



# Children and Young Persons Act 1933

1933 CHAPTER 12 23 and 24 Geo 5

## PART VI

### SUPPLEMENTAL

#### *General*

#### **105 Variation of Orders in Council.**

An Order in Council under this Act may be revoked or varied by any subsequent Order in Council.

#### **106 Provisions as to documents, &c.**

(1) An order or other act of the Secretary of State under this Act may be signified under the hand of the Secretary of State or an Under-Secretary of State or an Assistant Under-Secretary [<sup>F1</sup>or, in the case of a direction under section 53(1) or (2) above, of any authorised officer].

(2) A document purporting to be a copy—

(a) of an order made by a court under or by virtue of any of the provisions contained in sections fifty-six, fifty-seven and sixty-two to ninety of this Act or in the Fourth Schedule to this Act

(b) ..... F2

(c) ..... F3

shall, if it purports to be certified as a true copy by the clerk of the court, be evidence of the order.

(3) The production of a copy of the London Gazette containing a notice of the grant, or of the withdrawal or surrender, of a certificate of approval of an approved school shall be sufficient evidence of the fact of a certificate having been duly granted to the school named in the notice, or of the withdrawal or surrender of such a certificate, and the grant of a certificate of approval of an approved school may also be proved by the

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production of the certificate itself, or of a document purporting to be a copy of the certificate and to be authenticated as such by an Under-Secretary of State or Assistant Under-Secretary.

- (4) Any notice or other document required or authorised by this Act to be served on the managers of an approved school may, if those managers are a local authority or a joint committee representing two or more local authorities, be served either personally or by post upon their clerk, and in any other case, may be served either personally or by post upon any one of the managers, or their secretary, or the headmaster of the school.
- (5) An order, licence, or other document may be authenticated on behalf of the managers of an approved school, if they are a local authority or a joint committee representing two or more local authorities, by the signature of their clerk or some other officer of the local authority duly authorised in that behalf, and in any other case, by the signature of one of the managers or their secretary, or of the headmaster.

**Textual Amendments**

**F1** Words added by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), **s. 129**

**F2** [S. 106\(2\)\(b\)](#) repealed by [Education Act 1944 \(c. 31\)](#), **Sch. 9 Pt. I**

**F3** [S. 106\(2\)\(c\)](#) repealed (1.4.1981) by [Child Care Act 1980 \(c. 5\)](#), s. 89, **Sch. 6**

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

**C1** [S. 106](#) extended by [Children and Young Persons Act 1963 \(c. 37\)](#), **s. 11(2)(4)**

**C2** Power to apply s. 106(3) conferred by [Criminal Justice Act 1948 \(c. 58\)](#), **s. 49(2)**

**107 Interpretation.**

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

[<sup>F4</sup>“Approved school” means a school approved by the Secretary of State under section seventy-nine of this Act;]

[<sup>F4</sup>“Approved school order” means an order made by a court sending a . . .  
<sup>F5</sup> person to an approved school;]

[<sup>F6</sup>[<sup>F7</sup>“care order” and “interim order” have the same meanings as in the  
<sup>M1</sup>Children and Young Persons Act 1969]]

“Chief officer of police” [<sup>F8</sup>as regards England has the same meaning as in the  
<sup>M2</sup>Police Act 1964], as regards Scotland has the same meaning as in  
<sup>F9</sup>the <sup>M3</sup>Police (Scotland) Act 1967], and as regards Northern Ireland means a district inspector of the Royal Ulster Constabulary;

“Child” means a person under the age of fourteen years;

<sup>F10</sup>

“Guardian”, in relation to a child or young person, includes any person who, in the opinion of the court having cognisance 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 [<sup>F11</sup>charge of or control over][<sup>F11</sup>care of] the child or young person;

<sup>F12</sup>

“Intoxicating liquor” [<sup>F13</sup>has the same meaning as in the <sup>M4</sup>Licensing Act 1964]

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[<sup>F14</sup>“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;]

[<sup>F14</sup>“Legal guardian”, in relation to a child or young person, means a guardian of a child as defined in the Children Act 1989]

.....  
<sup>F15</sup>

.....  
<sup>F16</sup>

“Place of safety” means [<sup>F17</sup>a community home provided by a local authority or a controlled community home, any] police station, or any hospital, surgery, or any other suitable place, the occupier of which is willing temporarily to receive a child or young person;

.....  
<sup>F18</sup>

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

“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;

.....  
<sup>F19</sup>

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

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

(2) .....  
<sup>F20</sup>

(3) 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

- F4** Definitions repealed (prosp.) by Children and Young Persons Act 1969 (c. 54), s. 73(2), **Sch. 6**
- F5** Words repealed by Children and Young Persons Act 1963 (c. 37), s. 64, **Sch. 5**
- F6** Definitions of “care order” and “interim order” repealed (prosp.) by Children Act 1989 (c. 41, SIF 20), s. 108(2)(6)(7), Sch. 14 para. 27(4), **Sch. 15**
- F7** Definition inserted by Children and Young Persons Act 1969 (c. 54), **Sch. 5 para. 12(1)**
- F8** Words substituted by Police Act 1964 (c. 48), **Sch. 9**
- F9** Words substituted by Police (Scotland) Act 1967 (c. 77), **Sch. 4**
- F10** Definition repealed (1.4.1981) by Child Care Act 1980 (c. 5), s. 89, **Sch. 6**
- F11** Words “care of” substituted (prosp.) for “charge of or control over” by Children Act 1989 (c. 41, SIF 20), s. 108(2)(5)(6), Sch. 13 para. 7(a), **Sch. 14 para. 1(1)**
- F12** Definition repealed by Children and Young Persons Act 1963 (c. 37), s. 64, **Sch. 5**
- F13** Words substituted by Finance Act 1967 (c. 54), s. 5(1)(e)
- F14** Definition of “legal guardian” ending with words “Children Act 1989” substituted (prosp.) for definition ending with words “competent jurisdiction” by Children Act 1989 (c. 41, SIF 20), s. 108(2)(5)(6), Sch. 13 para. 7(b), **Sch. 14 para. 1(1)**
- F15** Definitions repealed by Children and Young Persons Act 1969 (c. 54), **Sch. 6** and spent
- F16** Definition repealed by Statute Law (Repeals) Act 1986 (c.12), s. 1(1), **Sch. 1 Pt. XIII**
- F17** Words substituted by Children and Young Persons Act 1969 (c. 54), **Sch. 5 para. 12(2)**
- F18** Definitions repealed by National Assistance Act 1948 (c. 29), s. 62, **Sch. 7 Pt. III** and Police Act 1964 (c. 48), s. 64, **Sch. 10 Pt. I**

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**F19** Definition repealed by Children and Young Persons Act 1969 (c. 54), **Sch. 6**

**F20** Ss. 26(6), 29(3), 32, 35, 44(2), 54, 55(2), 57, 62–76, 77(1)(3), 78, 79(4), 81(2), 82–85, 90, 91, 94, 107(2), 108(2)(3), Sch. 4 paras. 4–13 repealed by Children and Young Persons Act 1969 (c. 54), s. 72, **Sch. 6**

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

**C3** Definition of “Chief officer of police” amended by S. R. & O. (N.I.) 1970 No. 111, **reg. 6(b)**

**Marginal Citations**

**M1** 1969 c. 54.

**M2** 1964 c. 48.

**M3** 1967 c. 77.

**M4** 1964 c. 64.

**108 Transitory provisions.**

- (1) Without prejudice to the provisions of [<sup>F21</sup>the <sup>M5</sup>Interpretation Act 1978] with respect to repeals, the transitory provisions set out in the Fifth Schedule to this Act shall have effect for the purposes of the transition to the provisions of this Act from the provisions of the enactments repealed by the <sup>M6</sup>Children and Young Persons Act 1932, and by this Act.
- (2) ..... <sup>F22</sup>
- (3) ..... <sup>F22</sup>
- (4) References in any Act or other document to juvenile courts under the <sup>M7</sup>Children Act 1908, shall be construed as including references to such courts under this Act.
- (5) References in any Act or other document to any enactment repealed and re-enacted with or without modifications by this Act (except references in Part VI of the Children Act 1908, or Part VI of the Children and Young Persons Act 1932) shall be construed as including references to the corresponding provision of this Act.
- (6) The reference in the First Schedule to this Act to any offence under sections one, two, three, eleven or twenty-three of this Act shall be construed as including a reference to any offence under the Dangerous Performances Acts 1879 and 1897, or under Part II of the <sup>M8</sup>Children Act 1908.

**Textual Amendments**

**F21** Words substituted by virtue of Interpretation Act 1978 (c. 30), **s. 25(2)**

**F22** Ss. 26(6), 29(3), 32, 35, 44(2), 54, 55(2), 57, 62–76, 77(1)(3), 78, 79(4), 81(2), 82–85, 90, 91, 94, 107(2), 108(2)(3), Sch. 4 paras. 4–13 repealed by Children and Young Persons Act 1969 (c. 54), s. 72, **Sch. 6**

**Marginal Citations**

**M5** 1978 c. 30.

**M6** 1932 c. 46.

**M7** 1908 c. 67.

**M8** 1908 c. 67.

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

(1) This Act may be cited as the Children and Young Persons Act 1933.

(2) ..... F23

(3) Save as therein otherwise expressly provided, this Act shall not extend to Scotland or Northern Ireland.

(4) ..... F23

**Textual Amendments**

F23 S. 109(2)(4) and Sch. 6 repealed by Statute Law Revision Act 1950 (c. 6)

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

C4 Unreliable marginal note.

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