



# Children and Young Persons Act 1969

## 1969 CHAPTER 54

### PART I

#### CARE AND OTHER TREATMENT OF JUVENILES THROUGH COURT PROCEEDINGS

##### *Consequential changes in criminal proceedings etc.*

#### **4 Prohibition of criminal proceedings for offences by children**

A person shall not be charged with an offence, except homicide, by reason of anything done or omitted while he was a child.

#### **5 Restrictions on criminal proceedings for offences by young persons**

- (1) A person other than a qualified informant shall not lay an information in respect of an offence if the alleged offender is a young person.
- (2) A qualified informant shall not lay an information in respect of an offence if the alleged offender is a young person unless the informant is of opinion that the case is of a description prescribed in pursuance of subsection (4) of this section and that it would not be adequate for the case to be dealt with by a parent, teacher or other person or by means of a caution from a constable or through an exercise of the powers of a local authority or other body not involving court proceedings or by means of proceedings under section 1 of this Act.
- (3) A qualified informant shall not come to a decision in pursuance of the preceding subsection to lay an information unless—
  - (a) he has told the appropriate local authority that the laying of the information is being considered and has asked for any observations which the authority may wish to make on the case to the informant; and
  - (b) the authority either have notified the informant that they do not wish to make such observations or have not made any during the period or extended period indicated by the informant as that which in the circumstances he considers

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reasonable for the purpose or the informant has considered the observations made by the authority during that period ;

but the informant shall be entitled to disregard the foregoing provisions of this subsection in any case in which it appears to him that the requirements of the preceding subsection are satisfied and will continue to be satisfied notwithstanding any observations which might be made in pursuance of this subsection.

- (4) The Secretary of State may make regulations specifying, by reference to such considerations as he thinks fit, the descriptions of cases in which a qualified informant may lay an information in respect of an offence if the alleged offender is a young person; but no regulations shall be made under this subsection unless a draft of the regulations has been approved by a resolution of each House of Parliament.
- (5) An information laid by a qualified informant in a case where the informant has reason to believe that the alleged offender is a young person shall be in writing and shall—
- (a) state the alleged offender's age to the best of the informant's knowledge; and
  - (b) contain a certificate signed by the informant stating that the requirements of subsections (2) and (3) of this section are satisfied with respect to the case or that the case is one in which the requirements of the said subsection (2) are satisfied and the informant is entitled to disregard the requirements of the said subsection (3).
- (6) If at the time when justices begin to inquire into a case, either as examining justices or on the trial of an information, they have reason to believe that the alleged offender is a young person and either—
- (a) it appears to them that the person who laid the information in question was not a qualified informant when he laid it; or
  - (b) the information is not in writing or does not contain such a certificate as is mentioned in subsection (5)(b) of this section,
- it shall be their duty to quash the information, without prejudice to the laying of a further information in respect of the matter in question; but no proceedings shall be invalidated by reason of a contravention of any provision of this section and no action shall lie, by reason only of such a contravention, in respect of proceedings in respect of which such a contravention has occurred.
- (7) Nothing in the preceding provisions of this section applies to an information laid with the consent of the Attorney General or laid by or on behalf or with the consent of the Director of Public Prosecutions.
- (8) It shall be the duty of a person who decides to lay an information in respect of an offence in a case where he has reason to believe that the alleged offender is a young person to give notice of the decision to the appropriate local authority unless he is himself that authority.
- (9) In this section—

" the appropriate local authority ", in relation to a young person, means the local authority for the area in which it appears to the informant in question that the young person resides or, if the young person appears to the informant not to reside in the area of a local authority, the local authority in whose area it is alleged that the relevant offence or one of the relevant offences was committed; and

" qualified informant " means a servant of the Crown, a police officer and a member of a designated police force acting in his capacity as such a servant,

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officer or member, a local authority, the Greater London Council, the council of a county district and any body designated as a public body for the purposes of this section;

and in this subsection " designated " means designated by an order made by the Secretary of State ; but nothing in this section shall be construed as preventing any council or other body from acting by an agent for the purposes of this section.

## **6 Summary trial of young persons**

(1) Where a person under the age of seventeen appears or is brought before a magistrates' court on an information charging him with an offence, other than homicide, which is an indictable offence within the meaning of the Magistrates' Courts Act 1952, he shall be tried summarily unless—

- (a) he is a young person and the offence is such as is mentioned in subsection (2) of section 53 of the Act of 1933 (under which young persons convicted on indictment of certain grave crimes may be sentenced to be detained for long periods) and the court considers that if he is found guilty of the offence it ought to be possible to sentence him in pursuance of that subsection; or
- (b) he is charged jointly with a person who has attained the age of seventeen and the court considers it necessary in the interests of justice to commit them both for trial;

and accordingly in a case falling within paragraph (a) or paragraph (b) of this subsection the court shall, if it is of opinion that there is sufficient evidence to put the accused on trial, commit him for trial.

(2) In sections 18(1) and 25(1) of the said Act of 1952 (which provide for the trial on indictment of persons aged fourteen or over who are charged with certain summary offences within the meaning of that Act) for the word "fourteen" there shall be substituted the word "seventeen".

(3) If on trying a person summarily in pursuance of subsection (1) of this section the court finds him guilty, it may impose a fine of an amount not exceeding fifty pounds or may exercise the same powers as it could have exercised if he had been found guilty of an offence for which, but for section 107(2) of the said Act of 1952, it could have sentenced him to imprisonment for a term not exceeding three months.

## **7 Alterations in treatment of young offenders etc.**

(1) The minimum age at conviction which qualifies for a sentence of borstal training under section 20 of the Criminal Justice Act 1948 shall be seventeen instead of fifteen years; and accordingly in subsection (1) of that section and section 28(1) of the Magistrates' Courts Act 1952 for the word "fifteen" there shall be substituted the word "seventeen".

(2) In section 3(1) of the said Act of 1948 (which authorises the court by or before which a person is convicted of an offence to make a probation order in respect of him) after the word " person " there shall be inserted the words " who has attained the age of seventeen ".

(3) If a court having power to order children or young persons of any class or description to be detained in a detention centre in pursuance of section 4 of the Criminal Justice Act 1961 or to attend at an attendance centre in pursuance of section 19 of the said Act of 1948 is notified in pursuance of this subsection by the Secretary of State that a detention centre or, as the case may be, an attendance centre will not be available for

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the reception from that court of children or young persons of that class or description after a date specified in the notification, the power in question shall not be exercisable by that court after that date; and the Secretary of State shall cause a copy of any notification under this subsection to be published in the London Gazette before the date specified in the notification.

- (4) Section 5 of the said Act of 1961 (which provides for detention for defaults) shall cease to apply to young persons.
- (5) An order sending a person to an approved school shall not be made after such day as the Secretary of State may by order specify for the purposes of this subsection.
- (6) Sections 54 and 57 of the Act of 1933 (which among other things enable a child or young person found guilty of an offence to be sent to a remand home or committed to the care of a fit person) shall cease to have effect.
- (7) Subject to the enactments requiring cases to be remitted to juvenile courts and to section 53(1) of the Act of 1933 (which provides for detention for certain grave crimes), where a child is found guilty of homicide or a young person is found guilty of any offence by or before any court, that court or the court to which his case is remitted shall have power—
  - (a) if the offence is punishable in the case of an adult with imprisonment, to make a care order (other than an interim order) in respect of him; or
  - (b) to make a supervision order in respect of him; or
  - (c) with the consent of his parent or guardian, to order the parent or guardian to enter into a recognisance to take proper care of him and exercise proper control over him,

and, if it makes such an order as is mentioned in this subsection while another such order made by any court is in force in respect of the child or young person, shall also have power to discharge the earlier order; and subsection (13) of section 2 of this Act shall apply to an order under paragraph (c) of this subsection as it applies to such an order as is mentioned in that subsection.

- (8) Without prejudice to the power to remit any case to a juvenile court which is conferred on a magistrates' court other than a juvenile court by section 56(1) of the Act of 1933, in a case where such a magistrates' court finds a person guilty of an offence and either he is a young person or was a young person when the proceedings in question were begun it shall be the duty of the court to exercise that power unless the court decides to deal with the case by exercising a power to make one or more of the following orders, that is to say, an order discharging him absolutely or conditionally, an order for the payment of a fine, damages or costs, an order requiring his parent or guardian to enter into a recognisance to take proper care of him and exercise proper control over him or an order under section 5 or 7 of the Road Traffic Act 1962 (which relate respectively to the disqualification of drivers and the endorsement of licences).

## **8 Finger-printing of suspected young persons**

- (1) If a police officer not below the rank of inspector makes an application on oath to a justice stating—
  - (a) that there is evidence sufficient to justify the laying of an information that a young person has or is suspected of having committed an offence punishable with imprisonment in the case of an adult; and

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- (b) that with a view to deciding, in accordance with section 5 of this Act, whether the information should be laid it is appropriate in the opinion of the officer for an order under subsection (2) of this section to be made in respect of the young person,

the justice may if he thinks fit issue a summons or warrant for the purpose of securing the attendance of the young person before a magistrates' court with a view to the making of such an order in respect of him.

- (2) The court before which a young person appears in pursuance of a summons or warrant under the preceding subsection may if it thinks fit order his finger and palm prints to be taken by a constable.
- (3) Subsections (2) and (4) of section 40 of the Magistrates' Courts Act 1952 (which respectively relate to the taking and destruction of finger and palm prints) shall have effect as if references to an order under that section included references to an order under the preceding subsection and, in relation to an order under the preceding subsection, as if for the words from "remanded" to "committed" in subsection (2) there were substituted the words "lawfully detained at any place, at that place" and as if the reference to acquittal in subsection (4) included a reference to a finding of a court that the condition set out in section 1(2)(f) of this Act is not satisfied in consequence of the offence specified in the application mentioned in subsection (1) of this section.

## **9 Investigations by local authorities**

- (1) Where a local authority or a local education authority bring proceedings under section 1 of this Act or proceedings for an offence alleged to have been committed by a young person or are notified that any such proceedings are being brought, it shall be the duty of the authority, unless they are of opinion that it is unnecessary to do so, to make such investigations and provide the court before which the proceedings are heard with such information relating to the home surroundings, school record, health and character of the person in respect of whom the proceedings are brought as appear to the authority likely to assist the court.
- (2) If the court mentioned in subsection (1) of this section requests the authority aforesaid to make investigations and provide information or to make further investigations and provide further information relating to the matters aforesaid, it shall be the duty of the authority to comply with the request.

## **10 Further limitations on publication of particulars of children and young persons etc.**

- (1) In subsection (1) of section 49 of the Act of 1933 (which among other things imposes restrictions on reports of certain court proceedings concerning children or young persons but authorises the court or the Secretary of State, if satisfied that it is in the interests of justice to do so, to dispense with the requirements of that section)—
  - (a) the references to a young person concerned in the proceedings as the person in respect of whom they are taken shall be construed as including references to any person who has attained the age of seventeen but not eighteen and against or in respect of whom the proceedings are taken and, in the case of proceedings under Part I of this Act, any other person in respect of whom those proceedings are taken; and
  - (b) the references to a juvenile court shall, in relation to proceedings in pursuance of the provisions of sections 15 and 16 of this Act or on appeal from such

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- proceedings, be construed as including a reference to any other magistrates' court or, as the case may be, the court in which the appeal is brought; and
- (c) for the words " in the interests of justice so to do " there shall be substituted the words " appropriate to do so for the purpose of avoiding injustice to a child or young person " and after the word " section " there shall be inserted the words " in relation to him " .
- (2) Where by virtue of paragraph (b) of the preceding subsection the said section 49 applies to any proceedings, it shall be the duty of the court in which the proceedings are taken to announce in the course of the proceedings that that section applies to them; and if the court fails to do so that section shall not apply to the proceedings in question.
- (3) A notice displayed in pursuance of section 4 of the Criminal Justice Act 1967 (which requires the publication of a notice stating the result of proceedings before examining justices and containing particulars of the person to whom the proceedings related) shall not contain the name or address of any child or young person unless the justices in question have stated that in their opinion he would be mentioned in the notice apart from the foregoing provisions of this subsection and should be mentioned in it for the purpose of avoiding injustice to him.