



Children and Young Persons (Scotland) Act 1937

1937 CHAPTER 37

PART V

REMAND HOMES, APPROVED SCHOOLS AND PERSONS TO WHOSE CARE CHILDREN AND YOUNG PERSONS MAY BE COMMITTED

Approved Schools

83 Approval of schools

(1) The managers of any school intended for the education and training of persons to be sent there in pursuance of this Act may apply to the Scottish Education Department to approve the school for that purpose, and the Scottish Education Department may, after making such inquiries as they think fit, approve the school for that purpose and issue a certificate of approval to the managers.

(2) If at any time the Scottish Education Department are dissatisfied with the condition or management of an approved school, or consider its continuance as an approved school unnecessary, they may by notice served on the managers withdraw the certificate of approval of the school as from a date specified in the notice, not being less than six months after the date of the notice, and upon the date so specified (unless the notice is previously withdrawn) the withdrawal of the certificate shall take effect and the school shall cease to be an approved school:

Provided that the Scottish Education Department, instead of withdrawing the certificate of approval, may by a notice served on the managers of the school prohibit the admission of persons to the school for such time as may be specified in the notice, or until the notice is revoked.

(3) The managers of an approved school may, on giving six months' notice in writing to the Scottish Education Department of their intention so to do, surrender the certificate of approval of the school, and at the expiration of six months from the date of the

notice (unless the notice is previously withdrawn), the surrender of the certificate shall take effect, and the school shall cease to be an approved school.

- (4) No person shall in pursuance of this Act be received into the care of the managers of an approved school after the date of the receipt by the managers of the school of a notice of withdrawal of the certificate of approval of the school or after the date of a notice of intention to surrender the certificate; but the obligations of the managers with respect to persons under their care at the respective dates aforesaid shall continue until the withdrawal or surrender takes effect.
- (5) The Scottish Education Department shall cause any grant of a certificate of approval of an approved school, and any notice of the withdrawal of, or intention to surrender, such a certificate, to be advertised within one month from the date thereof in the Edinburgh Gazette.

84 Provision of approved schools by education authorities

- (1) An education authority may, with the approval of the Scottish Education Department, undertake, or combine with any other education authority in undertaking, or contribute such sums of money upon such conditions as they may think fit towards, the purchase, establishment, building, alteration, enlargement, rebuilding or management of an approved school:

Provided that, before giving their approval, the Scottish Education Department shall satisfy themselves that the proposed expenditure is reasonable and, where it is proposed to purchase, build or establish a new school, that there is a deficiency of approved school accommodation which cannot properly be remedied in any other way.

- (2) In the event of a deficiency of approved school accommodation, it shall be the duty of every education authority concerned to take, either alone or in combination with other education authorities, appropriate steps under this section to remedy the deficiency.

85 Classification, administration and management

- (1) The Scottish Education Department may classify approved schools according to the age of the persons for whom they are intended, the religious persuasion of such persons, the character of the education and training given therein, their geographical position, and otherwise as they think best calculated to secure that a person sent to an approved school is sent to a school appropriate to his case, or as may be necessary for the purposes of this Act.
- (2) The managers of an approved school shall be bound to accept any person who in pursuance of this Act is sent or transferred to their school or otherwise to their care, unless—
 - (a) the school is a school for persons of a particular religious persuasion not being that of the person whom it is proposed to send or transfer; or
 - (b) the school is a school provided by an education authority which is not, or by a combination of education authorities no one of which is, liable to make contributions in respect of the person whom it is proposed to send or transfer; or
 - (c) the managers of the school satisfy the Scottish Education Department that there are already as many persons detained in that school, or, as the case may be, otherwise under their care, as is desirable.

- (3) The provisions set out in the Second Schedule to this Act shall have effect in relation to the administration of approved schools and the treatment of persons sent thereto.

86 Escapes from approved schools, and c

- (1) Any person who has been ordered to be sent to an approved school and who—
- (a) escapes from the school in which he is detained, or from any hospital, home or institution in which he is receiving medical attention; or
 - (b) being absent from his school on temporary leave of absence or on licence, runs away from the person in whose charge he is, or fails to return to the school upon the expiration of his leave, or upon the revocation of his licence; or
 - (c) being absent from his school under supervision, fails to return to the school upon being recalled,
- may be apprehended without warrant, and may (any other Act to the contrary notwithstanding) be brought before a court of summary jurisdiction having jurisdiction where he is found, or where his school is situate; and that court may (notwithstanding any limitations contained in this Act upon the period during which he may be detained in an approved school) order him—
- (i) if he is under the age of sixteen years, to be brought back and to have the period of his detention in the school increased by such period not exceeding six months as the court may direct; or
 - (ii) if he has attained the age of sixteen years, to be brought back and to have the period of his detention so increased, or to be sent to a Borstal institution for two years.
- (2) Where a person is under the last foregoing subsection brought back to his school, the period of his detention shall (notwithstanding any limitations contained in this Act upon the period during which he may be detained in an approved school) be increased, over and above any increase ordered by a court, by a period equal to the period during which he was unlawfully at large.
- (3) The expenses of bringing a person back to a school shall be borne by the managers of the school.
- (4) If any person knowingly—
- (a) assists or induces a person to commit any such offence as is mentioned in subsection (1) of this section; or
 - (b) harbours or conceals a person who has committed such an offence, or prevents him from returning,
- he shall, on summary conviction, be liable to be imprisoned for any term not exceeding two months, or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.
- (5) If a court of summary jurisdiction is satisfied by information on oath that such an offence as aforesaid has been committed and that there is reasonable ground for believing that some person named in the information could produce the offender, the court may make an order requiring that person to attend at the court on such day as may be specified in the order, and to produce the offender, and, if he fails to do so without reasonable excuse, he shall, in addition to any other liability to which he may be subject under the provisions of this Act, be liable on summary conviction to a fine not exceeding five pounds.

87 Power to send children and young persons from England, Northern Ireland, Isle of Man and Channel Islands to approved schools in Scotland

- (1) Any person detained in a school under the law in force in England or Northern Ireland may, with the consent of the Scottish Education Department, be transferred by order of the competent authority in England or Northern Ireland to an approved school in Scotland designated for the purpose by the Scottish Education Department, and after delivery to the managers of that school may be dealt with and shall be subject to the provisions of this Act as if the order sending him to the school in England or Northern Ireland were an approved school order made upon the same date by a juvenile court.
- (2) The Scottish Education Department may at any time by order direct that a person who under the last foregoing subsection has been transferred to an approved school in Scotland from a school in England or Northern Ireland shall be retransferred to the last-mentioned school, or to such other school as may be specified by the competent authority in England or Northern Ireland, and thereupon the managers of that school shall receive him accordingly.
- (3) If under any law of the Isle of Man or of any of the Channel Islands a court is empowered to order children or young persons under seventeen years of age to be sent to approved schools in Scotland and if by that law provision satisfactory to the Scottish Education Department is made—
 - (a) for the expenses of the conveyance of the children or young persons, and of their reconveyance when discharged, or released on licence;
 - (b) for contributions towards the expenses of the managers of the school; and
 - (c) for the contribution (if any) to be made by the parent or person legally liable to maintain a child or young person so sent, and the mode in which such contribution is to be raised,

a child or young person with respect to whom such an order is made by a court under the said law may be received into such approved school as the Scottish Education Department may direct, and after delivery to the managers of that school may be dealt with, and shall be subject to the provisions of this Act, as if the order sending him to the school were an approved school order made upon the same date by a juvenile court.
- (4) A person so ordered by the competent authority in England or Northern Ireland or by a court in the Isle of Man or the Channel Islands to be transferred or sent to an approved school in Scotland, or so ordered by the Scottish Education Department to be retransferred to a school in England or Northern Ireland, may be conveyed in the custody of any constable or other person acting under a warrant issued by the competent authority in England or Northern Ireland, or by a court in the Isle of Man or the Channel Islands, or by the Scottish Education Department, as the case may be, to the school to which he is ordered to be transferred, sent or retransferred, and he shall during his conveyance to that school be deemed to be in legal custody.
- (5) In this section the expression " competent authority " means, in relation to England, the Secretary of State, and, in relation to Northern Ireland, the Minister of Home Affairs for Northern Ireland, or such authority or person as may be designated by the Parliament of Northern Ireland to exercise the powers conferred by this section on the competent authority in Northern Ireland.