



# Children and Young Persons (Scotland) Act 1937

1937 CHAPTER 37 1 Edw 8 and 1 Geo 6

## PART VII

### MISCELLANEOUS AND GENERAL

100 .....<sup>F1</sup>

#### Textual Amendments

<sup>F1</sup> Ss. 100, 101(1) repealed by National Assistance Act 1948 (c. 29), s. 62, Sch. 7 Pt. III

#### 101 Powers, duties and expenses of local authorities, &c.

(1) .....<sup>F2</sup>

(2) Expenses incurred under this Act by an education authority shall be defrayed in like manner as expenses of the authority under [<sup>F3</sup>the Education (Scotland) Act 1962], . . .<sup>F4</sup>

Provided that expenses incurred in respect of a child or young person brought to a poorhouse under this Act shall form part of the establishment charges of the poorhouse.

[<sup>F5</sup>(2A) Expenses incurred under this Act by a local authority shall be defrayed in like manner as the expenses of that authority under the <sup>M1</sup>Social Work (Scotland) Act 1968.]

(3) Expenses incurred under this Act by a police authority shall be defrayed in like manner as expenditure for administration of the police, . . .<sup>F6</sup>

(4) .....<sup>F7</sup>

(5) .....<sup>F8</sup>

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons (Scotland) Act 1937, Part VII. (See end of Document for details)*

(7) A local authority, an education authority . . . <sup>F4</sup> or a committee to whom any powers of any such authority under this Act have been delegated, may by resolution empower the clerk or other officer of the authority to exercise in the name of the authority in any case which appears to him to be one of urgency any powers of the authority or, as the case may be, of the committee with respect to the institution of proceedings under this Act.

(8) . . . . . <sup>F9</sup>

**Textual Amendments**

**F2** Ss. 100, 101(1) repealed by National Assistance Act 1948 (c. 29), s. 62, **Sch. 7 Pt. III**

**F3** Words substituted by virtue of Interpretation Act 1978 (c. 30), s. 17(2)(a)

**F4** Words repealed by National Assistance Act 1948 (c. 29), s. 62, **Sch. 7 Pt. III**

**F5** S. 101(2A) inserted by Social Work (Scotland) Act 1968 (c. 49), **Sch. 8 para. 8**

**F6** Words repealed by Local Government (Scotland) Act 1947 (c. 43), s. 381, **Sch. 14**

**F7** S. 101(4) repealed by Valuation and Rating (Scotland) Act 1956 (c. 60), **Sch. 7 Pt. III**

**F8** Ss. 59(1), 60, 61, 65, 66, 68–81, 83–85, 87(6), 88–98, 101(5)(6), 106, 107(2), 109, 111, 112, Schs. 2, 3 repealed by Social Work (Scotland) Act 1968 (c. 49), s. 95, **Sch. 9 Pt. I**

**F9** S. 101(8) repealed by Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958 (c. 64), **Sch. 6 Pt. III**

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**Marginal Citations**

**M1** 1968 c. 49.

*Supplementary Provisions as to Legal Proceedings*

**102** . . . . . <sup>F10</sup>

**Textual Amendments**

**F10** S. 102 repealed by Children Act 1948 (c. 43), **Sch. 4 Pt. I**

**103** . . . . . <sup>F11</sup>

**Textual Amendments**

**F11** Ss. 24, 25, 39–45, 47–55, 57(1)(2), 58, 59(2)–(4), 63, 67, 103, Sch. 1 repealed by Criminal Procedure (Scotland) Act 1975 (c. 21), s. 460, **Sch. 10 Pt. I**

**104 Evidence of wages of defendant.**

In any proceedings under this Act a copy of an entry in the wages book of any employer of labour, or if no wages book be kept a written statement signed by the employer or by any responsible person in his employ, shall be evidence that the wages therein entered or stated as having been paid to any person, have in fact been so paid.

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## 105 Summary jurisdiction.

- (1) Subject to the provisions of this Act, all orders of a court of summary jurisdiction under this Act shall be made, and all proceedings in relation to any such orders shall be taken, in manner [<sup>F12</sup>provided by the <sup>M2</sup>Criminal Procedure (Scotland) Act 1975].
- (2) Any magistrate who, by virtue of a local Act had jurisdiction before the first day of April nineteen hundred and nine for any of the purposes of the <sup>M3</sup>Prevention of Cruelty to Children Act 1904, shall have jurisdiction for the like purposes of Part II of this Act.

### Textual Amendments

**F12** Words substituted by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), [Sch. 9 para. 11](#)

### Marginal Citations

**M2** 1975 c. 21.

**M3** 1904 c. 15.

## Supplementary Provisions as to Secretary of State

## 106 ..... <sup>F13</sup>

### Textual Amendments

**F13** Ss. 59(1), 60, 61, 65, 66, 68–81, 83–85, 87(6), 88–98, 101(5)(6), 106, 107(2), 109, 111, 112, Schs. 2, 3 repealed by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), s. 95, [Sch. 9 Pt. I](#)

## 107 †Exchequer grants and expenses of Secretary of State and Scottish Education Department.

- (1) There shall be paid out of money provided by Parliament—
  - (a) ..... <sup>F14</sup>
  - (b) any expenses incurred by the Secretary of State . . . <sup>F15</sup> in the administration of this Act.
- (2) ..... <sup>F16</sup>

### Textual Amendments

**F14** S. 107(1)(a) repealed by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), s. 95, [Sch. 9 Pt. I](#)

**F15** Words repealed by [Reorganisation of Offices \(Scotland\) Act 1939 \(c. 20\)](#), [Sch.](#)

**F16** Ss. 59(1), 60, 61, 65, 66, 68–81, 83–85, 87(6), 88–98, 101(5)(6), 106, 107(2), 109, 111, 112, Schs. 2, 3 repealed by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), s. 95, [Sch. 9 Pt. I](#)

### Modifications etc. (not altering text)

**C1** Unreliable marginal note.

## 108 ..... <sup>F17</sup>

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**Textual Amendments**

**F17** S. 108 repealed by [Reorganisation of Offices \(Scotland\) Act 1939 \(c. 20\)](#), [Sch.](#)

*General*

**109** ..... **F18**

**Textual Amendments**

**F18** Ss. 59(1), 60, 61, 65, 66, 68–81, 83–85, 87(6), 88–98, 101(5)(6), 106, 107(2), 109, 111, 112, Schs. 2, 3 repealed by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), s. 95, [Sch. 9 Pt. I](#)

**110 Interpretation.**

(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is say:—

..... **F19**  
“Borstal institution” means an institution established under [<sup>F20</sup>section 31 of the <sup>M4</sup>Prisons (Scotland) Act 1952];

“Certificate,” “exciseable liquor,” and “permitted hours” have the like meaning as in the Licensing (Scotland) Acts, 1903 to 1923;

“Child” (except [<sup>F21</sup>in [<sup>F22</sup>Parts III and IV]] of this Act) means a person under the age of fourteen years;

..... **F23**  
“Court of summary jurisdiction” means the sheriff or any two or more justices of the peace or any magistrate or magistrates by whatever name called officiating under the provisions of any general or local police Act;

“Guardian,” in relation to a child or young person, includes any person who, in the opinion of the court having cognizance of any case in relation to the child or young person or in which the child or young person is concerned, has for the time being the charge of or control over the child or young person;

..... **F24**  
“Justice” . . . <sup>F25</sup> includes the sheriff and any such magistrate as aforesaid;

..... **F26**  
“Legal guardian” in relation to a child or young person means a person appointed, according to law, to be his guardian by deed or will, or by order of a court of competent jurisdiction;

“Licensed premises” means premises for which a certificate within the meaning of the Licensing (Scotland) Acts, 1903 to 1923, is held, and “bar” in relation to any licensed premises means any open drinking bar or any part of the premises exclusively or mainly used for the sale and consumption of exciseable liquor;

[<sup>F27</sup>“Local authority” means a regional or islands council];  
..... **F24**

“Passage” includes common close, or common stair, or common passage;

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[<sup>F28</sup>“Place of Safety” has the same meaning as in the <sup>M5</sup>Social Work (Scotland) Act 1968];

F29

“Prescribed” means prescribed by regulations made by the Secretary of State . . .

<sup>F30</sup>.

“Public place” includes any public park, garden, sea beach or railway station, and any ground to which the public for the time being have or are permitted to have access, whether on payment or otherwise;

F31

[<sup>F32</sup>“Residential establishment” has the same meaning as in the <sup>M6</sup>Social Work (Scotland) Act 1968];

“Street” includes any highway and any public bridge, road, lane, footway, square, court, alley or passage whether a thoroughfare or not;

[<sup>F33</sup>“Training school order” has the same meaning as in the <sup>M7</sup>Social Work (Scotland) Act 1968];

“Young person” means a person who has attained the age of fourteen years and is under the age of seventeen years.

(2) . . . . . F34

(3) (a) For the purpose of any provision of this Act referring to a court acting for any place—

(i) a court entitled to exercise jurisdiction in any place shall be deemed to be a court acting for that place;

(ii) the sheriff court, and the justice of the peace court for any county . . . <sup>F25</sup> shall each be deemed to be a court acting for the same place as the burgh or police court of any burgh situated in that county or area, as the case may be;

(iii) the sheriff court for any county shall be deemed to be a court acting for the same place as the justice of the peace court for that county;

(iv) . . . . . F35

and save as aforesaid no court shall be deemed to be a court acting for the same place as any other court.

(b) . . . . . F34

(4) References in this Act to findings of guilty and findings that an offence has been committed shall be construed as including references to pleas of guilty and admissions that an offence has been committed.

(5) References in this Act to any enactment or to any provision in any enactment shall, unless the context otherwise requires, be construed as references to that enactment or provision as amended by any subsequent enactment including this Act.

#### Textual Amendments

**F19** Definitions repealed by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), s. 95, [Sch. 9 Pt. I](#)

**F20** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#), s. 17(2)(a)

**F21** Words substituted by [Education \(Scotland\) Act 1945 \(c. 37\)](#), [Sch. 4](#)

**F22** Words substituted by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), [Sch. 8 para. 10](#)

**F23** Definition repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), s. 460, [Sch. 9 para. 12](#)

**F24** Definitions repealed by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), s. 95, [Sch. 9 Pt. I](#)

**F25** Words repealed by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), s. 95, [Sch. 9 Pt. I](#)

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- F26** Definition repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 29**
- F27** Definition substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 27 Pt. II para. 81(a)**
- F28** Definition substituted by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), **Sch. 8 para. 10**
- F29** Definition repealed by [Police \(Scotland\) Act 1967 \(c. 77\)](#), s. 52, **Sch. 5 Pt. II**
- F30** Words repealed by [Reorganisation of Offices \(Scotland\) Act 1939 \(c. 20\)](#), **Sch.**
- F31** Definition repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), s. 460, **Sch. 9 para. 12**
- F32** Definition added by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), **Sch. 8 para. 10**
- F33** Definition inserted by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), **Sch. 8 para. 10**
- F34** [S. 110\(2\)\(3\)\(b\)](#) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 29**
- F35** [S. 110\(3\)\(a\)\(iv\)](#) repealed by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), s. 95, **Sch. 9 Pt. I**

**Modifications etc. (not altering text)**

- C2** Jurisdiction of justice of the peace courts, burgh courts and police courts now exercisable by district courts: [District Courts \(Scotland\) Act 1975 \(c. 20\)](#), **ss. 1(1)**, 3(1)
- C3** Reference to sheriff court for a county to be construed as reference to sheriff court of a sheriffdom: [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\)](#), **Sch. 1 para. 1**
- C4** The text of these definitions, now spent, is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.91

**Marginal Citations**

- M4** 1952. c. 61.
- M5** 1968 c. 49.
- M6** 1968 c. 49.
- M7** 1968 c. 49.

111, ..... <sup>F36</sup>  
112.

**Textual Amendments**

- F36** [Ss. 59\(1\)](#), 60, 61, 65, 66, 68–81, 83–85, 87(6), 88–98, 101(5)(6), 106, 107(2), 109, 111, 112, Schs. 2, 3 repealed by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), s. 95, **Sch. 9 Pt. I**

**113 †Short title, commencement, extent and repeals.**

- (1) This Act may be cited as the Children and Young Persons (Scotland) Act 1937.
- (2) ..... <sup>F37</sup>
- (3) Save as therein otherwise expressly provided, this Act shall extend only to Scotland.
- (4) ..... <sup>F37</sup>

**Textual Amendments**

- F37** [S. 113\(2\)\(4\)](#), **Sch. 4** repealed by [Statute Law Revision Act 1950 \(c. 6\)](#)

**Modifications etc. (not altering text)**

- C5** Unreliable marginal note.

**Status:**

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**Changes to legislation:**

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