
 STATUTORY INSTRUMENTS

1963 No. 2056 (C. 19)

CHILDREN AND YOUNG PERSONS
**The Children and Young Persons Act 1963
 (Commencement No. 2) Order 1963**

Made - - - - 16th December 1963

In exercise of the powers conferred on me by section 65(6) of the Children and Young Persons Act 1963(a), I hereby make the following Order:—

1. The provisions of the Children and Young Persons Act 1963 specified in the first column of the Schedule hereto (which relate to the matters specified in the second column of the said Schedule) shall come into operation on 1st February 1964.

2. This Order may be cited as the Children and Young Persons Act 1963 (Commencement No. 2) Order 1963.

Henry Brooke,

One of Her Majesty's Principal
 Secretaries of State.

Home Office,
 Whitehall.

16th December 1963.

 SCHEDULE

Provisions of the Act	Subject matter of provisions
Section 2	Children and young persons in need of care, protection or control.
Section 3	Children and young persons beyond control.
Section 4	Power to send case under s. 62 of the Children and Young Persons Act 1933(b) to local juvenile court.
Section 5	Supervision orders.
Section 6	Extension of s. 66 of the Children and Young Persons Act 1933.
Section 7	Extension of powers of juvenile court to deal with persons in the care of local authorities.

(a) 1963 c. 37.

(b) 23 & 24 Geo. 5. c. 12.

Provisions of the Act	Subject matter of provisions
Section 8	Selection of approved school.
Section 9	Temporary committal of persons ordered to be sent to approved schools.
Section 10	Escape of persons subject to approved school orders.
Section 11	Designation of remand homes as classifying centres for persons ordered to be sent to approved schools.
Section 12	Contributions in respect of persons transferred from schools in Scotland or Northern Ireland.
Section 13	Contributions by persons detained in approved schools.
Section 16	Offences committed by children.
Section 17	Constitution and place of sitting of juvenile courts.
Section 18	Jurisdiction of magistrates' courts in certain cases involving children and young persons.
Section 19	Assessors for recorder in appeals and committals from juvenile courts.
Section 20	Constitution of London Sessions for purposes of committals from juvenile courts.
Section 21	Abolition of special time limit for indictable offences in Sch. 1 to the Children and Young Persons Act 1933.
Section 22	Children and young persons arrested and not released.
Section 23	Children and young persons detained in places of safety.
Section 24	Age limits for children sent to special reception centres.
Section 25	Attendance at court of parents of child or young person brought before court.
Section 26	Medical evidence by certificate.
Section 27	Evidence of children in committal proceedings for sexual offences.
Section 28	Form of oath for use in juvenile courts and by children and young persons in other courts.

Provisions of the Act	Subject matter of provisions
Section 29	Provisions as to persons between the ages of 17 and 18.
Section 30	Recovery of arrears of contributions.
Section 31	Increase of penalty for cruelty.
Section 32	Increase of penalty for sales of tobacco, etc., to persons under 16.
Section 33	New appeals.
Section 50	Extension of power to appoint guardian.
Section 51	Supervision of persons moving to Scotland.
Section 52	Supervision orders by Scottish courts in respect of persons residing in England.
Section 53	Arrest in one part of British Islands of children or young persons escaping in other part.
Section 57	Newspaper and broadcast reports of proceedings involving children and young persons.
Section 64(2)	Transitional provisions.
Schedule 1	Supervision orders.
Schedule 2	Constitution of juvenile courts.
In Schedule 3, paragraphs 11 to 28, 33 to 37, 44 and 46 to 51	Minor and consequential amendments of the Children and Young Persons Act 1933, the Summary Jurisdiction (Appeals) Act 1933(a), the Children and Young Persons (Scotland) Act 1937(b), the Education Act 1944(c), the Family Allowances Act 1945(d), the Criminal Justice Act 1948(e), the Justices of the Peace Act 1949(f), the Criminal Justice Administration Act 1956(g), the Mental Health Act 1959(h), the Criminal Justice Act 1961(i) and the Criminal Justice Administration Act 1962(j).
In Schedule 4, paragraphs 1, 2 and 5 to 9	Transitional provisions.
So much of Schedule 5 as is set out in the Appendix hereto	Repeals.

(a) 23 & 24 Geo. 5, c. 38.

(b) 1 Edw. 8 & 1 Geo. 6, c. 37.

(c) 7 & 8 Geo. 6, c. 31.

(d) 8 & 9 Geo. 6, c. 41.

(e) 11 & 12 Geo. 6, c. 58.

(f) 12, 13 & 14 Geo. 6, c. 101.

(g) 4 & 5 Eliz. 2, c. 34.

(h) 7 & 8 Eliz. 2, c. 72.

(i) 9 & 10 Eliz. 2, c. 39.

(j) 10 & 11 Eliz. 2, c. 15.

APPENDIX

Session and Chapter	Short Title	Extent of Repeal
23 & 24 Geo. 5. c. 12.	The Children and Young Persons Act 1933.	<p>In section 14, subsection (3).</p> <p>In section 35, in subsection (2), the words "and, in proper cases, as to available approved schools".</p> <p>In section 39, in subsection (1), the words from "which arise" to "decency or morality".</p> <p>In section 48, in subsection (1), the words "or an application relating to" and the words "or application".</p> <p>In section 53, in subsection (4), the words from "and if he fails" to the end of the subsection.</p> <p>Section 61.</p> <p>In section 63, in subsection (1), the words "or any offence under section 10 of this Act".</p> <p>Section 64.</p> <p>In section 66, in subsection (1), the words "and he is under the age of seventeen years", and subsection (2).</p> <p>In section 67, in subsection (1), the words "child or young" in the second place where they occur; and in subsection (2), the words "child or young".</p> <p>In section 68, subsections (2) and (3).</p> <p>Section 69.</p> <p>In section 70, in subsection (3), the words "which is made to take effect immediately" and paragraph (a); and subsections (4) to (6).</p> <p>In section 72, in subsection (1), the words "or makes any endorsement upon".</p> <p>In section 73, the words "under the foregoing provisions of this Act".</p> <p>In section 84, in subsection (6), the words "upon the application of any person" and the proviso.</p> <p>In section 107(1), in the definition of "Approved school order", the words "child or young", and the definition of "In need of care and protection".</p> <p>Schedule 2.</p> <p>In Schedule 4, paragraph 10.</p>
1 Edw. 8 & 1 Geo. 6. c. 37.	The Children and Young Persons (Scotland) Act 1937.	<p>In section 46, in subsection (1), the words from "which arise" to "decency or morality".</p>
1 & 2 Geo. 6. c. 40.	The Children and Young Persons Act 1938.	<p>Section 1.</p> <p>In section 2, the proviso.</p>

Session and Chapter	Short Title	Extent of Repeal
1 & 2 Geo. 6. c. 40— <i>cont.</i>	The Children and Young Persons Act 1938— <i>cont.</i>	<p>Section 4.</p> <p>In section 5, the words " or is beyond the control of his parent or guardian".</p> <p>In section 6, in subsection (2), the words " or section 69".</p> <p>Section 7.</p> <p>In the Schedule, the amendment of section 64 of the Children and Young Persons Act 1933; and in the words inserted into section 84 of the Children and Young Persons Act 1933, the words "upon the application of any person" and the proviso.</p>
7 & 8 Geo. 6. c. 31.	The Education Act 1944.	Schedule 8 so far as it amends section 61 of the Children and Young Persons Act 1933.
8 & 9 Geo. 6. c. 41.	The Family Allowances Act 1945.	In section 11(1), paragraph (b).
11 & 12 Geo. 6. c. 58.	The Criminal Justice Act 1948.	<p>In section 26, in subsection (3), the word " 69" and the word " 73" in the second place where it occurs.</p> <p>In section 19(1), the words " not less than ten but".</p> <p>In section 48(2), the words " of not less than ten but".</p>
12, 13 & 14 Geo. 6. c. 101.	The Justices of the Peace Act 1949.	<p>Section 74.</p> <p>In Schedule 9, the entry relating to section 4 of the Children and Young Persons Act 1938.</p> <p>In section 11, subsections (5) to (8).</p> <p>In section 15, in subsection (5), the words from " and the reference" to the end of the subsection.</p>
15 & 16 Geo. 6 & 1 Eliz. 2. c. 50.	The Children and Young Persons (Amendment) Act 1952.	<p>Section 1.</p> <p>In section 3, subsections (2) and (3).</p> <p>In section 5, subsections (1) and (2).</p> <p>Section 6.</p> <p>Section 7.</p>
4 & 5 Eliz. 2. c. 24.	The Children and Young Persons Act 1956.	<p>In the Schedule, paragraphs 4, 6, 7 and 10.</p> <p>In section 2(2) the words from " and the said powers" to the end of the subsection.</p>
4 & 5 Eliz. 2. c. 69.	The Sexual Offences Act 1956.	In the Schedule, paragraphs 7(b) and 14(b).
7 & 8 Eliz. 2. c. 72.	The Mental Health Act 1959.	<p>In Schedule 3, the amendment of section 61(1) of the Children and Young Persons Act 1933.</p> <p>In section 61, in subsection (1), the words " or section 64" and in paragraph (a) the words from " or that his parent" to " as the case may be"; subsection (2); and in subsection (3), the words " or 64".</p>

Session and Chapter	Short Title	Extent of Repeal
7 & 8 Eliz. 2. c. 72— <i>cont.</i>	The Mental Health Act 1959— <i>cont.</i>	In section 62, in subsection (4), the words "or section 64" and the words from "and in the case" to the end of the subsection. In section 70, in subsection (2), the words from "or that" to "control him".
9 & 10 Eliz. 2. c. 39.	The Criminal Justice Act 1961.	In section 10, subsection (1). In Schedule 4, in the entry relating to section 53 of the Children and Young Persons Act 1933, the words from "and for the words" to the end of the entry; in the entry relating to Schedule 4 to the Children and Young Persons Act 1933, the words from "and in paragraph 12" to the end of the entry; in the entry relating to section 19 of the Criminal Justice Act 1948 the words from "and for" to the end of the entry; and the entry relating to section 48 of the Criminal Justice Act 1948.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order brings into force further provisions of the Children and Young Persons Act 1963; the provisions brought into force are set out in the Schedule.