



Children and Young Persons Act 1969

1969 CHAPTER 54

PART I

CARE AND OTHER TREATMENT OF JUVENILES THROUGH COURT PROCEEDINGS

Committal to care of local authorities

[^{F1}20] **Orders for committal to care of local authorities.**

- (1) Any provision of this Act authorising the making of a care order in respect of any person shall be construed as authorising the making of an order committing him to the care of a local authority; and in this Act “care order” shall be construed accordingly and “interim order” means a care order containing provision for the order to expire with the expiration of twenty-eight days, or of a shorter period specified in the order, beginning—
 - (a) if the order is made by a court, with the date of the making of the order; and
 - (b) if it is made by a justice, with the date when the person to whom it relates was first in legal custody in connection with the matter in consequence of which the order is made.
- (2) The local authority to whose care a person is committed by a care order shall be—
 - (a) except in the case of an interim order, the local authority in whose area it appears to the court making the order that that person resides or, if it does not appear to the court that he resides in the area of a local authority, any local authority in whose area it appears to the court that any offence was committed or any circumstances arose in consequence of which the order is made; and
 - (b) in the case of an interim order, such one of the local authorities mentioned in paragraph (a) of this subsection as the court or justice making the order thinks fit (whether or not the person in question appears to reside in their area).

[in determining the place of residence of any person for the purposes of this section,
^{F2}(2A) any period shall be disregarded during which, while in the care of a local authority (whether by virtue of a care order or not), he resided outside the local authority’s area.]

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- (3) Subject to the provisions of the following section, a care order other than an interim order shall cease to have effect—
- (a) if the person to whom it relates had attained the age of sixteen when the order was originally made, when he attains the age of nineteen; and
 - (b) in any other case, when that person attains the age of eighteen.
- (4) A care order shall be sufficient authority for the detention by any local authority or constable of the person to whom the order relates until he is received into the care of the authority to whose care he is committed by the order.]

Textual Amendments

- F1** Ss. 20–22 repealed (*prosp.*) by Children Act 1989 (c. 41, SIF 20), s. 108(2)(6)(7), Sch. 14 para. 27(4), **Sch. 15**
- F2** S. 20(2A) inserted by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), **Sch. 2 para. 12**

Modifications etc. (not altering text)

- C1** S. 20(3) excluded by Army Act 1955 (c. 18, SIF 7:1), **Sch. 5A para 7(4)**, Air Force Act 1955 (c. 19, SIF 7:1), **Sch. 5A para 7(4)** and Naval Discipline Act 1957 (c. 53, SIF 7:1), **Sch. 4A para 7(4)** (Schs. 5A paras. 7(4) of the said Acts of 1955 and Sch. 4A para. 7(4) of the Act of 1957 substituted (*prosp.*) by Children Act 1989 (c. 41, SIF 20), s. 108(2)(4), Sch. 12 paras. 8, 10, **18**)

[^{F3}20A Power of court to add condition as to charge and control of offender in care.

- (1) Where a person to whom a care order relates which was made—
- (a) by virtue of subsection (3) of section 1 of this Act in a case where the court which made the order was of the opinion that the condition mentioned in subsection (2)(f) of that section was satisfied; or
 - (b) by virtue of section 7(7) of this Act, [^{F4}or
 - (c) by virtue of section 15(1) of this Act in a case where—
 - (i) the supervision order for which the care order was substituted was made under section 7(7) of this Act; and
 - (ii) the offence in respect of which the supervision order was made was punishable with imprisonment in the case of a person over 21,]

is convicted or found guilty of an offence punishable with imprisonment in the case of a person over 21, the court which convicts or finds him guilty of that offence may add to the care order a condition under this section that the power conferred by section 21(2) of the ^{M1}Child Care Act 1980 (power of local authority to allow a parent, guardian, relative or friend charge and control) shall for such period not exceeding 6 months as the court may specify in the condition—

- (a) not be exercisable; or
 - (b) not be exercisable except to allow the person to whom the order relates to be under the charge and control of a specified parent, guardian, relative or friend.
- (2) Where—
- (a) the power conferred by subsection (1) above has been exercised; and
 - (b) before the period specified in the condition has expired the person to whom the care order relates is convicted or found guilty of another offence punishable with imprisonment in the case of a person over 21,

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the court may replace the condition with another condition under this section.

- (3) A court shall not exercise the powers conferred by this section unless the court is of opinion that it is appropriate to exercise those powers because of the seriousness of the offence and that no other method of dealing with the person to whom the care order relates is appropriate; and for the purpose of determining whether any other method of dealing with him is appropriate the court shall obtain and consider information about the circumstances.
- (4) A court shall not exercise the said powers in respect of a person who is not legally represented in that court unless either—
 - (a) he applied for legal aid and the application was refused on the ground that it did not appear his means were such that he required assistance; or
 - (b) having been informed of his right to apply for legal aid and had the opportunity to do so, he refused or failed to apply.
- (5) Before adding a condition under this section to a care order a court shall explain to the person to whom the care order relates the purpose and effect of the condition.
- (6) At any time when a care order includes a condition under this section—
 - (a) the person to whom the order relates;
 - (b) his parent or guardian, acting on his behalf; or
 - (c) the local authority in whose care he is,may apply to a juvenile court for the revocation or variation of the condition.
- (7) The local authority may appeal to the Crown Court against the imposition of a condition under this section by a magistrates' court or against the terms of such a condition.
- (8) For the purposes of this section a person is to be treated as legally represented in a court if, but only if, he has the assistance of counsel or a solicitor to represent him in the proceedings in that court at some time after he is convicted or found guilty and before any power conferred by this section is exercised, and in this section "legal aid" means legal aid for the purposes of proceedings in that court, whether the whole proceedings or the proceedings on or in relation to the exercise of the power; but in the case of a person committed to the Crown Court for sentence or trial, it is immaterial whether he applied for legal aid in the Crown Court to, or was informed of his right to apply by, that court or the court which committed him.]

Textual Amendments

- F3** S. 20A inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 22](#) and repealed (*prosp.*) by [Children Act 1989 \(c. 41, SIF 20\)](#), [s. 108\(2\)\(6\)\(7\)](#), [Sch. 14 para. 27\(4\)](#), [Sch. 15](#)
- F4** S. 20A(1)(c) and word "or" immediately preceding it inserted (*prosp.*) by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), [ss. 170\(1\), 171](#), [Sch. 15 para. 35](#)
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Marginal Citations

- M1** [1980 c. 5\(20\)](#).

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[^{F5}21 Variation and discharge of care orders.

- (1) If it appears to a juvenile court, on the application of a local authority to whose care a person is committed by a care order which would cease to have effect by virtue of subsection (3)(b) of the preceding section, that he is accommodated in a community home or a home provided by the Secretary of State and that by reason of his mental condition or behaviour it is in his interest or the public interest for him to continue to be so accommodated after he attains the age of eighteen, the court may order that the care order shall continue in force until he attains the age of nineteen; but the court shall not make an order under this subsection unless the person in question is present before the court.
 - (2) If it appears to a juvenile court, on the application of a local authority to whose care a person is committed by a care order or on the application of that person, that it is appropriate to discharge the order, the court may discharge it and on discharging it may, unless it was an interim order and unless the person to whom the discharged order related has attained the age of eighteen, make a supervision order in respect of him.
- [A juvenile court shall not make an order under subsection (2) of this section in the
- ^{F6}(2A) case of a person who has not attained the age of eighteen and appears to the court to be in need of care or control unless the court is satisfied that, whether through the making of a supervision order or otherwise, he will receive that care or control.]
- (3) Where an application under [^{F7}subsection (2) of this section] for the discharge of a care order is dismissed, then—
 - (a) in the case of an interim order, no further application for its discharge shall be made under that subsection except with the consent of a juvenile court (without prejudice to the power to make an application under subsection (4) of the following section); and
 - (b) in any other case, no further application for its discharge shall be made under this subsection by any person during the period of three months beginning with the date of the dismissal except with the consent of a juvenile court.
 - (4) The person to whom the relevant care order relates or related may appeal to [^{F8}the Crown court] against an order under subsection (1) of this section or a supervision order made in pursuance of subsection (2) of this section or the dismissal of an application under the said subsection (2) for the discharge of the care order.
- [In a case where a parent or guardian is a party to the proceedings on an application
- ^{F9}(4A) under subsection (2) of this section by virtue of an order under section 32A of this Act, the parent or guardian may appeal to the Crown Court against the making of a supervision order or the refusal of the court to discharge the care order.]
- (5) The local authority to whose care a person is committed by a care order (other than an interim order) may, within the period of three months beginning with the date of the order, appeal to [^{F8}the Crown Court] against the provision of the order naming their area on the ground that at the time the order was made the person aforesaid resided in the area of another local authority named in the notice of appeal; but no appeal shall be brought by a local authority under this subsection unless they give notice in writing of the proposal to bring it to the other local authority in question before giving notice of appeal.
 - (6) References in this section to a juvenile court, in relation to a care order, are references to a juvenile court acting for any part of the area of the local authority to whose care a person is committed by the order or for the place where that person resides.]

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Textual Amendments

- F5** Ss. 20–22 repealed (*prosp.*) by Children Act 1989 (c. 41, SIF 20), s. 108(2)(6)(7), Sch. 14 para. 27(4), **Sch. 15**
- F6** S. 21(2A) inserted by Children Act 1975 (c. 72, SIF 49:9), **Sch. 3 para. 69(a)**
- F7** Words substituted by Children Act 1975 (c. 72, SIF 49:9), **Sch. 3 para. 69(b)**
- F8** Words substituted by virtue of Courts Act 1971 (c. 23, SIF 37), s. 56(2), **Sch. 9 Pt. I**
- F9** S. 21(4A) inserted by Children and Young Persons (Amendment) Act 1986 (c. 28, SIF 20), **ss. 2(3), 6**

Modifications etc. (not altering text)

- C2** S. 21(2) amended by Child Care Act 1980 (c. 5, SIF 20), **s. 11(1)**
- C3** S. 21(5) excluded by Army Act 1955 (c. 18, SIF 7:1), **Sch. 5A para 7(4)**, Air Force Act 4 1955 (c. 19, SIF 7:1), Sch. 5A para 7(4) and Naval Discipline Act 1957 (c. 53, SIF 7:1), **Sch. 4A para 7(4)** (Schs. 5A paras. 7(4) of the said Acts of 1955 and Sch. 4A para. 7(4) of the Act of 1957 substituted (*prosp.*) by Children Act 1989 (c. 41, SIF 20), s. 108(2)(4), Sch. 12 paras. 8, 10, **18**)

[^{F10}21A Termination of care order on adoption etc.

- (1) A care order relating to a person under the age of 18 shall cease to have effect—
- on his adoption;
 - if any order under an enactment to which this paragraph applies is made in relation to him;
 - if an order similar to an order under section 25 of the ^{M2}Children Act 1975 is made in relation to him in Northern Ireland, the Isle of Man or any of the Channel Islands.
- (2) Subsection (1)(b) above applies to the following enactments—
- sections 14 and 25 of the Children Act 1975;
 - sections 18 and 55 of the ^{M3}Adoption Act 1976; and
 - sections 18 and 49 of the ^{M4}Adoption (Scotland) Act 1978.
- (3) After the commencement of section 55 of the Adoption Act 1976 subsection (1)(c) above shall have effect with the substitution of “55 of the Adoption Act 1976” for “25 of the Children Act 1975”.]

Textual Amendments

- F10** S. 21A substituted by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), **Sch. 2 para. 13** and repealed (*prosp.*) by Children Act 1989 (c. 41, SIF 20), s. 108(2)(6)(7), Sch. 14 para. 27(4), **Sch. 15**

Modifications etc. (not altering text)

- C4** S. 21A: by Adoption Act 1976 (c. 36, SIF 49:11), **ss. 73, 74(2), Sch. 3 para. 11** it was provided that in s. 21A, for the references to sections 14 and 25 of the Children Act 1975 there should be substituted references to sections 18 and 55 respectively of the Adoption Act 1976

Marginal Citations

- M2** 1975 c. 72(49:9).
M3 1976 c. 36(49:11).
M4 1978 c. 28(49:11)

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[^{F11}22 Special provisions relating to interim orders.

- (1) A juvenile court or a justice shall not make an interim order in respect of any person unless either—
 - (a) that person is present before the court or justice; or
 - (b) the court or justice is satisfied that he is under the age of five or cannot be present as aforesaid by reason of illness or accident.
- (2) An interim order shall contain provision requiring the local authority to whose care a person is committed by the order to bring that person before a court specified in the order on the expiration of the order or at such earlier time as the specified court may require, so however that the said provision shall, if the court making the order considers it appropriate so to direct by reason of the fact that that person is under the age of five [^{F12}or is legally represented] or by reason of illness or accident, require the local authority to bring him before the specified court on the expiration of the order only if the specified court so requires.
- (3) A juvenile court acting for the same area as a juvenile court by which or a justice by whom an interim order has been made in respect of any person may, at any time before the expiration of the order, make a further interim order in respect of him; and the power to make an interim order conferred by this subsection is without prejudice to any other power to make such an order.
- (4) The High Court may, on the application of a person to whom an interim order relates [^{F13}, or, in a case where the order was made in proceedings to which a parent or guardian was a party by virtue of an order under section 32A of this Act, of the parent or guardian,], discharge the order on such terms as the court thinks fit; but if on such an application the discharge of the order is refused, the local authority to whose care he is committed by the order shall not exercise in his case their powers under [^{F14}section 21(2) of the ^{M5}Child Care Act 1980] (which enables them to allow a parent or other person to be in charge of him) except with the consent and in accordance with any directions of the High Court.
- (5) ^{F15}
- (6) Subsections (1), (3) and (4) of this section, so much of section 2(11)(a) as requires the clerk to be informed and section 21(2) to (4) s of this Act shall apply to a warrant under subsection (5) of this section as they apply to an interim order but as if the words “is under the age of five or” in subsection (1) of this section were omitted.]

Textual Amendments

- F11** Ss. 20–22 repealed (*prosp.*) by Children Act 1989 (c. 41, SIF 20), s. 108(2)(6)(7), Sch. 14 para. 27(4), **Sch. 15**
- F12** Words inserted by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), **Sch. 2 para. 14**
- F13** Words inserted by Children and Young Persons (Amendment) Act 1986 (c. 28, SIF 20), **ss. 2(4), 6**
- F14** Words substituted by Child Care Act 1980 (c. 5, SIF 20), s. 89, **Sch. 5 para. 24**
- F15** S. 22(5) repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), ss. 125, 170(2), **Sch. 16**

Marginal Citations

- M5** 1980 c. 5(20).

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23 Remand to care of local authorities etc.

- (1) Where a court—
- (a) remands or commits for trial a child charged with homicide or remands a child convicted of homicide; or
 - (b) remands a young person charged with or convicted of one or more offences or commits him for trial or sentence,
- and he is not released on bail, then, subject to the following provisions of this section, the court shall commit him to the care of a local authority in whose area it appears to the court that he resides or that the offence or one of the offences was committed.
- (2) If the court aforesaid certifies that a young person is of so unruly a character that he cannot safely be committed to the care of a local authority under the preceding subsection, then if the court has been notified by the Secretary of State that a remand centre is available for the reception from the court of persons of his class or description, it shall commit him to a remand centre and, if it has not been so notified, it shall commit him to a prison.
- (3) If, on the application of the local authority to whose care a young person is committed by a warrant under subsection (1) of this section, the court by which he was so committed or any magistrates' court having jurisdiction in the place where he is for the time being certifies as mentioned in subsection (2) of this section, the provisions of the said subsection (2) relating to committal shall apply in relation to him and he shall cease to be committed in pursuance of the said subsection (1).
- (4) The preceding provisions of this section shall have effect subject to the provisions of [F16section 37 of the M6Magistrates' Courts Act 1980] (which relates to committal to [F17the Crown court] with a view to a [F18youth custody sentence]).
- (5) In this section “court” and “magistrates' court” include a justice; and notwithstanding anything in the preceding provisions of this section, [F19section 128(7) of the said Act of 1980] (which provides for remands to the custody of a constable for periods not exceeding three clear days) shall have effect in relation to a child or young person as if for the reference to three clear days there were substituted a reference to twenty-four hours.

Textual Amendments

- F16** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\), s. 154\(2\), Sch. 7 para 83\(a\)](#)
- F17** Words substituted by virtue of [Courts Act 1971 \(c. 23, SIF 37\), Sch. 8 para. 34\(1\)](#)
- F18** Words substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), Sch. 14 para. 27](#)
- F19** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\), s. 154\(2\), Sch. 7 para. 83\(b\)](#)

Modifications etc. (not altering text)

- C5** [S. 23\(2\)\(3\)](#) restricted by [Children Act 1975 \(c. 72, SIF 49:9\), s. 69](#); amended by [S.I. 1979/125](#) and [1981/81, art. 2](#)

Marginal Citations

- M6** [1980 c. 43\(82\)](#).

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VALID FROM 03/02/1995

[^{F20}23A Liability to arrest for breaking conditions of remand.

- (1) A person who has been remanded or committed to local authority accommodation and in respect of whom conditions under subsection (7) or (10) of section 23 of this Act have been imposed may be arrested without warrant by a constable if the constable has reasonable grounds for suspecting that that person has broken any of those conditions.
- (2) A person arrested under subsection (1) above—
 - (a) shall, except where he was arrested within 24 hours of the time appointed for him to appear before the court in pursuance of the remand or committal, be brought as soon as practicable and in any event within 24 hours after his arrest before a justice of the peace for the petty sessions area in which he was arrested; and
 - (b) in the said excepted case shall be brought before the court before which he was to have appeared.

In reckoning for the purposes of this subsection any period of 24 hours, no account shall be taken of Christmas Day, Good Friday or any Sunday.

- (3) A justice of the peace before whom a person is brought under subsection (2) above—
 - (a) if of the opinion that that person has broken any condition imposed on him under subsection (7) or (10) of section 23 of this Act shall remand him; and that section shall apply as if he was then charged with or convicted of the offence for which he had been remanded or committed;
 - (b) if not of that opinion shall remand him to the place to which he had been remanded or committed at the time of his arrest subject to the same conditions as those which had been imposed on him at that time.]

Textual Amendments

F20 S. 23A inserted (3.2.1995) by 1994 c. 33, s.23; S.I. 1995/127, art. 2(1), Sch.1 (with transitional savings in art. 2(2), Sch.2 para. 1)

VALID FROM 01/03/2002

[^{F21}23AA Electronic monitoring of conditions of remand

- (1) A court shall not impose a condition on a person under section 23(7)(b) above (an “electronic monitoring condition”) unless each of the following requirements is fulfilled.
- (2) The first requirement is that the person has attained the age of twelve years.
- (3) The second requirement is that—
 - (a) the person is charged with or has been convicted of a violent or sexual offence, or an offence punishable in the case of an adult with imprisonment for a term of fourteen years or more; or

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- (b) he is charged with or has been convicted of one or more imprisonable offences which, together with any other imprisonable offences of which he has been convicted in any proceedings—
 - (i) amount, or
 - (ii) would, if he were convicted of the offences with which he is charged, amount,to a recent history of repeatedly committing imprisonable offences while remanded on bail or to local authority accommodation.
- (4) The third requirement is that the court—
 - (a) has been notified by the Secretary of State that electronic monitoring arrangements are available in each petty sessions area which is a relevant area; and
 - (b) is satisfied that the necessary provision can be made under those arrangements.
- (5) The fourth requirement is that a youth offending team has informed the court that in its opinion the imposition of such a condition will be suitable in the person’s case.
- (6) Where a court imposes an electronic monitoring condition, the condition shall include provision for making a person responsible for the monitoring; and a person who is made so responsible shall be of a description specified in an order made by the Secretary of State.
- (7) The Secretary of State may make rules for regulating—
 - (a) the electronic monitoring of compliance with conditions imposed under section 23(7)(a) above; and
 - (b) without prejudice to the generality of paragraph (a) above, the functions of persons made responsible for securing the electronic monitoring of compliance with such conditions.
- (8) Subsections (8) to (10) of section 3AA of the Bail Act 1976 (c. 63) (provision about rules and orders under that section) shall apply in relation to this section as they apply in relation to that section.
- (9) For the purposes of this section a petty sessions area is a relevant area in relation to a proposed electronic monitoring condition if the court considers that it will not be practicable to secure the electronic monitoring in question unless electronic monitoring arrangements are available in that area.]

Textual Amendments

F21 S. 23AA inserted (1.3.2002) by [Criminal Justice and Police Act 2001 \(c. 16\)](#), s. 132(b); S.I. 2002/344, [art. 2](#) (with transitional provisions in [art. 4](#))

24 F22

Textual Amendments

F22 [Ss. 24, 27](#) repealed by [Child Care Act 1980 \(c. 5\)](#), SIF 20), s. 89, Sch. 6

Status:

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