



# Children and Young Persons Act 1963

## 1963 CHAPTER 37

### PART I

#### CARE AND CONTROL OF CHILDREN AND YOUNG PERSONS

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

**C1** Pt. I amended (E.W.) by [Local Authority Social Services Act 1970 \(c. 42\), s. 2\(1\), Sch. 1](#)

**1** .....<sup>F1</sup>

##### Textual Amendments

**F1** Ss. 1, 45–47, 49 repealed (S.) by [Social Work \(Scotland\) Act 1968 \(c. 49\), Sch. 9 Pt. I](#) and (E.W.) (1.4.1981) by [Child Care Act 1980 \(c. 5\), s. 89, Sch. 6](#)

#### *Children and young persons in need of care, protection or control*

**2** .....<sup>F2</sup>

##### Textual Amendments

**F2** Ss. 2, 4–15, 22, 23(2)(6)–(8), 24, 25(2), 33, 53(1)(2), 59, 61, Sch. 1, Sch. 3 paras. 10, 16–23, 25–27, 33–36, 44, 46, 48, 49 repealed by [Children and Young Persons Act 1969 \(c. 54\), Sch. 6](#)

**3<sup>F3</sup>** .....

*Status: Point in time view as at 15/12/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons Act 1963, Part I. (See end of Document for details)*

**Textual Amendments**

**F3** S. 3 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4)(6)(7), Sch. 12 para. 19, Sch.15 (with Sch. 14, paras. 1(1), 27(4)); S.I. 1991/828, art. 3(2)

**4—15. .... F4**

**Textual Amendments**

**F4** Ss. 2, 4—15, 22, 23(2)(6)–(8), 24, 25(2), 33, 53(1)(2), 59, 61, Sch. 1, Sch. 3 paras. 10, 16–23, 25–27, 33–36, 44, 46, 48, 49 repealed by Children and Young Persons Act 1969 (c. 54), Sch. 6

*Juvenile courts and proceedings in connection with children and young persons*

**16 Offences committed by children.**

(1) Section 50 of the; principal Act shall be amended by substituting therein the word “ten” for the word “eight”.

<sup>F5</sup>(2) .....

<sup>F5</sup>(3) .....

**Textual Amendments**

**F5** S. 16(2)(3) repealed (15.12.2004) by Criminal Justice Act 2003 (c. 44), ss. 108(1), 336(3)(4), Sch. 37 Pt. 5 (with s. 141); S.I. 2004/3033, art. 3(1)(2)(a)(e)(i)

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

**C2** The text of ss. 16(1), 17(1)(2), 25(1), 31, 32, 34, 35(3), 36, 38(2), 43, 57(1), 64(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**17 Constitution and place of sitting of juvenile courts.**

(1) For Schedule 2 to the principal Act (which relates to the constitution of juvenile courts) there shall be substituted Schedule 2 to this Act.

(2) In section 47(2) of the principal Act (which relates to sittings of juvenile courts) for the words from “subject as hereinafter provided” to “other courts are held” there shall be substituted the words “not sit in a room in which sittings of a court other than a juvenile court are held if a sitting of that other court has been held there within hour before or after the sittings of the juvenile court”.

*Status: Point in time view as at 15/12/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons Act 1963, Part I. (See end of Document for details)*

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

- C3** The text of ss. 16(1), 17(1)(2), 25(1), 31, 32, 34, 35(3), 36, 38(2), 43, 57(1), 64(1) 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 1.2.1991.

**18 Jurisdiction of magistrates’ courts in certain cases involving children and young persons.**

Notwithstanding section 46(1) of the principal Act (which restricts the jurisdiction of magistrates’ courts which are not [<sup>F6</sup>youth courts] in cases where a child or young person is charged with an offence) a magistrates’ court which is not a [<sup>F6</sup>youth court] may hear an information against a child or young person if he is charged—

- (a) with aiding, abetting, causing, procuring, allowing or permitting an offence with which a person who has attained [<sup>F7</sup>the age of eighteen] is charged at the same time; or
- (b) with an offence arising out of circumstances which are the same as or connected with those giving rise to an offence with which a person who has attained [<sup>F7</sup>the age of eighteen] is charged at the same time.

**Textual Amendments**

- F6** Words in s. 18 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para. 40(2)(e)**; S.I. 1992/333, art. 2(2), **Sch. 2**
- F7** Words in s. 18(a)(b) substituted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 5**; S.I. 1995/127, art. 2(1), **Sch. 1** Appendix A

**19** ..... **F8**

**Textual Amendments**

- F8** S. 19, Sch. 3 paras. 28, 51 repealed by Courts Act 1971 (c. 23), **Sch. 11 Pt. IV**

**20** ..... **F9**

**Textual Amendments**

- F9** S. 20, Sch. 3 para. 47 repealed by Administration of Justice Act 1964 (c. 42), **Sch. 5**

**21** ..... **F10**

*Status: Point in time view as at 15/12/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons Act 1963, Part I. (See end of Document for details)*

**Textual Amendments**

**F10** Ss. 21, 64(3), Sch. 3 paras. 1–3, 8, 12, 39, Sch. 5 repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. XI

**22** ..... **F11**

**Textual Amendments**

**F11** Ss. 2, 4–15, 22, 23(2)(6)–(8), 24, 25(2), 33, 53(1)(2), 59, 61, Sch. 1, Sch. 3 paras. 10, 16–23, 25–27, 33–36, 44, 46, 48, 49 repealed by Children and Young Persons Act 1969 (c. 54), Sch. 6

**F12** **23** .....

**Textual Amendments**

**F12** S. 23 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), Sch. 15, (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, art. 3(2)

**24** ..... **F13**

**Textual Amendments**

**F13** Ss. 2, 4–15, 22, 23(2)(6)–(8), 24, 25(2), 33, 53(1)(2), 59, 61, Sch. 1, Sch. 3 paras. 10, 16–23, 25–27, 33–36, 44, 46, 48, 49 repealed by Children and Young Persons Act 1969 (c. 54), Sch. 6

**25 Attendance at court of parents of child or young person brought before court.**

(1) For section 34 of the principal Act there shall be substituted the following section:—

- (1) Where a child or young person is charged with any offence or is for any other reason brought before a court, any person who is a parent or guardian of his may be required to attend at the court before which the case is heard or determined during all the stages of the proceedings, and any such person shall be so required at any stage where ;the court thinks it desirable, unless the court is satisfied that it would be unreasonable to require his attendance.
- (2) Where a child or young person is arrested or taken to a place of safety, such steps shall be taken as may be practicable to inform at least one person whose attendance may be required under this section”.

(2) ..... **F14**

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**Textual Amendments**

**F14** Ss. 2, 4–15, 22, 23(2)(6)–(8), 24, 25(2), 33, 53(1)(2), 59, 61, Sch. 1, Sch. 3 paras. 10, 16–23, 25–27, 33–36, 44, 46, 48, 49 repealed by Children and Young Persons Act 1969 (c. 54), **Sch. 6**

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

**C4** The text of ss. 16(1), 17(1)(2), 25(1), 31, 32, 34, 35(3), 36, 38(2), 43, 57(1), 64(1) 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 1.2.1991.

**26 Medical evidence by certificate.**

In any proceedings, other than proceedings for an offence, before a [<sup>F15</sup>youth court], and on any appeal from a decision of a [<sup>F15</sup>youth court] in any such proceedings, any document purporting to be a certificate of a fully registered medical practitioner as to any person’s physical or mental condition shall be admissible as evidence of that condition.

**Textual Amendments**

**F15** Words in s. 26 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para. 40(2)(e)**; S.I. 1992/333, art. 2(2), **Sch.2**

**27** ..... <sup>F16</sup>

**Textual Amendments**

**F16** S. 27 repealed by Magistrates' Courts Act 1980 (c. 43), ss. 154(2), 155(7), **Sch. 9**

**28 Form of oath for use in juvenile courts and by children and young persons in other courts.**

- (1) Subject to subsection (2) of this section, in relation to any oath administered to and taken by any person before a [<sup>F17</sup>youth court] or administered to and taken by any child or young person before any other court, [<sup>F18</sup>section 1 of the <sup>M1</sup>Oaths Act 1978] shall have effect as if the words “I promise before Almighty God” were set out in it instead of the words “I swear by Almighty God that”.
- (2) Where in any oath otherwise duly administered and taken either of the forms mentioned in this section is used instead of the other, the oath shall nevertheless be deemed to have been duly administered and taken.

**Textual Amendments**

**F17** Words in s. 28(1) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para. 40(2)(e)**; S.I. 1992/333, art. 2(2), **Sch. 2**  
**F18** Words substituted by Oaths Act 1978 (c. 19), **s. 2**

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**Marginal Citations**

M1 1978 c. 19.

**29 Provisions as to persons between the ages of 17 and 18.**

(1) Where proceedings in respect of a young person are begun <sup>F19</sup> . . . [<sup>F20</sup>for an offence] and he attains [<sup>F21</sup>the age of eighteen] before the conclusion of the proceedings, the court may . . . <sup>F22</sup> deal with the case and make any order which it could have made if he had not attained that age.

(2) . . . . . <sup>F23</sup>

**Textual Amendments**

- F19** Words in s. 29(1) repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), Sch. 15 (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, art. 3(2)
- F20** Words substituted by Children and Young Persons Act 1969 (c. 54), Sch. 5 para. 49
- F21** Words in s. 29(1) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 68(a), 101(1), Sch. 8 para.3, Sch. 12 para. 22(1); S.I. 1992/333, art. 2(2), Sch. 2
- F22** Words repealed by Children and Young Persons Act 1969 (c. 54), Sch. 6
- F23** S. 29(2) repealed by Children and Young Persons Act 1969 (c. 54), Sch. 5 para. 49, Sch. 6

**30** . . . . . <sup>F24</sup>

**Textual Amendments**

- F24** S. 30, Sch. 3 paras. 38, 40 repealed (1.4.1981) by Child Care Act 1980 (c. 5), s. 89, Sch. 6

*Increase of certain penalties*

**31 Increase of penalty for cruelty.**

In section I of the principal Act (cruelty to persons under sixteen) paragraph (b) of subsection (1) (which provides for a fine not exceeding twenty-five pounds on summary conviction) shall be amended, as respects offences committed after the commencement of this Act, by the substitution for the words “twenty-five pounds” of the words “one hundred pounds”.

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

- C5** The text of ss. 16(1), 17(1)(2), 25(1), 31, 32, 34, 35(3), 36, 38(2), 43, 57(1), 64(1) 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 1.2.1991.

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### 32 Increase of penalty for sales of tobacco, etc., to persons under 16.

Section 7 of the principal Act and section 18 of the principal Scottish Act (which, in subsection (1), prohibit the sale of tobacco and cigarette papers to persons apparently under the age of sixteen and, in subsection (2), enable a court to order measures to be taken to prevent the use by such persons of automatic machines for the sale of tobacco) shall each be amended, as respects offences committed after the commencement of this Act, by substituting—

- (a) in subsection (1) (which provides for fines not exceeding two, five and ten pounds on a first, second or subsequent conviction) for the words “two”, “five” and “ten” the words “twenty-five” “fifty” and “one hundred”, respectively; and
- (b) in subsection (2) (which provides for fines not exceeding five pounds for failure to comply with the order of the court and further fines not exceeding one pound for each day during which the offence continues) for the words “five” and “one” the words “fifty” and “ten”, respectively.

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

- C6** The text of ss. 16(1), 17(1)(2), 25(1), 31, 32, 34, 35(3), 36, 38(2), 43, 57(1), 64(1) 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 1.2.1991.

### 33 ..... F25

#### Textual Amendments

- F25** Ss. 2, 4–15, 22, 23(2)(6)–(8), 24, 25(2), 33, 53(1)(2), 59, 61, Sch. 1, Sch. 3 paras. 10, 16–23, 25–27, 33–36, 44, 46, 48, 49 repealed by Children and Young Persons Act 1969 (c. 54), **Sch. 6**

**Status:**

Point in time view as at 15/12/2004.

**Changes to legislation:**

There are currently no known outstanding effects for the Children and Young Persons Act 1963, Part I.