child conditionally released shall be liable to recall on the directions of the Secretary of State and if he fails to comply with any condition of his release he may be apprehended without warrant and taken to the place from which he was released.]

Textual Amendments

F17 S. 58A repealed (S.) by [Criminal Justice \(Scotland\) Act 1987 \(c. 41, SIF 39:1\)](#), s. 70(2), **Sch. 2**

F18 S. 58A(1) repealed (S.) by [Criminal Justice \(Scotland\) Act 1987 \(c. 1, SIF 39:1\)](#), s. 70(2), **Sch. 2**

F19 Words substituted by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **Sch. 9 para. 8**

Marginal Citations

M2 1975 c.21.

- 59**
- (1) ^{F20}
 - (2) ^{F21}

Textual Amendments

F20 Ss. 59(1), 60, 61, 65, 66, 68–81, 83–85, 87(6), 88–98, 101(5)(6), 106, 107(2), 109, 111, 112, Schs. 2, 3 repealed by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), s. 95, **Sch. 9 Pt. I**

F21 Ss. 24, 25, 39–45, 47–55, 57(1)(2), 58, 59(2)–(4), 63, 67, 103, Sch. 1 repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), s. 460, **Sch. 10 Pt. I**

- 60, 61.** ^{F22}

Textual Amendments

F22 Ss. 59(1), 60, 61, 65, 66, 68–81, 83–85, 87(6), 88–98, 101(5)(6), 106, 107(2), 109, 111, 112, Schs. 2, 3 repealed by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), s. 95, **Sch. 9 Pt. I**

62 Power of Secretary of State to send certain juvenile offenders to approved schools.

The Secretary of State may by order direct that—

- (a) a person who is under the age of eighteen years and is undergoing detention in a Borstal institution; or

Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons (Scotland) Act 1937, Part IV. (See end of Document for details)

- (b) a child or young person with respect to whom he is authorised to give directions under [F23 . . . F24 section 206 of the M3 Criminal Procedure (Scotland) Act 1975; or]
- (c) a young person who has been ordered to be imprisoned and has been pardoned by His Majesty on condition of his agreeing to undergo training in a [F25 residential establishment],

shall be transferred or sent to and detained in [F25 a residential establishment] specified in the order; and any such order shall be an authority for the detention of the person to whom it relates until such date as may be specified in the order:

Provided that the date to be so specified shall be not later than that on which he will in the opinion of the Secretary of State attain the age of nineteen years nor later—

- (a) in the case of a person who was . . . F26 sentenced to detention under the said subsection (2), than the date on which his detention would have expired; or
- (b) in the case of a young person who has been ordered to be imprisoned and has been pardoned as aforesaid, than three years from the date as from which the order for his imprisonment began to run.
- [F27(c) in the case of a person who was undergoing detention in a Borstal institution, than the end of the period for which he would have been liable to be detained therein.]

Textual Amendments

- F23 Words substituted by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **Sch. 9 para. 9**
- F24 Words repealed by [Prisons \(Scotland\) Act 1989 \(c. 45, SIF 39:1\)](#), s. 45(2), **Sch. 3**
- F25 Words substituted by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), **Sch. 2 para. 18**
- F26 Words repealed by [Criminal Justice \(Scotland\) Act 1949 \(c. 94\)](#), **Sch. 12**
- F27 S. 62 proviso (c) added by [Criminal Justice \(Scotland\) Act 1949 \(c. 94\)](#), **Sch. 11**

Marginal Citations

- M3 [1975 c. 21](#).

[F28] **63 Register of children found guilty of offences.**

In addition to any other register required by law, a separate register of children found guilty of offences and of children discharged on bond or put on probation shall be kept for every summary court by the chief constable or other person charged with the duty of keeping registers of convictions. The register shall apply to children of such age, and shall include such particulars, as may be directed by the Secretary of State, and it shall be the duty of the keeper of the register, within seven days after any such child has been dealt with by the court, to transmit a copy of the entry relating to the child to the education authority for the area in which the child resides.]

Textual Amendments

- F28 S. 63 inserted (1.4.1996) by [1995 c. 40](#) ss. 5, 7(2), Sch. 4 para. 3(1)(2)

Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons (Scotland) Act 1937, Part IV. (See end of Document for details)

Textual Amendments

F29 Ss. 24, 25, 39–45, 47–55, 57(1)(2), 58, 59(2)–(4), 63, 67, 103, Sch. 1 repealed by Criminal Procedure (Scotland) Act 1975 (c. 21), s. 460, **Sch. 10 Pt. I**

64 **F30**

Textual Amendments

F30 Ss. 56, 64 repealed by Criminal Justice (Scotland) Act 1949 (c. 94), **Sch. 12**

65, 66. **F31**

Textual Amendments

F31 Ss. 59(1), 60, 61, 65, 66, 68–81, 83–85, 87(6), 88–98, 101(5)(6), 106, 107(2), 109, 111, 112, Schs. 2, 3 repealed by Social Work (Scotland) Act 1968 (c. 49), s. 95, **Sch. 9 Pt. I**

67 **F32**

Textual Amendments

F32 Ss. 24, 25, 39–45, 47–55, 57(1)(2), 58, 59(2)–(4), 63, 67, 103, Sch. 1 repealed by Criminal Procedure (Scotland) Act 1975 (c. 21), s. 460, **Sch. 10 Pt. I**

68–80 **F33**

Textual Amendments

F33 Ss. 59(1), 60, 61, 65, 66, 68–81, 83–85, 87(6), 88–98, 101(5)(6), 106, 107(2), 109, 111, 112, Schs. 2, 3 repealed by Social Work (Scotland) Act 1968 (c. 49), s. 95, **Sch. 9 Pt. I**

Changes to legislation:

There are currently no known outstanding effects for the Children and Young Persons (Scotland) Act 1937, Part IV.