

1969 No. 1565 (C.44)

CHILDREN AND YOUNG PERSONS**The Children and Young Persons Act 1969****(Commencement No. 2) Order 1969***Made - - - - 6th November 1969*

In exercise of the powers conferred on me by section 73(2) and (3) of the Children and Young Persons Act 1969(a), I hereby make the following Order:—

Citation

1. This Order may be cited as the Children and Young Persons Act 1969 (Commencement No. 2) Order 1969.

Interpretation and extent

2.—(1) In this Order “the Act” means the Children and Young Persons Act 1969.

(2) Nothing in this Order shall bring into force, in their application to Scotland, any provisions of paragraph 54 of Schedule 5 to the Act and, accordingly, the references to the said provisions in Schedule 1 to this Order shall not include references thereto in their application to Scotland.

Days appointed for coming into force of certain provisions of the Act

3. The provisions of the Act specified in column 1 of each of the first two Schedules to this Order (which relate to the matters specified in column 2 thereof) shall, subject to Article 2(2) of this Order, come into force on the day specified in the heading to that Schedule.

Transitional provisions

4. The transitional provisions contained in Schedule 3 to this Order shall have effect in connection with the provisions brought into force by this Order which are referred to in that Schedule.

James Callaghan,
One of Her Majesty's Principal
Secretaries of State.

Home Office,
Whitehall.
6th November 1969.

SCHEDULE 1

PROVISIONS COMING INTO FORCE ON 1ST DECEMBER 1969

Provisions of the Act	Subject matter of provisions
Section 33(1), so far as it relates to paragraph 6 of Schedule 1.	Legal aid.
Section 35	Regional planning of accommodation for children in care.
Section 36	Regional plans for community homes.
Section 37	Approval and variation of regional plans.
Section 38	Provision of community homes by local authorities.
Section 39	Instruments of management for assisted and controlled community homes.
Section 40	Supplementary provisions as to instruments of management and trust deeds.
Section 41	Management of controlled community homes.
Section 42	Management of assisted community homes.
Section 43	Control of premises used for, and conduct of, community homes.
Section 44	Controlled and assisted community homes exempted from certain provisions as to voluntary homes.
Section 45	Determination of disputes relating to controlled and assisted community homes.
Section 46, except subsection (2) so far as it relates to paragraphs 3, 4 and 8 of Schedule 3.	Discontinuance of approved schools etc. on establishment of community homes.
Section 47	Discontinuance by voluntary organisation of controlled or assisted community home.
Section 48	Financial provisions applicable on cessation of controlled or assisted community home.
Section 49	Provision of accommodation and maintenance for children in care.

Provisions of the Act	Subject matter of provisions
Section 50	Accommodation of persons over school age in convenient community home.
Section 58	Inspection of children's homes etc. by persons authorised by Secretary of State.
Section 59	Powers of entry supplemental to section 58.
Section 60	Extradition offences.
Section 62(2)	Contributions in respect of children and young persons in care.
Section 63	Returns of information and presentation of reports etc. to Parliament.
Section 64	Expenses of Secretary of State in providing homes offering specialised facilities.
Section 65	Grants to voluntary organisations etc.
Section 66	Increase of rate support grants.
Section 67	Administrative expenses.
Section 68	Compulsory acquisition of land.
Section 71	Application to Isles of Scilly.
Section 72(1), so far as it relates to paragraphs 13 and 14 of Schedule 4.	Transitional provisions.
Section 72(3), so far as it relates to the provisions of Schedule 5 specified in Appendix A to this Schedule.	Minor and consequential amendments.
Section 72(4), so far as it relates to the repeals set out in Appendix B to this Schedule.	Repeals.
In Schedule 1, paragraph 6	Modifications of Part IV of Criminal Justice Act 1967(a).
Schedule 2	Children's regional planning committees.
Schedule 3, except paragraphs 3, 4 and 8	Approved schools and other institutions.
In Schedule 4, paragraphs 13 and 14	Transitional provisions and savings.
In Schedule 5, the provisions specified in Appendix A to this Schedule.	Minor and consequential amendments of enactments.

Sch. 1 (contd.)

Provisions of the Act	Subject matter of provisions
Schedule 6, so far as it relates to the repeals set out in Appendix B to this Schedule.	Repeals.

APPENDIX A TO SCHEDULE 1

AMENDMENTS TAKING EFFECT FROM 1ST DECEMBER 1969

Provisions of Schedule 5	Enactments amended
Paragraph 4	Section 46 of the Children and Young Persons Act 1933(a).
Paragraphs 14, 15, 18, 19, 20(2), 21(1) and 21(3).	Sections 4(3), 20(1), 39(1), 43(1), 51(3) and 54(3) and (5) of the Children Act 1948(b).
In paragraph 20(1), the following provision:— '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".'	Section 51(1) of the Children Act 1948.
Paragraph 37	Section 9 of the Mental Health Act 1959(c).
Paragraphs 51 and 52	Sections 45(1) and 49(1) of the Children and Young Persons Act 1963(d).
In paragraph 54(2), the following provision:— 'for the words from "5(1)" to "1956" there shall be substituted the words "13(2) of the Children Act 1948".'	Section 11(2) of the Family Allowances Act 1965(e).
Paragraph 54(3)	Section 11(3) of the Family Allowances Act 1965.
Paragraphs 65(2) and 66	Sections 97(1) and 98 of the Social Work (Scotland) Act 1968(f).

(a) 1933 c. 12.
(c) 1959 c. 72.
(e) 1965 c. 53

(b) 1948 c. 43.
(d) 1963 c. 37.
(f) 1968 c. 49.

APPENDIX B TO SCHEDULE 1
 REPEALS TAKING EFFECT FROM 1ST DECEMBER 1969

Chapter	Short title	Extent of repeal
1894 c. 60.	The Merchant Shipping Act 1894.	In section 183(3), the proviso.
1918 c. 57.	The War Pensions (Administrative Provisions) Act 1918.	Section 9(4).
1920 c. 23.	The War Pensions Act 1920.	Section 9.
1933 c. 12.	The Children and Young Persons Act 1933.	Sections 76(2) and 77(1). Section 94.
1948 c. 43.	The Children Act 1948	Section 3(3) to (5). In section 4(3), the proviso. Sections 7, 15 and 16. Section 39(1)(e). Section 51(2). Section 54(1) and (2).
1956 c.50.	The Family Allowances and National Insurance Act 1956.	Section 5.
1958 c. 65.	The Children Act 1958.	In Schedule 2 the entry relating to section 54 of the Children Act 1948.
1963 c. 37.	The Children and Young Persons Act 1963.	Section 1(4).
1968 c. 49.	The Social Work (Scotland) Act 1968.	In Schedule 8, paragraph 18.

SCHEDULE 2

PROVISIONS COMING INTO FORCE ON 1ST JANUARY 1970

Provisions of the Act	Subject matter of provisions
Section 51	Modification of general duty of local authorities with respect to foster children.
Section 52	Amendments of definitions of "foster child" and "protected child".
Section 53	Modification of duty of persons maintaining foster children to notify local authority.
Section 54	Inspection of premises in which foster children are kept.
Section 55	Imposition of requirements and prohibitions relating to the keeping of foster children.
Section 56, except subsection (1)(a).	Extension of disqualification for keeping foster children.

Sch. 2 (contd.)

Provisions of the Act	Subject matter of provisions
Section 57	Modifications of provisions as to offences.
Section 72(3), so far as it relates to the provisions of Schedule 5 specified in Appendix A to this Schedule.	Minor and consequential amendments.
Section 72(4), so far as it relates to the repeals set out in Appendix B to this Schedule.	Repeals.
Section 72(5), except so far as it relates to sections 2(4) and 6(1)(b) of the Children Act 1958.	Sections 1 to 6 and 14 of the Children Act 1958(a), as amended.
In Schedule 5, the provisions specified in Appendix A to this Schedule.	Minor and consequential amendments.
Schedule 6, so far as it relates to the repeals set out in Appendix B to this Schedule.	Repeals.
Schedule 7, except so far as it relates to sections 2(4) and 6(1)(b) of the Children Act 1958.	Sections 1 to 6 and 14 of the Children Act 1958, as amended.

APPENDIX A TO SCHEDULE 2

AMENDMENTS TAKING EFFECT FROM 1ST JANUARY 1970

Provisions of Schedule 5	Enactments amended
Paragraphs 30 and 31	Sections 9 and 12(1) of the Children Act 1958.
Paragraph 35	Section 37(2) of the Adoption Act 1958(b).

(a) 1958 c. 65.

(b) 1958(7 & 8 Eliz. 2)c. 5.

APPENDIX B TO SCHEDULE 2
REPEALS TAKING EFFECT FROM 1ST JANUARY 1970

Chapter	Short title	Extent of repeal
1958 c. 65.	The Children Act 1958.	<p>In section 2, in subsection (1) the words from "for reward" to "one month", in subsection (2) the words from "by" in the first place where it occurs to "or" where that word first subsequently occurs, and subsections (6) and (7).</p> <p>In section 3, in subsection (4), the words from "or is removed" to "maintaining him" and the words from "or removal" onwards, in subsection (5) the words "need not give a notice under subsection (4) of this section but", and subsection (6).</p>
1958 c. 5 (7 & 8 Eliz. 2)	The Adoption Act 1958.	<p>In section 37, in subsection (1) the words "but is not a foster child within the meaning of Part 1 of the Children Act 1958", in subsection (2) the words from "by reason" to "subsection nor".</p>

SCHEDULE 3

TRANSITIONAL MODIFICATIONS OF PARAGRAPHS 20 AND 37 OF SCHEDULE 5 TO THE ACT

So long as section 15 of the Children Act 1948 continues to apply to a local authority by virtue of paragraph 13 of Schedule 4 to the Act then, in relation to that authority, paragraphs 20 and 37 of Schedule 5 to the Act shall have effect as if they provided that section 51 of the said Act of 1948, as amended by the said paragraph 20, and section 9 of the Mental Health Act 1959, as amended by the said paragraph 37, should have effect as if a home provided by the local authority under the said section 15 were a community home so provided under the Act.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order brings certain provisions of the Children and Young Persons Act 1969 into force (subject, in the case of two provisions, to transitional modifications contained in Schedule 3 to the Order).

The provisions specified in Schedule 1 to the Order are brought into force on 1st December 1969 and those specified in Schedule 2 on 1st January 1970.