

1970 No. 1498 (C.36)

CHILDREN AND YOUNG PERSONS

The Children and Young Persons Act 1969 (Commencement
No. 3) Order 1970

Made - - - 7th October 1970

In exercise of the powers conferred on me by sections 69(4) and 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. 3) Order 1970.

Interpretation

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

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

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 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.

R. Maudling,
One of Her Majesty's Principal
Secretaries of State.

Home Office,
Whitehall.
7th October 1970.

(a) 1969 c. 54.

(b) 1889 c. 63.

SCHEDULE 1

PROVISIONS COMING INTO FORCE ON 1ST JANUARY 1971

Provisions of the Act	Subject matter of provisions
Section 1	Care proceedings in juvenile courts.
Section 2	Provisions supplementary to section 1.
Section 3	Further supplementary provisions relating to section 1(2)(f).
Section 5(8) and section 5(9), so far as it relates to the definition of "the appropriate local authority".	Local authority to be notified of decision to lay information against young person.
Section 6	Summary trial of young persons.
Section 7, except subsections (1) and (3).	Alterations in treatment of young offenders etc.
Section 9	Investigations by local authorities.
Section 10	Further limitations on publication of particulars of children and young persons etc.
Section 11	Supervision orders.
Section 12	Power to include requirements in supervision orders.
Section 13	Selection of supervisor.
Section 14	Duty of supervisor.
Section 15	Variation and discharge of supervision orders.
Section 16	Provisions supplementary to section 15.
Section 17	Termination of supervision.
Section 18	Supplementary provisions relating to supervision orders.
Section 19	Facilities for the carrying out of supervisors' directions.
Section 20	Orders for committal to care of local authorities.
Section 21	Variation and discharge of care orders.
Section 22	Special provisions relating to interim orders.
Section 23	Remand to care of local authorities etc.
Section 24, except subsections (5) and (6).	Powers and duties of local authorities etc. with respect to persons committed to their care.

SCHEDULE 1—(cont.)

Provisions of the Act	Subject matter of provisions
Section 25	Transfers between England or Wales and Northern Ireland.
Section 26	Transfers between England or Wales and the Channel Islands or Isle of Man.
Section 27	Consequential modifications of 1948 c. 43 sections 11 and 12.
Section 28	Detention of child or young person in place of safety.
Section 29, except subsection (4).	Release or further detention of arrested child or young person.
Section 30	Detention of young offenders in community homes.
Section 31	Removal to borstal institutions of persons committed to care of local authorities.
Section 32	Detention of absentees.
Section 33, except subsection (1) so far as it relates to paragraph 6 of Schedule 1.	Legal aid.
Section 34	Transitional modifications of Part I for persons of specified ages.
Section 46(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 56(1)(a)	Extension of disqualification for keeping foster children.
Section 61	Rules relating to juvenile court panels and composition of juvenile courts.
Section 62, except subsection (2).	Contributions in respect of children and young persons in care.
Section 72(1), so far as it relates to paragraphs 1, 1A, 4, 5(2), 6 to 12 and 15 to 18 of Schedule 4 and section 72(2).	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.

SCHEDULE 1—(cont.)

Provisions of the Act	Subject matter of provisions
Section 72(5), 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.
Schedule 1, except paragraph 6.	Modifications of Part IV of the Criminal Justice Act 1967(b).
In Schedule 3, paragraphs 3, 4 and 8.	Approved schools and other institutions.
In Schedule 4, paragraphs 1, 1A, 4, 5(2), 6 to 12 and 15 to 24.	Transitional provisions and savings.
In Schedule 5, the provisions specified in Appendix A to this Schedule.	Minor and consequential amendments of enactments.
Schedule 6, so far as it relates to the repeals set out in Appendix B to this Schedule.	Repeals.
Schedule 7, 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.

(a) 1958 c. 65.

(b) 1967 c. 80.

APPENDIX A TO SCHEDULE 1
AMENDMENTS TAKING EFFECT FROM 1ST JANUARY 1971

Provisions of Schedule 5	Enactments amended
Paragraph 1	The Police (Property) Act 1897(a).
Paragraphs 2, 3, 5 to 10 and 12.	Sections 10, 34(2), 55(1), 56(1), 63, 86(1), 87(1) to (3), 88(1), (2)(c) and (4) and 107(1) and (2) of the Children and Young Persons Act 1933(b).
Paragraph 13	Section 40 of the Education Act 1944(c).
Paragraphs 16, 17, 21(2) and 22.	Sections 23(1), 26(1), (3) and (4)(b), 54(4) and 59(1) of the Children Act 1948(d).
In paragraph 20(1), the following provision:— “and at the end of that subsection there shall be added the words “or sections 2(5), 16(3) or 28 of the Children and Young Persons Act 1969 and of children detained by them in pursuance of arrangements under section 29(3) of that Act”.”.	Section 51(1) of the Children Act 1948.
Paragraph 24	Section 27 of the Criminal Justice Act 1948(e).
Paragraphs 25 and 26.	Section 7 of the Criminal Justice (Scotland) Act 1949(f).
Paragraph 27.	Section 37(7) of the Sexual Offences Act 1956(g).
Paragraph 28.	Sections 5(2)(a) and 7(4)(a) and (6) of the Affiliation Proceedings Act 1957(h).
Paragraphs 29 and 32.	Sections 2(4) and 17 of the Children Act 1958.
Paragraphs 33, 34 and 36.	Sections 4(3)(a), 15(3) and 57(1) of the Adoption Act 1958(i).

(a) 1897 c. 30.

(c) 1944 c. 31.

(e) 1948 c. 58.

(g) 1956 c. 69.

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

(b) 1933 c. 12.

(d) 1948 c. 43.

(f) 1949 c. 94.

(h) 1957 c. 55.

APPENDIX A TO SCHEDULE 1—(cont.)

Provisions of Schedule 5	Enactments amended
Paragraphs 38 to 41.	Sections 10(1)(a)(i), 50(a), 60(6) and 62(4) of the Mental Health Act 1959(a).
Paragraphs 42 and 43.	Sections 10(1)(a)(ii) and 46(b) of the Mental Health (Scotland) Act 1960(b).
Paragraphs 44 to 46.	Sections 5(1) and 6(3), 9 and 29(3)(a) of the Criminal Justice Act 1961(c).
Paragraphs 47 to 50 and 53.	Sections 3(1), 23(1)(b) and (5), 29, 30(1) and (3) to (5) and 57(3) of the Children and Young Persons Act 1963(d).
Paragraph 54(1) and in paragraph 54(2), the following provision:— “In subsection (2) of that section for the words “said Act of 1933” there shall be substituted the words “Children and Young Persons Act 1969 (other than an interim order)” and”.	Section 11(1)(b) and (2) of the Family Allowances Act 1965(e).
Paragraph 56.	Section 3(3) of the Criminal Justice Act 1967.
Paragraphs 57 to 62, 64(2), 65(1), 67 and 68, 70 to 72, 74 and 77 to 83.	Sections 44, 72, 73, 74, 75, 76(4), 94(1) and 97(1) of the Social Work (Scotland) Act 1968(f), and Schedules 2, 8 and 9 thereto.

(a) 1959 c. 72.
(c) 1961 c. 39.
(e) 1965 c. 53.

(b) 1960 c. 61.
(d) 1963 c. 37.
(f) 1968 c. 49.

APPENDIX B TO SCHEDULE I
REPEALS TAKING EFFECT FROM 1ST JANUARY 1971

Chapter	Short title	Extent of repeal
1933 c. 12.	The Children and Young Persons Act 1933.	<p>In section 10(2) the words from "and may" onwards.</p> <p>Section 26(6), 29(3) and 32.</p> <p>In section 34(2) the words "or taken to a place of safety".</p> <p>Section 35.</p> <p>In section 44, in subsection (1) the words from "being" to "as", and subsection (2).</p> <p>In section 48(2) the words "a probationer or" and "any failure to comply with the requirements of the probation order or" and the words from "or to amend" onwards.</p> <p>Section 54.</p> <p>In section 55 subsection (2), and in subsection (4) the words "or on forfeiture of any such security as aforesaid".</p> <p>Section 57.</p> <p>Sections 62 to 75, 76(1), 1A and 1B, 77(3) and (4), 78, 79(4), 81(2) and 82 to 85.</p> <p>In section 86, subsection (2), in subsection (3) the words "or ordered to be sent to an approved school" and the words from "and", in the first place where it occurs to the end of the subsection, and subsection (4).</p> <p>Sections 89(1), 90 and 91.</p> <p>In section 102, paragraphs (a) and (b) of subsection (1), and in subsection (2) the words from "the rights" to "Act or".</p> <p>In section 107(1) the definitions of "approved school order", and "special reception centre".</p> <p>Section 107(2).</p> <p>Section 108(2) and (3).</p> <p>In Schedule 4, paragraphs 4, 5, 7, 8, 9, 11, 12 and 13.</p>

APPENDIX B TO SCHEDULE 1—(cont.)

Chapter	Short title	Extent of repeal
1937 c. 37.	The Children and Young Persons (Scotland) Act 1937.	Sections 82, 86, 87 and 89. In Schedule 2, paragraph 13.
1938 c. 40.	The Children and Young Persons Act 1938.	The whole Act.
1944 c. 31.	The Education Act 1944.	Section 40A.
1948 c. 40.	The Education (Miscellaneous Provisions) Act 1948.	In Schedule 1, the entries relating to section 40 of the Education Act 1944.
1948 c. 43.	The Children Act 1948.	Sections 5 and 6(3) and (4). In section 23, in subsection (1), the words from “(which” to “alim-ent)” and subsection (3). Section 25. In section 26(1), paragraph (c), and in paragraph (ii) the words “or (c)” and the words from “or”, in the second place where it occurs, onwards. In section 59, in subsection (1), the definition of “approved school order”. In Schedule 3, the entries relating to sections 70, 82, 84, 90 and 107 of the Act of 1933.
1948 c. 58.	The Criminal Justice Act 1948.	In section 3(5) the words from “if the” to “age”. In section 11(1) the words from the beginning to “behaviour” in the first place where it occurs. In sections 46(1) and 47(1) the words “or a supervision order”. Sections 48(4), 49(5), 71, 72 and 75.

APPENDIX B TO SCHEDULE I (cont.)

Chapter	Short title	Extent of repeal
1948 c. 58. (cont.)	The Criminal Justice Act 1948—(cont.).	<p>In section 80(1), the definition of "supervision order" and in the definition of "sentence" the words from "an", in the second place where it occurs, to "school".</p> <p>In Schedule 9, the entries relating to sections 54, 70, 78, 82 and 90 of the Act of 1933, in the entry relating to section 48(2) of the Act of 1933 the words "a probationer or" and "any failure to comply with the requirements of the probation order or" and the words from "or to amend" to the end of the entry, and the entry relating to the Children and Young Persons Act 1938.</p>
1949 c. 101.	The Justices of the Peace Act 1949.	Section 14.
1950 c. 37.	The Maintenance Orders Act 1950.	In Schedule 1, in the entry relating to section 86 of the Act of 1933, the words from "or as" onwards.
1952 c. 50.	The Children and Young Persons (Amendment) Act 1952.	<p>Sections 2 to 5.</p> <p>In the Schedule, paragraphs 2, 3, 5, 8, 9 and 11 to 16.</p>
1952 c. 52.	The Prison Act 1952.	<p>In section 49(2) the words "remand home or", where they first occur, and the words "remand home" wherever else they occur.</p> <p>In section 50, the words from "and subsection" onwards.</p> <p>In section 53(1) the definition of "remand home".</p>
1952 c. 55.	The Magistrates' Courts Act 1952.	<p>Sections 20, 21 and 26(2).</p> <p>In section 38(1), the words from "The provisions of this" onwards.</p>
1953 c. 33.	The Education (Miscellaneous Provisions) Act 1953.	Section 11.

APPENDIX B TO SCHEDULE 1—(cont.)

Chapter	Short title	Extent of repeal
1956 c. 24.	The Children and Young Persons Act 1956.	The whole Act.
1957 c. 55.	The Affiliation Proceedings Act 1957.	In section 5(2)(d) the words from "or" onwards. In section 7(5) the words "Sub-paragraph (ii) of".
1958 c. 55.	The Local Government Act 1958.	In Schedule 8, in paragraph 2, sub-paragraph (3), in sub-paragraph (4) the words "paragraph (b) of", and sub-paragraph (5).
1958 c. 65.	The Children Act 1958.	In section 2, in subsection (4) the words "the Children and Young Persons Act 1933 or of". In section 17, in the definition of "fit person order" the words "the Children and Young Persons Act 1933 or".
1958 c. 5 (7 & 8 Eliz. 2).	The Adoption Act 1958.	In section 15(3) the words from "fit person by" to "care of a" and the words "fit person order or" and "as the case may be". In section 37, in subsection (3) the words "in an approved school or".
1959 c. 72.	The Mental Health Act 1959.	In section 60(6) the words from "including" onwards. Section 61. Section 70(2). In section 72(6)(a) the words from "or made" to "Act 1933" and from "or an order" onwards. In section 75(1), the words "(other than a person detained in a remand home)" and in paragraph (b) the words from "or as" to "have been remitted", and in section 75(2) the words from "including" to "1963".

APPENDIX B TO SCHEDULE 1—(cont.)

Chapter	Short title	Extent of repeal
1959 c. 72. (cont.)	The Mental Health Act 1959. —(cont.)	Section 79. In section 80(1), the definitions of “approved school” and “remand home”.
1961 c. 39.	The Criminal Justice Act 1961.	<p>In section 5(2), paragraph (a) and the words following paragraph (b), and section 5(3).</p> <p>In section 6, subsections (1) and (2), and in subsection (3) the words from “or ordering” to “home” in paragraph (a), the words from “or” to “home” in paragraph (b) and the words “or remand home” and “a prison is so named and”.</p> <p>In section 7, in subsection (3) the words from “and where” onwards.</p> <p>Section 8(2).</p> <p>In section 9, paragraph (a).</p> <p>Sections 14 to 17, 22(4) and 25.</p> <p>In section 29(1), the words “remand home” and “special reception centre or other” and in section 29(3) the words from “special” to “1933 and”.</p> <p>Schedule 2.</p> <p>In Schedule 4 the entries relating to sections 54, 72, 78, 82, 83 and 88 of the Act of 1933 and to Schedule 4 to that Act and the entries relating to the Children and Young Persons Act 1938, section 72 and the change in the definition of “sentence” in section 80(1) of the Criminal Justice Act 1948, sections 20 and 32 of the Magistrates’ Courts Act 1952 and section 79 of the Mental Health Act 1959.</p>
1963 c. 33.	The London Government Act 1963.	In Schedule 17, paragraph 18(c).

APPENDIX B TO SCHEDULE 1—(cont.)

Chapter	Short title	Extent of repeal
1963 c. 37.	The Children and Young Persons Act 1963.	<p>Sections 2 and 4 to 15.</p> <p>Section 22.</p> <p>In section 23, in subsection (1), paragraph (a) and the word “authority”, subsection (2), in subsection (3) the words “or subsection (2)” in both places and the words “takes refuge there or”, and subsections (6) to (8).</p> <p>Section 24.</p> <p>In section 25(1) the words “or taken to a place of safety”, and section 25(2).</p> <p>In section 29, in subsection (1) the words “continue to” and subsection (2).</p> <p>Section 33.</p> <p>Section 53(1) and (2).</p> <p>In section 55 the words from “section 84(5)” to “principal Act”, the word “or” immediately preceding the words “section 17” and the words from “(which relate” onwards.</p> <p>Sections 59 and 61.</p> <p>In section 65(5), the words “subsections (1) and (2) of section 10 and”, “and 53(1)” and “27” and “34”.</p> <p>Schedule 1.</p> <p>In Schedule 3, paragraphs 10, 16 to 23, 25 to 27, 33, 34, 35, 36, 44, 46, 48 and 49, and in paragraph 50 the words “special reception centre or other”, and “‘special reception centre’ has the same meaning as in the Children and Young Persons Act 1933 and”.</p>
1963 c. 39.	The Criminal Justice (Scotland) Act 1963.	In Schedule 5, the entry relating to the Children Act 1948.

APPENDIX B TO SCHEDULE 1 - (cont.)

Chapter	Short title	Extent of repeal
1965 c. 53.	The Family Allowances Act 1965.	In section 11(1), sub-paragraph (i) of paragraph (a) and in paragraph (c) the words from "made" to "order".
1967 c. 80.	The Criminal Justice Act 1967.	<p>In section 55, the words "or any provision of the Children and Young Persons Act 1933" and the words from "and accordingly" onwards.</p> <p>In section 77(1), the words "on his means".</p> <p>In Part I of Schedule 3, the entries relating to sections 72(5) and 82(5) of the Act of 1933 and section 14 of the Act of 1963.</p>
1968 c. 49.	The Social Work (Scotland) Act 1968.	<p>In section 72(2), the words "of the Children and Young Persons Acts 1933 to 1963 or, as the case may be", the word "respectively" and the words "to a supervision order within the meaning of section 5 of the Children and Young Persons Act 1963 or".</p> <p>In section 73(2) the word "juvenile".</p> <p>In section 74, in subsection (3) the words "in England or Wales or" and "if he thinks fit" and the words from "an approved" to "be" where it first occurs, in subsection (4) the words from "the Children" to "be of", the words "an approved school or" in the first, second and third places where they occur, the word "of" and "in" following those words in the first and third of those places respectively and the words "section 71 of the said Act of 1933 or" and "section 90 of the said Act of 1933 or under", and in subsection (5) the words "of the Acts of 1933 to 1963 or, as the case may be", the words "of a local authority or, as the case may be" and the words "those Acts or".</p>

APPENDIX B TO SCHEDULE 1—(cont.)

Chapter	Short title	Extent of repeal
1968 c. 49. —(cont.)	The Social Work (Scotland) Act 1968—(cont.)	<p>In section 75, in subsection (1) the words “the Secretary of State or” and “approved school or”, and in subsection (3) the words “approved school or”.</p> <p>In section 76, in subsections (1) and (2), the word “juvenile” wherever it occurs, and in subsection (4) the words “approved school or” and “of the approved school or”.</p> <p>Section 77(1)(b).</p> <p>In Schedule 2, in paragraph 10 the words from “and” to “1933”.</p> <p>In Schedule 8, paragraphs 2 to 5, 21 and 35.</p>

SCHEDULE 2

PROVISIONS COMING INTO FORCE ON 1ST APRIL 1971

Provisions of the Act	Subject matter of provisions
Section 24(5) and (6)	Duty of local authority to appoint visitor for persons committed to their care.

SCHEDULE 3

TRANSITIONAL PROVISIONS

1.—(1) In this Schedule the following expressions have the meanings hereby respectively assigned to them, that is to say:—

- “the Act of 1933” means the Children and Young Persons Act 1933;
- “the Act of 1937” means the Children and Young Persons (Scotland) Act 1937;
- “the Act of 1961” means the Criminal Justice Act 1961; and
- “the Act of 1968” means the Social Work (Scotland) Act 1968.

(2) In this Schedule, except where the context otherwise requires, any reference to an enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any other enactment.

2. Without prejudice to the operation of paragraphs 5(2) and 18 of Schedule 4 to the Act nothing in any provision of Schedule 5 or 6 thereto brought into force by this Order shall affect the operation of section 48 of the Act of 1933 or section 9 of the Act of 1961 in relation to a person subject to a probation order which continues in force by virtue of the said paragraph 5(2).

3. Without prejudice to the operation of paragraphs 15 and 18 of Schedule 4 to the Act nothing in any provision of the Act brought into force by this Order shall affect—

- (a) any order of a court for the detention of any person in a remand home, special reception centre or other place of safety in England and Wales (other than a person subject to an approved school order or detained by virtue of a warrant under section 15 of the Act of 1961) and in force immediately before 1st January 1971; or
- (b) the operation of any enactment relating to a person subject to such an order until he is brought before a court in pursuance of the order or released;

and, accordingly, any such enactment shall have effect in relation to such a person, until he is brought before a court as aforesaid or released, as if this Order had not been made.

4.—(1) Until the date of the coming into force of section 44 of the Act of 1968 nothing in any provision of the Act brought into force by this Order shall affect the operation of any enactment relating to persons sent or transferred to an approved school in Scotland or committed to the care of a fit person under the Act of 1937 or to custody in a remand home provided under that Act and, accordingly, until that date, any such enactment shall have effect in relation to such a person as if this Order had not been made.

(2) In relation to a person who is subject to an approved school or fit person order within the meaning of the Act of 1937 or an order of committal to custody in a remand home provided under that Act immediately before the date mentioned in the preceding sub-paragraph and continues to be so subject on and after that date by virtue of paragraph 4 of Schedule 7 to the Act of 1968 the preceding sub-paragraph shall have effect as if for references to that date there were substituted references to the date on which the order ceases to have effect.

5. So long as section 77(1) of the Act of 1933 (provision of remand homes) applies to a local authority by virtue of paragraph 13(1)(c) of Schedule 4 to the Act, section 78(3) of the Act of 1933 shall, notwithstanding the repeal of that section contained in Schedule 6 to the Act, continue to apply in relation to remand homes provided by that authority as if for the words “detained in custody” there were substituted the word “accommodated”.

6. Any contribution order made under section 87 of the Act of 1933 or any affiliation order made by virtue of or revived under section 26 of the Children Act 1948 and in force immediately before 1st January 1971 shall have effect from that date as if made under the said section 87 or, as the case may be, made by virtue of or revived under the said section 26, as modified by the Act.

7. Any rules made by virtue of section 14 of the Justices of the Peace Act 1949 shall have effect from 1st January 1971 as if they were made by virtue of section 61 of 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 to the transitional provisions contained in Schedule 3 to this Order).

The provisions specified in Schedule 1 to the Order are brought into force on 1st January 1971 and those specified in Schedule 2 on 1st April 1971.

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