

## SCHEDULES

### SCHEDULE 5

Section 72(3).

#### MINOR AND CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

##### *The Police (Property) Act 1897*

- 1 The Police (Property) Act 1897 (which makes provision for the disposal of property in the possession of the police) shall apply to property which has come into the possession of the police in connection with an allegation, in proceedings under section 1 of this Act, that the condition set out in subsection (2)(f) of that section is satisfied as it applies to property which has come into the possession of the police in the circumstances mentioned in that Act.

##### *The Act of 1933*

- 2 In section 10 of the Act of 1933, after subsection (1) there shall be inserted the following subsection:—
- “(1A) Proceedings for an offence under this section shall not be instituted except by a local education authority; and before instituting such proceedings the authority shall consider whether it would be appropriate, instead of or as well as instituting the proceedings, to bring the child or young person in question before a juvenile court under section 1 of the Children and Young Persons Act 1969.”
- 3 In section 34(2) of the Act of 1933, after the words "be taken " there shall be inserted the words " by the person who arrested him " .
- 4 In section 46 of the Act of 1933, after subsection (1) there shall be inserted the following subsection:—
- “(1A) If a notification that the accused desires to plead guilty without appearing before the court is received by the clerk of a court in pursuance of section 1 of the Magistrates' Courts Act 1957 and the court has no reason to believe that the accused is a child or young person, then, if he is a child or young person he shall be deemed to have attained the age of seventeen for the purposes of subsection (1) of this section in its application to the proceedings in question.”
- 5 In section 55(1) of the Act of 1933, for the words "charged with" there shall be substituted the words " found guilty of " and after the word "care" there shall be inserted the words " or control " .
- 6 In section 56(1) of the Act of 1933, for the word "resides" there shall be substituted the words " habitually resides " .
- 7 Section 63 of the Act of 1933 shall cease to have effect.

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- 8            In section 86(1) of the Act of 1933 for the words from "an order" to "approved school" there shall be substituted the words " a care order which is not an interim order has been made in respect of a child or young person ".
- 9            (1) In subsection (1) of section 87 of the Act of 1933, for the words from " an order has " to " same time, and " there shall be substituted the words " a care order which is not an interim order has been made in respect of a child or young person then, subject to section 62 of the Children and Young Persons Act 1969 ".
- (2) For subsection (2) of that section, there shall be substituted the following subsection:  
               —  
                   “(2) A contribution order in respect of a child or young person may be made on the application of the local authority entitled to receive contributions in respect of him.”
- (3) In subsection (3) of that section for the words from "in the case ", in the first place where they occur, onwards there shall be substituted the words " as long as the child or young person to whom it relates is in the care of the local authority concerned ".
- 10           (1) In subsection (1) of section 88 of the Act of 1933 for the words from " ordered " to " approved school" there shall be substituted the words " the subject of a care order (other than an interim order) " ; for the words " that court" there shall be substituted the words " the court which makes the order " ; for the words " the person who is " there shall be substituted the words " the local authority who are ", and for the words " the persons by whom, and in the circumstances in which " there shall be substituted the words " the local authorities by whom ".
- (2) In subsection (2)(c) of that section, for the words " person who was" there shall be substituted the words " local authority who were ".
- (3) In subsection (4) of that section, for paragraphs (a) and (b) there shall be substituted the words " after the child or young person to whom that order relates has ceased to be the subject of the care order by virtue of which the order under this " section was made or, where this section applies by virtue of section 23 of the Children Act 1948, after he has ceased to be in the care of a local authority under section 1 of that Act or, in either case, if he is allowed by the local authority to be under the charge and control of a parent, guardian, relative or friend, although remaining in the care of the local authority ".
- 11           In section 106(2)(a) of the Act of 1933, for the words from " fifty-seven " to " Schedule to " there shall be substituted the words " eighty-seven and eighty-eight of ".
- 12           (1) In section 107(1) of the Act of 1933, after the words " that is to say " there shall be inserted the following words:—  
                   “" care order " and " interim order " have the same meanings as in the Children and Young Persons Act 1969.”
- (2) In the said section 107(1), in the definition of "place of safety ", for the words " any home provided by a local authority under Part II of the Children Act 1948 any remand home or " there shall be substituted the words " a community home provided by a local authority or a controlled community home, any
- (3) Section 107(2) of the Act of 1933 shall cease to have effect.

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*The Education Act 1944*

13 For subsections (2) to (5) of section 40 of the Education Act 1944 there shall be substituted the following subsections:—

“(2) Proceedings for such offences as aforesaid shall not be instituted except by a local education authority; and before instituting such proceedings the authority shall consider whether it would be appropriate, instead of or as well as instituting the proceedings, to bring the child in question before a juvenile court under section 1 of the Children and Young Persons Act 1969.

(3) The court by which a person is convicted of an offence against section 37 of this Act or before which a person is charged with an offence against section 39 of this Act may if it thinks fit direct the authority who instituted the proceedings to bring the child to whom the proceedings relate before a juvenile court under the said section 1 ; and it shall be the duty of the authority to comply with the direction.

(4) Where a child in respect of whom a school attendance order is in force is brought before a juvenile court by a local education authority under the said section 1 and the court finds that the condition set out in subsection (2)(e) of that section is not satisfied with respect to him, the court may direct that the order shall cease to be in force.”

*The Children Act 1948*

14 In section 4(3) of the Children Act 1948, the proviso shall cease to have effect.

15 In section 20(1) of the said Act of 1948, for the words "any such person as is mentioned in subsection (1) of the last foregoing section" there shall be substituted the words " any person over compulsory school age but under the age of twenty one who is, or has at any time after ceasing to be of compulsory school age been, in the care of a local authority ".

16 In section 23(1) of the said Act of 1948 for the words from " committed " in the second place where it occurs to the end of the subsection there shall be substituted the words " in the care of a local authority by virtue of such an order as is mentioned in subsection (1) of the said section 86 ".

17 (1) In section 26(1) of the said Act of 1948 for paragraph (b) there shall be substituted the following paragraph:—

“(b) an illegitimate child is in the care of a local authority by virtue of such an order as is mentioned in section 86(1) of the Children and Young Persons Act 1933, or.”

(2) In subsections (3) and (4)(b) of the said section 26, for the words " person who is " there shall be substituted the words " local authority who are ", and in subsection (4) of that section for the words " (b) or (c) " there shall be substituted the words " or (b) ".

18 In section 39(1) of the said Act of 1948 after paragraph (h) there shall be inserted the following paragraph:—

“(i) the Children and Young Persons Act 1969.”

19 In section 43(1) of the said Act of 1948 for the words from " Parts IV and V " onwards there shall be substituted the words " the Children and Young Persons Acts 1933 to 1969, the Adoption Act 1958 and the Adoption Act 1968 ".

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- 20 (1) In subsection (1) of section 51 of the said Act of 1948, for the words from " homes" to " this Act" there shall be substituted the words " community homes provided by them or in controlled community homes " and at the end of that subsection there shall be added the words " or sections 2(5), 16(3) or 28 of the Children and Young Persons Act 1969 and of children detained by them in pursuance of arrangements under section 29(3) of that Act ".
- (2) In subsection (3) of the said section 51, for the words from "home " to " this Act " there shall be substituted the words " community home provided by a local authority or a controlled community home ".
- 21 (1) In subsection (3) of section 54 of the said Act of 1948, after the word " area " in the first place where it occurs there shall be inserted the words " other than community homes " and after the word " any " in the last place where it occurs, there shall be inserted the word " such ".
- (2) In subsection (4) of that section, for the words from " as a fit person " to the end of the subsection there shall be substituted the words " by a care order within the meaning of the Children and Young Persons Act 1969 or by a warrant under section 23(1) of that Act. "
- (3) In subsection (5) of that section, for the words from "ninety-four " to " 1933 " there shall be substituted the words " section 58 of the Children and Young Persons Act 1969 ".
- 22 In section 59(1) of the said Act of 1948, at the end of the definition of " child" there shall be added the words " and any person who has attained that age and is the subject of a care order within the meaning of the Children and Young Persons Act 1969 ".

*The Criminal Justice Act 1948*

- 23 In section 19(1) of the Criminal Justice Act 1948, after the words " who is" there shall be inserted the words " not less than seventeen but ".
- 24 For section 27 of the said Act of 1948 there shall be substituted the following section:—

**“27 Remand of persons aged 17 to 20.**

- (1) Where a court remands a person charged with or convicted of an offence or commits him for trial or sentence and he is not less than seventeen but under twenty-one years old and is not released on bail, 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.
- (2) Where a person is committed to a remand centre in pursuance of this section, the centre shall be specified in the warrant and he shall be detained there for the period for which he is remanded or until he is delivered thence in due course of law.
- (3) In this section "court" includes a justice ; and nothing in this section affects the provisions of section 105(5) of the Magistrates' Courts Act 1952 (which provides for remands to the custody of a constable).”

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*The Criminal Justice (Scotland) Act 1949*

25 In section 7 of the Criminal Justice (Scotland) Act 1949, after the words " that the offender" in subsection (1) and " that the probationer " in subsection (2) there shall be inserted the words " has attained the age of seventeen and ".

26 After section 7 of the said Act of 1949 there shall be inserted the following section:  
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**“7A Further provisions as to probation orders relating to persons residing or formerly residing in England.**

- (1) Where the court by which a probation order is made under section 2 of this Act or subsection (6) of this section is satisfied that the person to whom the order relates is under the age of seventeen and resides or will reside in England, subsection (2) of the said section 2 shall not apply to the order but the order shall name the petty sessions area in which that person resides or will reside and the court shall send notification of the order to the clerk to the justices for that area.
- (2) Where a probation order has been made under section 2 of this Act or subsection (6) of this section and the court which made the order or the appropriate court is satisfied that the person to whom the order relates is under the age of seventeen and proposes to reside or is residing in England, the power of that court to amend the order under Schedule 2 to this Act shall include power, without summoning him and without his consent, to insert in the order the name of the petty sessions area aforesaid; and where the court exercises the power conferred on it by virtue of this subsection it shall send notification of the order to the clerk aforesaid.
- (3) A court which sends a notification to a clerk in pursuance of the foregoing provisions of this section shall send to him with it three copies of the probation order in question and such other documents and information relating to the case as it considers likely to be of assistance to the juvenile court mentioned in the following subsection.
- (4) It shall be the duty of the clerk to whom a notification is sent in pursuance of the foregoing provisions of this section to refer the notification to a juvenile court acting for the petty sessions area named in the order, and on such a reference the court—
  - (a) may make a supervision order under the Children and Young Persons Act 1969 in respect of a person to whom the notification relates ; and
  - (b) if it does not make such an order, shall dismiss the case.
- (5) A supervision order made by virtue of the foregoing subsection shall not include a requirement authorised by section 12 of the said Act of 1969 unless the supervised person is before the court when the supervision order is made, and in relation to a supervision order made by virtue of that subsection—
  - (a) section 15 of that Act shall have effect as if in subsection (4) paragraph (b) and the words following it were omitted ; and
  - (b) section 17(a) of that Act shall have effect as if the second reference to the supervision order were a reference to the probation order in consequence of which the supervision order is made ;

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and when a juvenile court disposes of a case referred to it in pursuance of the foregoing subsection, the probation order in consequence of which the reference was made shall cease to have effect.

- (6) The court which, in pursuance of subsection (1) of section 73 of the Social Work (Scotland) Act 1968, considers a case referred to it in consequence of a notification under paragraph (i) of that subsection (which relates to a case in which a person subject to a supervision order made by virtue of this section moves to Scotland)—
- (a) may, if it is of opinion that the person to whom the notification relates should continue to be under supervision, make a probation order in respect of him for a period specified in the order; and
  - (b) if it does not make such an order, shall dismiss the case ;
- and when the court disposes of a case in pursuance of this subsection the supervision order aforesaid shall cease to have effect.
- (7) Notwithstanding any provision to the contrary in section 2 of this Act, a probation order made by virtue of the foregoing subsection which includes only requirements having the like effect as any requirement or provision of the supervision order to which the notification relates may be made without summoning the person to whom the notification relates and without his consent, and shall specify a period of supervision which shall expire not later than the date on which that supervision order would have ceased to have effect by the effluxion of time; and, except as aforesaid, Part I of this Act shall apply to that probation order.
- (8) In this section " petty sessions area " has the same meaning as in the said Act of 1969."

*The Sexual Offences Act 1956*

- 27 In section 37(7) of the Sexual Offences Act 1956, for the words " section twenty or twenty-one of the Magistrates' Courts Act 1952 (which relate " in paragraph (a) there shall be substituted the words " section 6 of the Children and Young Persons Act 1969 (which relates " and for the words " that Act" in paragraph (b) there shall be substituted the words " the Magistrates' Courts Act 1952 ".

*The Affiliation Proceedings Act 1957*

- 28 (1) In section 5(2)(a) of the Affiliation Proceedings Act 1957, for the words from " fit person " to " school" there shall be substituted the words " local authority ".
- (2) In section 7(4) of that Act, for paragraph (a) there shall be substituted the following paragraph:—
- “(a) subject to the next following subsection, so as to require payments thereunder to be made in respect of any period when the child is in the care of a local authority under section 1 of the Children Act 1948 or by virtue of a care order (other than an interim order) within the meaning of the Children and Young Persons Act 1969;”
- (3) In section 7(6) of that Act, for the words from " a person " onwards there shall be substituted the words " by virtue of such a care order as aforesaid ".

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#### *The Children Act 1958*

- 29 In section 2(4) of the Children Act 1958, for the words " supervision order or " there shall be substituted the words " supervision order within the meaning of the Children and Young Persons Act 1969 or a ".
- 30 In section 9 of the said Act of 1958, after the words " foster child " there shall be inserted the words " for reward ".
- 31 In section 12(1) of the said Act of 1958, for the words " one month " there shall be substituted the words " two weeks ".
- 32 In section 17 of the said Act of 1958, after the words "that is to say " there shall be inserted the words " approved school " has the same meaning as in the Children and Young Persons (Scotland) Act 1937; " and, in the definition of " place of safety ", for the word " home " in the first place where it occurs there shall be substituted the words " community home " and for the words " under Part II of the Children Act 1948, remand" there shall be substituted the words " a controlled community ".

#### *The Adoption Act 1958*

- 33 (1) In section 4(3) of the Adoption Act 1958, for paragraph (a) there shall be substituted the following paragraph:—
- “(a) section 24 of the Children and Young Persons Act 1969 (which relates to the powers and duties of local authorities with respect to persons committed to their care in pursuance of that Act).”
- 34 In section 15(3) of the said Act of 1958, 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 ".
- 35 In section 37(2) of the said Act of 1958, for the words " (4) or (5) " there shall be substituted the words " or (4) ".
- 36 In section 57(1) of the said Act of 1958, in the definition of " place of safety ", for the word " home " in the first place where it occurs there shall be substituted the words " community home " and for the words " under Part II of the Children Act 1948, remand " there shall be substituted the words " a controlled community ".

#### *The Mental Health Act 1959*

- 37 (1) In subsection (1) of section 9 of the Mental Health Act 1959 for the words from " or other accommodation " to " section fifteen of that Act" there shall be substituted the words " provided under section 38 of the Children and Young Persons Act 1969 " and for the words " that Act" there shall be substituted the words " the Children Act 1948 ".
- (2) In subsection (2) of the said section 9, for the words "or other accommodation provided under the said section fifteen " there shall be substituted the words " provided under the said section 38 ".
- 38 In section 10(1)(a) of the said Act of 1959 for sub-paragraph (i) there shall be substituted the following sub-paragraph:—
- “(i) section 24 of the Children and Young Persons Act 1969 (which relates to the powers and duties of local authorities

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with respect to persons committed to their care in pursuance of that Act).”

39 In section 50 of the said Act of 1959, for paragraph (a) there shall be substituted - the following paragraph:—

“(a) section 24 of the Children and Young Persons Act 1969 (which relates to the powers and duties of local authorities with respect to persons committed to their care in pursuance of that Act).”

40 In section 60(6) of the said Act of 1959, after the word " offence" there shall be inserted the words " or make any such order as is mentioned in paragraphs (b) or (c) of section 7(7) of the Children and Young Persons Act 1969 in respect of the offender " .

41 In section 62(4) of the said Act of 1959 for the words " section 62 of the Children and Young Persons Act 1933 " there shall be substituted the words " section 1 of the Children and Young Persons Act 1969 " .

*The Mental Health (Scotland) Act 1960*

42 In section 10(1)(a) of the Mental Health (Scotland) Act 1960, for sub-paragraph (ii) there shall be substituted the following sub-paragraph :—

“(ii) section 24 of the Children and Young Persons Act 1969 (which relates to the powers and duties of local authorities in England and Wales with respect to persons committed to their care).”

43 In section 46 of the said Act of 1960, for paragraph (b) there shall be substituted the following paragraph:—

“(b) section 24 of the Children and Young Persons Act 1969 (which relates to the powers and duties of local authorities in England and Wales with respect to persons committed to their care).”

*The Criminal Justice Act 1961*

44 For section 5(1) of the Criminal Justice Act 1961 there shall be substituted the following:—

**“5 Defaulters already detained in detention centre.**

(1) Where a court has power to commit a person to prison for any term for a default and that person has attained the age of seventeen and is detained in a detention centre under a previous sentence or warrant, the court may, subject to the provisions of this section, commit him to a detention centre for a term not exceeding the term aforesaid or six months, whichever is the shorter.”

45 In section 9 of the said Act of 1961, for the words from the beginning to " that Act", where they first occur, there shall be substituted the words " Where an order for conditional discharge under section seven of the Criminal Justice Act 1948 " .

46 In section 29(3)(a) of the said Act of 1961, for the words " that Act" there shall be substituted the words " the Children and Young Persons Act 1933 " .



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### *The Act of 1963*

- 47 In section 3(1) of the Act of 1963, for the words " section 62 of the principal Act" there shall be substituted the words " section 1 of the Children and Young Persons Act 1969 ".
- 48 In section 23 of the Act of 1963, in subsection (1)(b), for the words " that Act " there shall be substituted the words " the principal Act " and, in subsection (5), for the words from " for his detention " onwards there shall be substituted the words " within the meaning of the Children and Young Persons Act 1969 ".
- 49 In section 29(1) of the Act of 1963, for the words "before a juvenile court under section 62 or section 65 of the principal Act" there shall be substituted the words " under section 1 of the Children and Young Persons Act 1969 or for an offence " ; and section 29(2) of the Act of 1963 shall cease to have effect.
- 50 (1) In subsection (1) of section 30 of the Act of 1963, for the words " the person who " there shall be substituted the words " the local authority who ".
- (2) In subsection (3) of that section, for the words " subsections (3) and (4)" there shall be substituted " subsection (3) " and at the end of that subsection there shall be added the words " section 62 of the Children and Young Persons Act 1969 ".
- (3) In subsection (4) of that section for the words from " a magistrates' court", in the first place where they occur, to the end of the subsection there shall be substituted the words " a magistrates' court acting for the area or part of the area of the local authority which is the applicant. "
- (4) In subsection (5) of that section for the words " 14(1) of this Act keep the person " there shall be substituted the words " 24(8) of the Children and Young Persons Act 1969 keep the local authority ".
- 51 In section 45(1) of the Act of 1963, after the words "the Children Act 1958 " there shall be inserted the words " the Children and Young Persons Act 1969 ".
- 52 In section 49(1) of the Act of 1963, for the words "section 3(3)", there shall be substituted the words " section 13(2) " and for the words " over the care " in both places there shall be substituted the word " charge ".
- 53 For subsection (3) of section 57 of the Act of 1963 there shall be substituted the following subsection:—
- “(3) The said sections 39 and 49 shall extend to Scotland and the said sections 46 and 54 shall extend to England and Wales, but—
- (a) references to a court in the said sections 39 and 49 shall not include a court in Scotland ; and
- (b) references to a court in the said sections 46 and 54 shall not include a court in England or Wales.”

### *The Family Allowances Act 1965*

- 54 (1) In subsection (1)(b) of section 11 of the Family Allowances Act 1965, for the words " said Act of " there shall be substituted the words " Children and Young Persons Act ".
- (2) In subsection (2) of that section for the words "said Act of 1933 " there shall be substituted the words " Children and Young Persons Act 1969 (other than an interim order) " and for the words from "5(1)" to " 1956 " there shall be substituted the words " 13(2) of the Children Act 1948 ".

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- (3) In subsection (3) of that section, for the words " 3 or 4 " there shall be substituted the words " 4 or 13(2) ".

*The Criminal Justice Act 1967*

- 55 In sections 2 and 9 of the Criminal Justice Act 1967, after subsection (3) of each section there shall be inserted the following subsection:—

“(3A) In the case of a statement which indicates in pursuance of subsection (3) (a) of this section that the person making it has not attained the age of fourteen, subsection (2)(b) of this section shall have effect as if for the words from " made " onwards there were substituted the words " understands the importance of telling the truth in it. ””

- 56 In section 3(3) of the Criminal Justice Act 1967, for the words " 19 or 20 of the Magistrates' Courts Act 1952 " there shall be substituted the words " or 19 of the Magistrates' Courts Act 1952 or section 6 of the Children and Young Persons Act 1969 ".

*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 ".

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- (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 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.”

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- 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) ".
- (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.”

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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 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—

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“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 " .

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 ;”

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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:—

“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), " .