

SCHEDULES

SCHEDULE 5

MINOR AND CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

The Social Work (Scotland) Act 1968

57 After section 44(1) of the Social Work (Scotland) Act 1968, there shall be inserted the following subsection:—

“(1A) A supervision requirement imposing a condition as to the place where a child is to reside in England or Wales shall be a like authority as in Scotland for the person in charge of the place to restrict the child's liberty to such an extent as that person may consider appropriate having regard to the terms of the supervision requirement.”

58 (1) In section 72 of the said Act of 1968, after subsection (1) there shall be inserted the following subsection:—

“(1A) The juvenile court in England or Wales to which notification of a supervision requirement is sent under this section may make a supervision order in respect of the person to whom the notification relates but, notwithstanding anything in section 76(1) of this Act, shall not include in the order a requirement authorised by section 12 of the Children and Young Persons Act 1969 unless that person is before the court when the supervision order is made; and in relation to a supervision order made by virtue of this subsection—

(a) section 15 of that Act shall have effect as if subsection (2) were omitted ; and

(b) section 17 of that Act shall have effect as if in paragraph (a) the references to three years and the date on which the order was originally made were respectively references to one year and the date on which the said notification was sent and as if in paragraph (b) the words from " the order was " to " and " were omitted.”

(2) In subsection (2) of that section, after the word " court" there shall be inserted the words " in Northern Ireland ".

(3) In subsection (4) of that section for the words from " includes " to " 1963 " there shall be substituted the words " , in relation to England and Wales, has the same meaning as in the said Act of 1969 ".

59 (1) In section 73 of the said Act of 1968, in subsection (1), after the word " reporter ", in the second place where it occurs, there shall be inserted the following words:—

“(i) in the case of a supervision order made by virtue of section 7A(4) of the Criminal Justice (Scotland) Act 1949, to notify the appropriate court and to transmit to that court all documents and certified copies of documents relating

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to the case which the reporter has received by virtue of section 76 of this Act;

(ii) in any other case.”

and at the end of that subsection there shall be inserted the following paragraph:—

“In this subsection " the appropriate court" means the sheriff having jurisdiction in the area in which the child proposes to reside or is residing or, where the original probation order was imposed by the High Court of Justiciary, that Court.”

(2) After subsection (1) of that section there shall be inserted the following subsection:—

“(1A) Where a court in England or Wales is satisfied that a child in respect of whom the court proposes to make a supervision order is residing or proposes to reside in Scotland, the court may make the order notwithstanding anything in subsection (1) of section 18 of the Children and Young Persons Act 1969 (which relates to residence of the supervised person in England or Wales); and where the court makes a supervision order by virtue of this subsection—

- (a) the areas to be named in the order in pursuance of subsection (2)(a) of the said section 18 shall be those in which the court is sitting ;
- (b) the order may require the supervised person to comply with directions of the supervisor with respect to his departure to Scotland, and any such requirement shall, for the purposes of sections 15 and 16 of that Act (which relate to the variation and discharge of supervision orders), be deemed to be included in the order in pursuance of section 12(2) of that Act; and
- (c) the court shall send notification of the order as mentioned in paragraph (b) of the foregoing subsection and the provisions of that subsection relating to the duty of the reporter shall apply accordingly.”

(3) In subsection (2) of that section for the word " subsection " there shall be substituted the words " provisions of this section. "

60 In section 74 of the said Act of 1968, after subsection (5) there shall be inserted the following subsection:—

“(6) An order under this section committing a child to the care of a local authority shall have effect as if it were a care order under the Children and Young Persons Act 1969, but as if sections 20(2) and 21(5) of that Act and in section 20(3) of that Act paragraph (a) and the words ' in any other case' in paragraph (b) were omitted.”

61 (1) In section 75 of the said Act of 1968, in subsection (1) after the word " order " there shall be inserted the words " or an order under section 74(3) of this Act relating to a training school ".

(2) In subsection (2) of that section, for the words from " under ", where it first occurs, to " 1944 " there shall be substituted the words " by a care order (other than an interim order) within the meaning of the Children and Young Persons Act 1969 or an order under section 74(3) of this Act " and after the word " 1947 " there shall be inserted the words " or the said section 74(3) ".

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- (3) In subsection (3) of that section, after the words "training school order" there shall be inserted the words " or order under the said section 74(3) relating to a training school ".
- (4) In subsection (4) of that section after the word " order " there shall be inserted the words " under the said section 74(3) or ".
- 62 In section 76(4) of the said Act of 1968, after the word " order " there shall be inserted the words " or order under section 74(3) of this Act relating to a training school ".
- 63 In section 90(1) of the said Act of 1968, the words " or to prescribe any matter," shall be omitted.
- 64 In section 94(1) of the said Act of 1968—
- (1) after the definition of "place of safety" there shall be inserted the words—
- “prescribed " means—
- (a) in section 3, prescribed by regulations,
- (b) in section 44, prescribed by rules, and
- (c) in sections 62(2), 66(1) and (2), 94, paragraphs 2(2) and (3), 4(3) and (4) of Schedule 7, prescribed by order.”.
- (2) in the definition of " supervision order" after the word " 1963 " there shall be inserted the words " and includes a supervision order within the meaning of the Children and Young Persons Act 1969
- 65 In section 97(1) of the said Act of 1968—
- (1) after the words "that is to say—" there shall be inserted the words " section 44(1) (except head (b)) and (1A) ",
- (2) after the words " Part V " there shall be inserted the words " section 98(3) " and " Schedule 2, paragraphs 7 and 13 ".
- 66 In section 98 of the said Act of 1968, after subsection (2) there shall be inserted the following subsection:—
- “(3) An order under this section may make such transitional provisions as appear to the Secretary of State to be necessary or expedient in connection with the provisions thereby brought into force, including such adaptations of those provisions or of any provision of this Act then in force as appear to the Secretary of State necessary or expedient for the purposes or in consequence of the operation of any provision of this Act before the coming into force of any other provision of this Act or of the Children and Young Persons Act 1969.”
- 67 In Schedule 2 to the said Act of 1968, in paragraph 10, to section 50 of the Children and Young Persons (Scotland) Act 1937 as substituted by that paragraph, there shall be added the following subsection:—
- “(2) The provisions of the foregoing subsection so far as they relate to section 54 of this Act shall extend to England and Wales.”
- 68 In Schedule 2 to the said Act of 1968, in paragraph 19, after the word " children" there shall be inserted the words " , for the word ' offenders' there shall be substituted

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the word ' children', and for the word ' offender' in the three places where that word occurs there shall be substituted the word ' child ' " .

69 In Schedule 7 to the said Act of 1968, in paragraph 1(1)(a), for the words " section 63 " there shall be substituted the words " section 62 " .

70 In Schedule 8 to the said Act of 1968, in paragraph 7—

(a) for sub-paragraph (1) of that paragraph there shall be substituted the following sub-paragraph:—

“(1) In section 87, for subsection (1), there shall be substituted the following subsection—

“(1) Any person detained in a training school under the law in force in Northern Ireland may, with the consent of the Secretary of State, be transferred by order of the competent authority in Northern Ireland to such place in Scotland as the Secretary of State may direct for the purposes of undergoing residential training, and shall be subject to the provisions of this Act and of the Criminal Justice (Scotland) Act 1963 as if the order sending him to the school in Northern Ireland were an order for committal for residential training made under section 58A of this Act made upon the same date, and as if the order were an authority for his detention for a period not exceeding the period for which he might be detained under the training school order made in respect of him.;”

(b) in sub-paragraph (2) of that paragraph at the end there shall be inserted the words " ; and in section 87(2) and (4) the words " England or", wherever they occur, shall be omitted " ;

(c) in sub-paragraph (3) of that paragraph the words " to such " shall be omitted ;

(d) after sub-paragraph (3) of that paragraph there shall be inserted the following sub-paragraphs—

“(4) In section 87(5) the words " in relation to England, the Secretary of State, and," shall be omitted.

(5) In section 87 subsection (6) shall be omitted.”

71 In Schedule 8 to the said Act of 1968, in paragraph 9(2), for the word " for " there shall be substituted the word " of " .

72 In Schedule 8 to the said Act of 1968, in paragraph 10, at the end there shall be inserted 'the following words—

“after the definition of " Street" there shall be inserted the following definition—
“ Training school order ' has the same meaning as in the Social Work (Scotland) Act 1968””

73 In Schedule 8 to the said Act of 1968, in paragraph 17(1), for the words " in Scotland " there shall be substituted the words " , within the meaning of the Social Work (Scotland) Act 1968 " .

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74 In Schedule 8 to the said Act of 1968, in paragraph 38, for the words "In section 15(4)" there shall be substituted the words—

“(1) In section 15(3), for the words "the last mentioned order" there shall be substituted the words " or to the care of a local authority by a care order (other than an interim order) in force under the Children and Young Persons Act 1969, the fit person order or care order as the case may be

(2) In subsection (4)”.

75 In Schedule 8 to the said Act of 1968, in sub-paragraph (1) of paragraph 51, for the words from "include" where it secondly occurs to the end of the sub-paragraph there shall be substituted the words " include " ; and paragraph (e) shall be omitted."

76 In Schedule 8 to the said Act of 1968, in paragraph 54, for the word " and " where that word first occurs there shall be substituted the word " or " and after the words " " by virtue of" " there shall be inserted the words " where those words secondly occur ".

77 In Schedule 8 to the said Act of 1968, after paragraph 59, there shall be inserted the following paragraph:—

“Criminal Justice Act 1961

59A In section 32(2), after paragraph (g), there shall be inserted the following paragraph—

“(h) section 58A of the Children and Young Persons (Scotland) Act 1937.””

78 In Schedule 8 to the said Act of 1968, for paragraph 74(1), there shall be substituted the following sub-paragraph—

“74 (1) For section 11(1)(a) there shall be substituted the following paragraph—

“(a) during which his or her residence in a residential establishment is required by a supervision requirement made under section 44 of the Social Work (Scotland) Act 1968, and the child is not absent from the residential establishment under supervision ;”

in paragraph (b), for the words " the said Act of 1937 ", there shall be substituted the words " the Children and Young Persons (Scotland) Act 1937 " , after paragraph (b) there shall be inserted the following paragraph:—

“(bb) during which the child is liable to undergo residential training under committal by virtue of section 58A of the said Act of 1937, and is not released under that section ;”

and for paragraph (c) there shall be substituted the following paragraph:

—
“(c) during which the child is accommodated by virtue of rules made by the Secretary of State under section 45 of the Social Work (Scotland) Act 1968””

79 In Part I of Schedule 9 to the said Act of 1968, in the entry relating to the Children and Young Persons (Scotland) Act 1937, in the third column, after the words " Sections 68 to 86 " there shall be inserted the following words:—

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“In section 87(2) and (4) the words " England or " wherever they occur, in subsection (5) the words " in relation to England, the Secretary of State, and " and subsection (6).”

80 In Part I of Schedule 9 to the said Act of 1968, in the entry relating to the Children Act 1958, in the third column, for the words " Section 2(6) and (7) " there shall be substituted the words—

“In section 2, in subsection (4) the words from " or by virtue of " to " of an approved school ", and subsections (6) and (7).”

81 In Part I of Schedule 9 to the said Act of 1968, in the entry relating to section 15(3) of the Adoption Act 1958, in the third column, for the words "'or the Children' to '1937'" there shall be substituted the following words "' fit person by' to ' care of a' and the words ' fit person order or' and ' as the case may be ' ".

82 In Part II of Schedule 9 to the said Act of 1968, in the entry relating to the Children Act 1958, in the third column, the entry relating to section 17 shall be omitted.

83 In Part II of Schedule 9 to the said Act of 1968, in the entry relating to the Family Allowances Act 1965, in the third column, for the words from " 11," to "(2)," there shall be substituted the word " 11(2), ".