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Children and Young Persons Act 1969

1969 CHAPTER 54

An Act to amend the law relating to children and young persons; and for purposes connected therewith.
[22nd October 1969]

Modifications etc. (not altering text)

C1 Act extended (S.) by Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **s. 390(4)**

PART I

CARE AND OTHER TREATMENT OF JUVENILES THROUGH COURT PROCEEDINGS

[F1 Care of children and young persons through juvenile courts]

Textual Amendments

F1 Ss. 1–3 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F2 1 . . . . . .

Textual Amendments

F2 Ss. 1-3 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F3 2 . . . . . .

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Textual Amendments

F3 Ss. 1–3 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch.15** (with Sch. 14 paras, 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

[F4]3 . . . . . .

Textual Amendments

F4 Ss. 1–3 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch.15**, (Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

Consequential changes in criminal proceedings etc.

PROSPECTIVE

[F5]4 . . . . . .

Textual Amendments

F5 S. 4 repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 72, 101(2), **Sch 13**; S.I. 1992/333, art. 2(2), **Sch.2**

5 Restrictions on criminal proceedings for offences by young persons.

[F6](1) . . . . . .

[F6](2) . . . . . .

[F6](3) . . . . . .

[F6](4) . . . . . .

[F6](5) . . . . . .

[F6](6) . . . . . .

[F6](7) . . . . . .

(8) It shall be the duty of a person who decides to lay an information in respect of an offence in a case where he has reason to believe that the alleged offender is a young person to give notice of the decision to the appropriate local authority unless he is himself that authority.

(9) In this section—

"the appropriate local authority", in relation to a young person, means the local authority for the area in which it appears to the informant in question that the young person resides or, if the young person appears to the informant

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not to reside in the area of a local authority, the local authority in whose area it is alleged that the relevant offence or one of the relevant offences was committed; and

[F7] . . .

and [F7]. . .; but nothing in this section shall be construed as preventing any council or other body from acting by an agent for the purposes of this section.

Textual Amendments

F6 S. 5(1)-(7) repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 72, 101(2), **Sch. 13**; S.I. 1992/333, art. 2(2), **Sch.2**

F7 Definitions in s. 5(9) repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 72, 101(2), **Sch. 13**; S.I. 1992/333, art. 2(2), **Sch.2**

6 . . . . . [F8]

Textual Amendments

F8 S. 6 repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154(2), **Sch. 9**

7 Alterations in treatment of young offenders etc.

(1) . . . . . [F9]

(2) . . . . . [F10]

(3) . . . . . [F11]

(5) An order sending a person to an approved school shall not be made after such day as the Secretary of State may by order specify for the purposes of this subsection.

[X1](6) Sections 54 and 57 of the Act of 1933 (which among other things enables a child or young person found guilty of an offence to be sent to a remand home or committed to the care of a fit person) shall cease to have effect.

[F12](7) . . . . . .

[F13](7A) . . . . . .

[F14](7B) . . . . . .

[F14](7C) . . . . . .

[F12](8) . . . . . .

[F12](8A) . . . . . .

[F12](8B) . . . . . .

[F12](9) . . . . . .

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Editorial Information

X1 The text of s. 7(6) 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.

Textual Amendments

F9 S. 7(1) repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 16**

F10 S. 7(2) repealed by Powers of Criminal Courts Act 1973 (c. 62, SIF 39:1), **Sch. 6**

F11 S. 7(3)(4) repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 16**

F12 S. 7(7)-(9) repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F13 S. 7(7A) (which was inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 23(b)**) 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)**

F14 S. 7(7B)(7C) (which were inserted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s.108(4)(6), Sch. 12 para. 21 (with **Sch. 14 para. 1(1)**; S.I. 1991/828, **art. 3(2)**) repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), **Sch. 13**; S.I. 1992/333, art. 2(2), **Sch. 2**

Modifications etc. (not altering text)

C2 31.12.1970 specified for purposes of s. 7(5) by S.I. 1970/1499, **art. 2**

[F15]7A . . . . . .

Textual Amendments

F15 S. 7A 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)**

[F16]8 . . . . . .

Textual Amendments

F16 S. 8 repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 72, 101(2), **Sch. 13**; S.I. 1992/333, art. 2(2), **Sch.2**

9 Investigations by local authorities.

(1) Where a local authority or a local education authority bring [F17]. . . proceedings for an offence alleged to have been committed by a young person or are notified that any such proceedings are being brought, it shall be the duty of the authority, unless they are of opinion that it is unnecessary to do so, to make such investigations and provide the court before which the proceedings are heard with such information relating to the home surroundings, school record, health and character of the person in respect of whom the proceedings are brought as appear to the authority likely to assist the court.

(2) If the court mentioned in subsection (1) of this section requests the authority aforesaid to make investigations and provide information or to make further investigations and

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provide further information 4 relating to the matters aforesaid, it shall be the duty of the authority to comply with the request.

Textual Amendments

F17 Words in s. 9(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)**

10 Further limitations on publication of particulars of children and young persons etc.

[F18](1) . . . . . .

[F18](2) . . . . . .

(3) . . . . . [F19]

Textual Amendments

F18 S. 10(1)(2) repealed (3.2.1995) by 1994 c. 33, s. 168(3), **Sch.11**; S.I. 1995/127, art. 2(1), **Sch.1** Appendix C

F19 S. 10(3) repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154(2), **Sch. 9**

Supervision

[F20]11 . . . . . .

Textual Amendments

F20 S. 11 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

[F21]11A . . . . . .

Textual Amendments

F21 S. 11A (which was inserted by Children Act 1975 (c. 72, SIF 49:9), **Sch. 3 para. 68**) 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)**

[F22]12 . . . . . .

Textual Amendments

F22 S. 12 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

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[F23]12A . . . . . .

Textual Amendments

F23 S. 12A repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

[F24]12AA. . . . . .

Textual Amendments

F24 S. 12AA repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2) and subject to amendment (2.4.2001) by 1999 c. 22, s. 24, Sch. 4 paras. 4, **5** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 3(a)(ii)**

[F25]12B . . . . . .

Textual Amendments

F25 S. 12B repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

[F26]12C . . . . . .

Textual Amendments

F26 S. 12C repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

[F27]12D . . . . . .

Textual Amendments

F27 S. 12D repealed (30.9.1998) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 18, **Sch.10**; S.I. 1998/2327, **art.2(1)(y)(aa)(2)(h)(3)(k)**

[F28]13 . . . . . .

Textual Amendments

F28 S. 13 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

[F29]14 . . . . . .

Textual Amendments

F29 S. 14 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

[F30]14A . . . . . .

Textual Amendments

F30 S. 14A (which was inserted by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), **Sch. 2 para. 11**) 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)**

[F31]15 . . . . . .

Textual Amendments

F31 S. 15 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

[F32]16 . . . . . .

Textual Amendments

F32 S. 16 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

[F33]16A . . . . . .

Textual Amendments

F33 S. 16A repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

[F34]16B . . . . . .

Textual Amendments

F34 S. 16B repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

[F35]17 . . . . . .

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Textual Amendments

F35 S. 17 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

[F36]18 . . . . . .

Textual Amendments

F36 S. 18 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2) and subject to amendment (1.4.2001) by 1999 c. 22, s. 90, **Sch. 13 para. 63(a)** (with s. 107, Sch. 14 para 7(2)); S.I. 2001/916, **art. 2(a)(ii)**

[F37]19 . . . . . .

Textual Amendments

F37 S. 19 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2) and subject to amendment (1.4.2001) by 1999 c. 22, s. 90, **Sch. 13 para. 63(b)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**

Committal to care of local authorities

[F38]20 . . . . . .

Textual Amendments

F38 Ss. 20–22 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)**

[F39]20A . . . . . .

Textual Amendments

F39 S. 20A (inserted) by Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 22**) 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)**

[F40]21 . . . . . .

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Textual Amendments

F40 Ss. 20–22 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)**

[F41]21A . . . . . .

Textual Amendments

F41 S. 21A 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)**

[F42]22 . . . . . .

Textual Amendments

F42 Ss. 20–22 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), Sch. 14 para. 27(4), **Sch.15**, (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

[[F43]23 Remands and committals to local authority accommodation.

(1) Where—

(a) a court remands a child or young person charged with or convicted of one or more offences or commits him for trial or sentence; and

(b) he is not released on bail,

the remand or committal shall be to local authority accommodation; and in the following provisions of this section, any reference (however expressed) to a remand shall be construed as including a reference to a committal.

(2) A court remanding a person to local authority accommodation shall designate the local authority who are to receive him; and that authority shall be—

(a) in the case of a person who is being looked after by a local authority, that authority; and

(b) in any other case, the local authority in whose area it appears to the court that he resides or the offence or one of the offences was committed.

(3) Where a person is remanded to local authority accommodation, it shall be lawful for any person acting on behalf of the designated authority to detain him.

(4) **[**[F44]Subject to subsections (5) and (5A) below,**]** a court remanding a person to local authority accommodation may, after consultation with the designated authority, require that authority to comply with a security requirement, that is to say, a requirement that the person in question be placed and kept in secure accommodation.

(5) A court shall not impose a security requirement except in respect of **[**[F45]a child who has attained the age of twelve, or a young person, who (in either case) is of a prescribed description**]**, and then only if—

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(a) he is charged with or has been convicted of a violent or sexual offence, or an offence punishable in the case of an adult with imprisonment for a term of fourteen years or more; or

(b) he has a recent history of absconding while remanded to local authority accommodation, and is charged with or has been convicted of an imprisonable offence alleged or found to have been committed while he was so remanded,

and (in either case) the court is of opinion that only such a requirement would be adequate to protect the public from serious harm from him.

[[F46](5A) A court shall not impose a security requirement in respect of a child or young person who is not legally represented in the court unless—

(a) he applied for legal aid and the application was refused on the ground that it did not appear his means were such that he required assistance; or

(b) having been informed of his right to apply for legal aid and had the opportunity to do so, he refused or failed to apply.**]**

(6) Where a court imposes a security requirement in respect of a person, it shall be its duty—

(a) to state in open court that it is of such opinion as is mentioned in subsection (5) above; and

(b) to explain to him in open court and in ordinary language why it is of that opinion;

and a magistrates' court shall cause a reason stated by it under paragraph (b) above to be specified in the warrant of commitment and to be entered in the register.

(7) A court remanding a person to local authority accommodation without imposing a security requirement may, after consultation with the designated authority, require that person to comply with any such conditions as could be imposed under section 3(6) of the Bail Act 1976 if he were then being granted bail.

(8) Where a court imposes on a person any such conditions as are mentioned in subsection (7) above, it shall be its duty to explain to him in open court and in ordinary language why it is imposing those conditions; and a magistrates' court shall cause a reason stated by it under this subsection to be specified in the warrant of commitment and to be entered in the register.

(9) A court remanding a person to local authority accommodation without imposing a security requirement may, after consultation with the designated authority, impose on that authority requirements—

(a) for securing compliance with any conditions imposed on that person under subsection (7) above; or

(b) stipulating that he shall not be placed with a named person.

(10) Where a person is remanded to local authority accommodation, a relevant court—

(a) may, on the application of the designated authority, impose on that person any such conditions as could be imposed under subsection (7) above if the court were then remanding him to such accommodation; and

(b) where it does so, may impose on that authority any requirements for securing compliance with the conditions so imposed.

(11) Where a person is remanded to local authority accommodation, a relevant court may, on the application of the designated authority or that person, vary or revoke any conditions or requirements imposed under subsection (7), (9) or (10) above.

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(12) In this section—

"court" and "magistrates" court' include a justice;

"imprisonable offence" means an offence punishable in the case of an adult with imprisonment;

[[F47]"prescribed description" means a description prescribed by reference to age or sex or both by an order of the Secretary of State;**]**

"relevant court", in relation to a person remanded to local authority accommodation, means the court by which he was so remanded, or any magistrates' court having jurisdiction in the place where he is for the time being;

"secure accommodation" means accommodation which is provided in a community home **[**[F48], a voluntary home or a registered children's home**]** for the purpose of restricting liberty, and is approved for that purpose by the Secretary of State;

"sexual offence" and "violent offence" have the same meanings as in **[**[F49]the Powers of Criminal Courts (Sentencing) Act 2000**]**;

"young person" means a person who has attained the age of fourteen years and is under the age of seventeen years.

[[F48]but, for the purposes of the definition of "secure accommodation", "local authority accommodation" includes any accommodation falling within section 61(2) of the [M1]Criminal Justice Act 1991.**]**

(13) In this section—

(a) any reference to a person who is being looked after by a local authority shall be construed in accordance with section 22 of the Children Act 1989;

(b) any reference to consultation shall be construed as a reference to such consultation (if any) as is reasonably practicable in all the circumstances of the case; and

(c) any reference, in relation to a person charged with or convicted of a violent or sexual offence, to protecting the public from serious harm from him shall be construed as a reference to protecting members of the public from death or serious personal injury, whether physical or psychological, occasioned by further such offences committed by him.

(14) This section has effect subject to—

[F50](a) . . . . . .

(b) section 128(7) of that Act (remands to the custody of a constable for periods of not more than three days),

but section 128(7) shall have effect in relation to a child or young person as if for the reference to three clear days there were substituted a reference to twenty-four hours.

Textual Amendments

F43 S. 23 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53), **s. 60(1)** (subject to transitional provisions and savings in ss. 62, 101(1), Sch. 12 para. 15); S.I. 1992/333, art. 2(5), **Sch. 3**

F44 Words in s. 23(4) substituted (30.9.1998 for certain purposes and otherwise 1.6.1999) by 1998 c. 37, **s. 97(1)**; S.I. 1998/2327, **art. 2(1)(t)**; S.I. 1999/1279, **art. 2(g)(i)**

F45 Words in s. 23(5) substituted (30.9.1998 for certain purposes and otherwise 1.6.1999) by 1998 c. 37, **s. 97(2)**; S.I. 1998/2327, **art. 2(1)(t)**; S.I. 1999/1279, **art. 2(g)(i)**

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F46 S. 23(5A) inserted (30.9.1998 for certain purposes and otherwise 1.6.1999) by 1998 c. 37, **s. 97(3)**; S.I. 1998/2327, **art. 2(1)(t)**; S.I. 1999/1279, **art. 2(g)(i)**

F47 Definition in s. 23(12) inserted (30.9.1998 for certain purposes and otherwise 1.6.1999) by 1998 c. 37, **s. 97(4)**; S.I. 1998/2327, **art. 2(1)(t)**; S.I. 1999/1279, **art. 2(g)(i)**

F48 Words in the definition of "secure accommodation" in s. 23(12) inserted (30.5.1995) by 1994 c. 33, **s. 19(1)**; S.I. 1995/1378, **art. 2**
Words at the end of s. 23(12) inserted (30.5.1995) by 1994 c. 33, **s. 19(1)**; S.I. 1995/1378, **art. 2**

F49 S. 23(12): Words in definition of "sexual offence" and "violent offence" substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 38**

F50 S. 23(14)(a) repealed (30.9.1998) by 1998 c. 37, s. 120(2), **Sch. 10**; S.I. 1998/2327, **art. 2(1)(aa)(3)(k)**.

Modifications etc. (not altering text)

C3 S. 23 modified (1.6.1999) by 1998 c. 37, **s. 98**; S.I. 1999/1279, **art. 2(g)(i)** and, as so modified, amended (*prosp.*) by 1999 c. 22, ss. 24, 108(1), Sch. 4 paras. 4, **7** and (*prosp.*) by 2000 c. 43, ss. 74, 75, 80(1), **Sch. 7 Pt. I para. 4(1)(2)**, Part. II para. 39(a)-(c), Sch. 8)

Marginal Citations

M1 1991 c. 53.

[F51 23A Liability to arrest for breaking conditions of remand.

(1) A person who has been remanded or committed to local authority accommodation and in respect of whom conditions under subsection (7) or (10) of section 23 of this Act have been imposed may be arrested without warrant by a constable if the constable has reasonable grounds for suspecting that that person has broken any of those conditions.

(2) A person arrested under subsection (1) above—

(a) shall, except where he was arrested within 24 hours of the time appointed for him to appear before the court in pursuance of the remand or committal, be brought as soon as practicable and in any event within 24 hours after his arrest before a justice of the peace for the petty sessions area in which he was arrested; and

(b) in the said excepted case shall be brought before the court before which he was to have appeared.

In reckoning for the purposes of this subsection any period of 24 hours, no account shall be taken of Christmas Day, Good Friday or any Sunday.

(3) A justice of the peace before whom a person is brought under subsection (2) above—

(a) if of the opinion that that person has broken any condition imposed on him under subsection (7) or (10) of section 23 of this Act shall remand him; and that section shall apply as if he was then charged with or convicted of the offence for which he had been remanded or committed;

(b) if not of that opinion shall remand him to the place to which he had been remanded or committed at the time of his arrest subject to the same conditions as those which had been imposed on him at that time.]

Status: *Point in time view as at 25/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Children and Young Persons Act 1969 is up to date with all changes known to be in force on or before 24 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F51 S. 23A inserted (3.2.1995) by 1994 c. 33, **s.23**; S.I. 1995/127, art. 2(1), **Sch.1** (with transitional savings in art. 2(2), Sch.2 para. 1)

VALID FROM 01/03/2002

[F52 23AA Electronic monitoring of conditions of remand

(1) A court shall not impose a condition on a person under section 23(7)(b) above (an "electronic monitoring condition") unless each of the following requirements is fulfilled.

(2) The first requirement is that the person has attained the age of twelve years.

(3) The second requirement is that—

(a) the person is charged with or has been convicted of a violent or sexual offence, or an offence punishable in the case of an adult with imprisonment for a term of fourteen years or more; or

(b) he is charged with or has been convicted of one or more imprisonable offences which, together with any other imprisonable offences of which he has been convicted in any proceedings—

(i) amount, or

(ii) would, if he were convicted of the offences with which he is charged, amount,

to a recent history of repeatedly committing imprisonable offences while remanded on bail or to local authority accommodation.

(4) The third requirement is that the court—

(a) has been notified by the Secretary of State that electronic monitoring arrangements are available in each petty sessions area which is a relevant area; and

(b) is satisfied that the necessary provision can be made under those arrangements.

(5) The fourth requirement is that a youth offending team has informed the court that in its opinion the imposition of such a condition will be suitable in the person's case.

(6) Where a court imposes an electronic monitoring condition, the condition shall include provision for making a person responsible for the monitoring; and a person who is made so responsible shall be of a description specified in an order made by the Secretary of State.

(7) The Secretary of State may make rules for regulating—

(a) the electronic monitoring of compliance with conditions imposed under section 23(7)(a) above; and

(b) without prejudice to the generality of paragraph (a) above, the functions of persons made responsible for securing the electronic monitoring of compliance with such conditions.

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(8) Subsections (8) to (10) of section 3AA of the Bail Act 1976 (c. 63) (provision about rules and orders under that section) shall apply in relation to this section as they apply in relation to that section.

(9) For the purposes of this section a petty sessions area is a relevant area in relation to a proposed electronic monitoring condition if the court considers that it will not be practicable to secure the electronic monitoring in question unless electronic monitoring arrangements are available in that area.**]**

Textual Amendments

F52 S. 23AA inserted (1.3.2002) by Criminal Justice and Police Act 2001 (c. 16), s. 132(b); S.I. 2002/344, **art. 2** (with transitional provisions in art. 4)

24 . . . . . **F53**

Textual Amendments

F53 Ss. 24, 27 repealed by Child Care Act 1980 (c. 5), SIF 20), s. 89, Sch. 6

Transfer

25 Transfers between England or Wales and Northern Ireland. E+W

(1) If it appears to the Secretary of State, on the application of the welfare authority or the managers of the training school to whose care a person is committed **[**F54by a relevant order**]**, that his parent or guardian resides or will reside in the area of a local authority in England or Wales, the Secretary of State may make an order committing him to the care of that local authority; and while an order under this subsection is in force it shall have effect **[**F55F56. . .as if it were a supervision order imposing a **[**F57local authority residence requirement as mentioned in paragraph 5 of Schedule 6 to the Powers of Criminal Courts (Sentencing) Act 2000**].]**

[F58(1A) In subsection (1) above "by a relevant order" means—

(a) by a fit person order;

(b) by virtue of a training school order; or

(c) by an order under subsection (2) below;

where the order in question is not by virtue of Schedule 8 to the Children (Northern Ireland) Order 1995 deemed to be a care order within the meaning of that Order.**]**

(2) If it appears to the **[**F59the Secretary of State**]**, on the application of the local authority to whose care a person is committed by a care order **[**F60to which paragraph 36 of Schedule 14 to the Children Act (criminal care order transitional provisions) applies**]** other than an interim order **[**F60or who is to accommodate a person pursuant to a supervision order imposing a **[**F57local authority residence requirement as mentioned in paragraph 5 of Schedule 6 to the Powers of Criminal Courts (Sentencing) Act 2000**]][**F61or by an order under subsection (1) above**]**, that his parent or guardian resides or will reside in Northern Ireland, **[**F59the Secretary of State**]** may make an order

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committing him to the care of the managers of a training school or to the care of the welfare authority in whose area his parent or guardian resides or will reside and the provisions of the [M2]Children and Young Persons Act (Northern Ireland) 1968 (except sections **[**[F62]88(3) and 90**]** shall apply to an order under this subsection as if it were a training school order made on the date of the care order or, as the case may be, **[**[F62]the supervision order**]**.

If an order under this subsection commits a person to the care of the managers of a training school, the contributions to be made in respect of him under section 161 of the said Act of 1968 shall be made by such council as may be named in that order, being the council within whose district his parent proposes to reside or is residing at the time of the order.

(3) When a person is received into the care of a local authority or welfare authority or the managers of a training school in pursuance of an order under this section, the training school order, fit person order **[**[F63], care order or supervision order**]** in consequence of which the order under this section was made shall cease to have effect; and the order under this section shall, unless it is discharged earlier, cease to have effect—

(a) in the case of an order under subsection (1), on the earlier of the following dates, that is to say, the date when the person to whom the order relates attains the age of nineteen or the date when, by the effluxion of time, the fit person order aforesaid would have ceased to have effect or, as the case may be, the period of his detention under the training school order aforesaid would have expired;

(b) in the case of an order under subsection (2), on the date when the care order **[**[F64]or supervision order**]** aforesaid would have ceased to have effect by the effluxion of time or—

[F65](i) . . . . . .

(ii) if the order has effect by virtue of subsection (2) as a training school order and the period of supervision following the detention of the person in question in pursuance of the order expires before that date, when that period expires.

(4) An order under this section shall be sufficient authority for the detention in Northern Ireland, by any constable or by a person duly authorised by a local authority or welfare authority or the managers of a training school, of the person to whom the order relates until he is received into the care of the authority or managers to whose care he is committed by the order.

(5) In this section "training school", "training school order" and "welfare authority" have the same meaning as in the said Act of 1968, and "fit person order" means an order under that Act committing a person to the care of a fit person.

Extent Information

E1 This version of this provision extends to E.W. only; a seperate version has been created for N.I. only

Textual Amendments

F54 Words in s. 25(1) substituted (4.11.1996) by S.I. 1995/756, **art. 7(2)**; S.R. (N.I.) 1996/297, art. 3

F55 Words in s. 25(1) substituted (14.10.1991) by S.I. 1991/2032, **reg. 8(1)(a)(ii)**

F56 Words in s. 25(1) repealed (4.11.1996) by S.I. 1995/756, art. 15, **Sch.**; S.R. (N.I.) 1996/297, art. 3

F57 Words in s. 25(1)(2) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 39(a)**

F58 S. 25(1A) inserted (4.11.1996) by S.I. 1995/756, **art. 7(3)**; S.R. (N.I.) 1996/297, art. 3

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F59 Words substituted (N.I.) by virtue of S.I. 1973/2163, arts. 2(1), 11(5), **Sch. 1**
F60 Words in s. 25(2) inserted (14.10.1991) by S.I. 1991/2032, **reg. 8(1)(b)(i)(ii)**
F61 Words inserted by Health and Social Services and Social Security Ajudications Act 1983 (c. 41, SIF 113:3), **Sch. 2 para. 15**
F62 Words in s. 25(2) substituted (14.10.1991) by S.I. 1991/2032, **reg. 8(1)(b)(iv)(v)**
F63 Words in s. 25(3) substituted (14.10.1991) by S.I. 1991/2032, **reg. 8(1)(c)(ii)**
F64 Words in s. 25(3)(b) inserted (14.10.1991) by S.I. 1991/2032, **reg. 8(1)(c)(iii)**
F65 S. 25(3)(b)(i) omitted (14.10.1991) by virtue of S.I. 1991/2032, **reg. 8(1)(c)(iv)**

Modifications etc. (not altering text)

C4 Ss. 25, 26: power to amend conferred (14.10.1991) by Children Act 1989 (c. 41, SIF 20), **s. 101(5)(a)**, (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
C5 S. 25(2) excluded by Army Act 1955 (c. 18, SIF 7:1), **Sch. 5A para 7(4)**, Air Force Act 1955 (c. 19, SIF 7:1), **Sch 5A para 7(4)** and Naval Discipline Act 1957 (c. 53, SIF 7:1), **Sch. 4A para 7(4)** (Schs. 5A para. 7(3) of the said Acts of 1955 and Sch. 4A para. 7(3) of the Act 1957 substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4), Sch. 12 paras. 8, 10, **18**, (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**)

Marginal Citations

M2 1968 c. 34 (N.I.)

25 Transfers between England or Wales and Northern Ireland. N.I.

(1) If it appears to the Secretary of State, on the application of the **[**[F209]Ministry of Home Affairs for Northern Ireland (in this section referred to as the Ministry of Home Affairs)**]** or the managers of the training school to whose care a person is committed **[**[F210]by a relevant order**]**, that his parent or guardian resides or will reside in the 'area of a local authority in England or Wales, the Secretary of State may make an order committing him to the care of that local authority; and while an order under this subsection is in force it shall have effect **[**[F211F212]. . . as if it were a supervision order imposing a **[**[F213]local authority residence requirement as mentioned in paragraph 5 of Schedule 6 to the Powers of Criminal Courts (Sentencing) Act 2000**]]**

[[F214](1A) In subsection (1) above "by a relevant order" means—

(a) by a fit person order;
(b) by virtue of a training school order; or
(c) by an order under subsection (2) below;

where the order in question is not by virtue of Schedule 8 to the Children (Northern Ireland) Order 1995 deemed to be a care order within the meaning of that Order.**]**

(2) If it appears to the **[**[F215]the Secretary of State**]**, on the application of the local authority to whose care a person is committed by a care order **[**[F216]to which paragraph 36 of Schedule 14 to the Children Act (criminal care order transitional provions) applies**]** other than an interim order [[F216]or who is to accomodate a person pursuant to a supervision order imposing a **[**[F213]local authority residence requirement as mentioned in paragraph 5 of Schedule 6 to the Powers of Criminal Courts (Sentencing) Act 2000**]**] **[**[F217]or by an order under subsection (1) above**]**, that his parent or guardian resides or will reside in Northern Ireland, **[**[F215]the Secretary of State**]** may make an order committing him to the care of the managers of a training school [F218]. . . and the provisions of the [M49]Children and Young Persons Act (Northern Ireland) 1968 (except sections **[**[F219] 88(3) and 90**]** shall apply to an order under this subsection as if it were a

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training school order made on the date of the care order or, as the case may be, **[**[F220]the supervision order**]**.

[F221] . . .

(3) When a person is received into the care of a local authority [F222]. . . or the managers of a training school in pursuance of an order under this section, the training school order, fit person order **[**[F223], care order or supervision order**]** in consequence of which the order under this section was made shall cease to have effect; and the order under this section shall, unless it is discharged earlier, cease to have effect—

(a) in the case of an order under subsection (1), on the earlier of the following dates, that is to say, the date when the person to whom the order relates attains the age of nineteen or the date when, by the effluxion of time, the fit person order aforesaid would have ceased to have effect or, as the case may be, the period of his detention under the training school order aforesaid would have expired;

(b) in the case of an order under subsection (2), on the date when the care order **[**[F224]or supervision order**]** or aforesaid would have ceased to have effect by the effluxion of time or—

[F225](i) . . . . . .

(ii) if the order has effect by virtue of subsection (2) as a training school order and the period of supervision following the detention of the person in question in pursuance of the order expires before that date, when that period expires.

(4) An order under this section shall be sufficient authority for the detention in Northern Ireland, by any constable or by a person duly authorised by a local authority [F226]. . . or the managers of a training school, of the person to whom the order relates until he is received into the care of the authority [F226]. . . or managers to whose care he is committed by the order.

(5) In this section ”training school” **[**[F227]and “training school order”**]** have the same meaning as in the said Act of 1968, and “fit person order” means an order under that Act committing a person to the care of a fit person.

Extent Information

E4 This version of this provision extends to N.I. only; a separate version has been created for E.W. only

Textual Amendments

F209 Words in s. 25(1) substituted (N.I.) by S.R. & O. (N.I.) 1973/256, art. 3, Sch. 2
F210 Words in s. 25(1) substituted (4.11.1996) by S.I. 1995/756, **art. 7(2)**; S.R. (N.I.) 1996/297, art. 3
F211 Words in s. 25(1) substituted (14.10.1991) by S.I. 1991/2032, **art. 8(1)(a)(ii)**.
F212 Words in s. 25(1) repealed (4.11.1996) by S.I. 1995/756, art. 15, **Sch.**; S.R. (N.I.) 1996/297, art. 3
F213 Words in s. 25(1)(2) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 39(a)**
F214 S. 25(1A) inserted (4.11.1996) by S.I. 1995/756, **art. 7(3)**; S.R. (N.I.) 1996/297, art. 3
F215 Words substituted (N.I.) by virtue of S.I. 1973/2163, arts. 2(1), 11(5), **Sch. 1**
F216 Words in s. 25(2) inserted (14.10.1991) by S.I. 1991/2032, **art. 8(1)(b)(i)(ii)**.
F217 Words inserted by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), **Sch. 2 para. 15**
F218 Words in s. 25(2) omitted (14.10.1991) by virtue of S.I. 1991/2032, **reg. 8(1)(b)(iii)**
F219 Words in s. 25(2) substituted (14.10.1991) by S.I. 1991/2032, **reg. 8(1)(b)(iv)**
F220 Words in s. 25(2) substituted (14.10.1991) by S.I. 1991/2032, **reg. 8(1)(b)(v)**.

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F221 Words repealed (N.I.) by S.R. & O. (N.I.) 1973/256, art. 3, Sch. 2
F222 Words in s. 25(3) omitted (14.10.1991) by virtue of S.I. 1991/2032, **reg. 8(1)(c)(i)**.
F223 Words in s. 25(3) substituted (14.10.1991) by S.I. 1991/2032, **reg. 8(1)(c)(ii)**.
F224 Words in s. 25(3)(b) inserted (14.10.1991) by S.I. 1991/2032, **reg. 8(c)(iii)**
F225 S. 25(3)(b)(i) omitted (14.10.1991) by virtue of S.I. 1991/2032, **reg. 8(1)(c)(iv)**
F226 Words in s. 25(4) omitted (14.10.1991) by virtue of S.I. 1991/2032, **reg. 8(1)(d)**.
F227 Words in s. 25(5) substituted (N.I.) by S.R. & O. (N.I.) 1973/256, art. 3, Sch. 2

Modifications etc. (not altering text)

C12 Ss. 25, 26: power to amend conferred (14.10.1991) by Children Act 1989 (c. 41, SIF 20), **s. 101(5)(a)**, (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
C13 S. 25(2): Certain functions transferred (N.I.) by S.I. 1973/2163, **Sch. 1**
C14 S. 25(2) excluded by Army Act 1955 (c. 18, SIF 7:1), **Sch. 5A para. 7(4)**, Air Force Act 1955 (c. 19, SIF 7:1) Sch. 5A para. 7(4) and Naval Discipline Act 1957 (c. 53, SIF 7:1), **Sch. 4A para. 7(4)** (Schs. 5A para. 7(3) of the said Acts of 1955 and Sch. 4A of the 1957 Act substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4), **Sch. 12 paras. 8**. 10, 18 (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**

Marginal Citations

M49 1968 c. 34 (N.I.)

26 Transfers between England or Wales and the Channel Islands or Isle of Man.

(1) The Secretary of State may by order designate for the purposes of this section an order of any description which—

(a) a court in the Isle of Man or any of the Channel Islands is authorised to make by the law for the time being in force in that country; and

(b) provides for the committal to the care of a public authority of a person who has not attained the age of eighteen; and

(c) appears to the Secretary of State to be of the same nature as a care order other than an interim order **[**[F66] or as a supervision order imposing a **[**[F67]local authority residence requirement as mentioned in paragraph 5 of Schedule 6 to the Powers of Criminal Courts (Sentencing) Act 2000**]**];

and in this section "relevant order" means an order of a description for the time being so designated and "the relevant authority", in relation to a relevant order, means the authority in the Isle of Man or any of the Channel Islands to whose care the person to whom the order relates is, under the law of that country, committed by the order **[**[F68]and "care order" means an order made under section 31 of the Children Act 1989.**]**.

(2) The Secretary of State may authorise a local authority to receive into their care any person named in the authorisation who is the subject of a relevant order; and while such an authorisation is in force in respect of any person he shall, subject to the following subsection **[**[F69] be deemed to be the subject of a care order placing the child in the care of a named local authority or, where the relevant order was made as a criminal disposal in criminal proceedings, a supervision order imposing a **[**[F67]local authority residence requirement as mentioned in paragraph 5 of Schedule 6 to the Powers of Criminal Courts (Sentencing) Act**]** with a requirement that the child be accommodated by a designated local authority**]**.

(4) An authorisation given to a local authority under this section shall cease to have effect when—

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(a) the local authority is informed by the Secretary of State that he has revoked it; or

(b) the relevant order to which the authorisation relates ceases to have effect by the effluxion of time under the law of the place where the order was made or the local authority is informed by the relevant authority that the order has been discharged under that law; or

(c) the person to whom the relevant order relates is again received into the care of the relevant authority;

and if a local authority having by virtue of this section the care of a person to whom a relevant order relates is requested by the relevant authority to make arrangements for him to be received again into the care of the relevant authority, it shall be the duty of the local authority to comply with the request.

Extent Information

E2 S. 26 extends to England, Wales, the Channel Islands and the Isle of Man only

Textual Amendments

F66 Words in s. 26(1)(c) inserted (14.10.1991) by S.I. 1991/2032, **reg. 8(2)(a)**.

F67 Words in s. 26(1)(2) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 39(b)**

F68 Words in s. 26(1) inserted (14.10.1991) by S.I. 1991/2032, **reg. 8(2)(a)**.

F69 Words in s. 26(2) substituted (14.10.1991) for words to the end of subsection (3) by S.I. 1991/2032, **reg. 8(2)(b)**.

Modifications etc. (not altering text)

C6 Ss. 25, 26: power to amend conferred (14.10.1991) by Children Act 1989 (c. 41, SIF 20), **s. 101(5)(a)**, (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**

27 . . . . . **F70**

Textual Amendments

F70 Ss. 24, 27 repealed by Child Care Act 1980 (c. 5), SIF 20), s. 89, Sch. 6 (s. 27(4) expressed to be 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), 36(3)(a)); S.I. 1991/828, **art. 3(2)**)

Detention

F71 28 . . . . . .

Textual Amendments

F71 S. 28 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)(6)); S.I. 1991/828, **art. 3(2)**

Status: *Point in time view as at 25/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
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[F72 29 Recognisance on release of arrested child or young person.

[F73(1)**]** A child or young person arrested in pursuance of a warrant shall not be released unless. . . F74 his parent or guardian (with or without sureties) enters into a recognisance for such amount as the custody officer at the police station where he is detained considers will secure his attendance at the hearing of the charge; and the recognisance entered into in pursuance of this section may, if the custody officer thinks fit, be conditioned for the attendance of the parent or guardian at the hearing in addition to the child or young person.

[F75(2) In this section "young person" means a person who has attained the age of fourteen and is under the age of seventeen years.**]**

Textual Amendments

F72 S. 29 substituted by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 121(1), **Sch. 6 para. 19**(*b*)

F73 S. 29 renumbered as subsection (1) (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 68, 101(1), Sch. 8, para. 4(1), **Sch. 12**, para. 22(1); S.I. 1992/333, art. 2(2), **Sch.2**

F74 Words repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170, Sch. 15 para. 36, **Sch. 16**

F75 S. 29(2) inserted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 68, 101(1), Sch. 8, para. 4(1), **Sch. 12**, para. 22(1); S.I. 1992/333, art. 2(2), **Sch.2**

Modifications etc. (not altering text)

C7 S. 29 excluded by Prevention of Terrorism (Temporary Provisions) Act 1984 (c. 8, SIF 39:2), **s. 12(6)**

30 Detention of young offenders in community homes.

(1) The power to give directions under **[**F76section 92 of the Powers of Criminal Courts (Sentencing) Act 2000**]** (under which young offenders convicted on indictment of certain grave crimes may be detained in accordance with directions given by the Secretary of State) shall include power to direct detention by a local authority specified in the directions in a home so specified which is a community home provided by the authority or a controlled community home for the management, equipment and maintenance of which the authority are responsible; but a person shall not be liable to be detained in the manner provided by this section after he attains the age of nineteen.

(2) It shall be duty of a local authority specified in directions given in pursuance of this section to detain the person to whom the directions relate in the home specified in the directions subject to and in accordance with such instructions relating to him as the Secretary of State may give to the authority from time to time; and the authority shall be entitled to recover from the Secretary of State any expenses reasonably incurred by them in discharging that duty.

Textual Amendments

F76 Words in s. 30(1) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 40**

31 . . . . . F77

Status: *Point in time view as at 25/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Children and Young Persons Act 1969 is up to date with all changes known to be in force on or before 24 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F77 S. 31 repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 16**

32 Detention of absentees. E+W

(1) If any of the following persons, that is to say—

(a) . . . . . [F78]

(b) . . . . . [F79]

(c) . . . . . [F80]

(d) a person sent to a remand home, special reception centre or training school or committed to the care of a fit person under the [M3]Children and Young Persons Act (Northern Ireland) 1968 **[**[F81](but not deemed by virtue of Schedule 8 to the Children (Northern Ireland) Order 1995 to be the subject of a care order within the meaning of that Order)**]**,

is absent from premises at which he is required by. . . [F82] the relevant Northern Ireland authority to live, or as the case may be is absent from the home, remand home, special reception centre or training school, at a time when he is not permitted by. . . [F82] the relevant Northern Ireland authority to be absent from it, he may be arrested by a constable anywhere in the United Kingdom or the Channel Islands without a warrant and shall if so arrested be conducted, at the expense of the authority. . . [F82], to the premises or other place aforesaid or such other premises as the authority. . . [F82] may direct.

[[F83](1A) If a child or young person is absent, without the consent of the responsible person—

(a) from a place of safety to which he has been taken under **[**[F84]paragraph 7(4) of Schedule 7 to the Powers of Criminal Courts (Sentencing) Act 2000**]**; or

(b) from local authority accommodation—

(i) in which he is required to live under **[**[F85]paragraph 5 of Schedule 6 to that Act**]**; or

(ii) to which he has been remanded under **[**[F86] paragraph 7(5) of Schedule 7 to that Act**][**[F87]; or

(iii) to which he has been remanded or committed under section 23(1) of this Act**]**

he may be arrested by a constable anywhere in the United Kingdom or Channel Islands without a warrant.

(1B) A person so arrested shall be conducted to—

(a) the place of safety;

(b) the local authority accommodation; or

(c) such other place as the responsible person may direct, at the responsible person's expense.

(1C) In this section "the responsible person" means the person who made the arrangements under **[**[F88]paragraph 7(4) of Schedule 7 to the Powers of Criminal Courts (Sentencing) Act 2000**]** or, as the case may be, the authority designated under**][**[F89]paragraph 5 of Schedule 6 to that Act, paragraph 7(8) of Schedule 7 to that Act or section**][**[F90]23 of this Act.**]**

Status: *Point in time view as at 25/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Children and Young Persons Act 1969 is up to date with all changes known to be in force on or before 24 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) If a magistrates' court is satisfied by information on oath that there are reasonable grounds for believing that a person specified in the information can produce a person who is absent as mentioned in subsection (1) **[**[F91]or (1A)**]** of this section, the court may issue a summons directed to the person so specified and requiring him to attend and produce the absent person before the court; and a person who without reasonable excuse fails to comply with any such requirement shall, without prejudice to any liability apart from this subsection, be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding **[**[F92]level 3 on the standard scale**]**.

In the application of this subsection to Northern Ireland, "magistrates court" means a magistrates' court within the meaning of the **[**[F93M4]Magistrates' Courts (Northern Ireland) Order 1981**]**.

[[F94](2A) Without prejudice to its powers under subsection (2) of this section, a magistrates' court (within the meaning of that subsection) may, if it is satisfied by information on oath that there are reasonable grounds for believing that a person who is absent as mentioned in subsection (1) or **[**[F95](1A)(a) or (b)(i) or (ii)**]** of this section is in premises specified in the information, issue a search warrant authorising a constable to search the premises for that person.

(2B) A court shall not issue a summons or search warrant under subsection (2) or (2A) of this section in any case where the person who is absent is a person to whom subsection (1A) of this section applies, unless the information referred to in the said subsection (2) or (2A) is given by the **[**[F96]responsible person**].]**

(3) A person who knowingly compels, persuades, incites or assists another person to become or continue to be absent as mentioned in subsection (1) **[**[F97]or (1A)**]** of this section shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or a fine of an amount not exceeding **[**[F98]level 5 on the standard scale**]** or both.

(4) The reference to a constable in **[**[F99]subsections (1),(1A) and (2A)**]** of this section includes a reference to a person who is a constable under the law of any part of the United Kingdom, to a member of the police in Jersey and to an officer of police within the meaning of section 43 of the Larceny (Guernsey) Law 1958 or any corresponding law for the time being in force, and in **[**[F99]subsection (1)**]**"the relevant Northern Ireland authority" means in the case of a person committed to the care of a fit person, the fit person, and in the case of a person sent to a remand home, special reception centre or training school, the person in charge of that home or centre or the managers of that school.

(5) Nothing in this section authorises the arrest in Northern Ireland of, or the taking there of any proceedings in respect of, such a person as is mentioned in paragraph (d) of subsection (1) of this section.

Extent Information

E3 This version of this provision extends to England and Wales only; a separate version has been created for Scotland and Northern Ireland only

Textual Amendments

F78 S. 32(1)(a) repealed by Child Care Act 1980 (c. 5, SIF 20), ss. 89, 90(1), **Sch. 6**

F79 S. 32(1)(b) repealed by Children Act 1975 (c. 72, SIF 49:9, 10), **s. 68(1)(2)**

F80 S. 32(1)(c) repealed by Child Care Act 1980 (c. 5, SIF 20), ss. 89, 90(1), **Sch. 6**

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F81 Words in s. 32(1)(d) inserted (4.11.1996) by S.I. 1995/756, **art. 7(4)**; S.R. (N.I.) 1996/297, art. 3
F82 Words repealed by Child Care Act 1980 (c. 5, SIF 20), **ss. 89**, 90(1) Sch. 6
F83 S. 32(1A)–(1C) substituted (14.10.1991) for subsection (1A) (which was inserted by Children Act 1975 (c. 72, SIF 49:9, 10) s. 68(1)(3)) by Children Act 1989 (c. 41, SIF 20), s. 108(4)(6), **Sch. 12 para. 27(1)**,(with Sch. 14 paras. 1(1), 30); S.I. 1991/828, **art. 3(2)**
F84 Words in s. 32(1A)(a) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 41(2)(a)**
F85 Words in s. 32(1A)(b)(i) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 41(2)(b)**
F86 Words in s. 32(1A)(b)(ii) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 41(2)(c)**
F87 Words in s. 32(1A)(b) substituted (E.W.) (5.9.1995) by 1995 c. 16, **s. 2(2)(a)**; S.I. 1995/2021, **art. 2**
F88 Words in s. 32(1C) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 41(3)(a)**
F89 Words in s. 32(1C) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 41(3)(b)**
F90 Words in s. 32(1C) inserted (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 116, **Sch. 16 para. 5(3)**; S.I. 1991/1883, art. 3, **Sch.**
F91 Words inserted by Children Act 1975 (c. 72, SIF 49:9, 10), **s. 68(1)(4)**
F92 Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46 and S.I. 1984/703 (N.I. 3), **art. 6**
F93 Words substituted by S.I. 1981/1675 (N.I. 26), **Sch. 6 para. 17**
F94 S. 32(2A)(2B) inserted by Children Act 1975 (c. 72, SIF 49:9, 10), **s. 68(1)(5)**
F95 Words in s. 32(2A) substituted (E.W.) (5.9.1995) by 1995 c. 16, **s. 2(2)(b)**; S.I. 1995/2021, **art. 2**
F96 Words in s. 32(2B) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4)(6), **Sch. 12 para. 27(2)**, (with Sch. 14 paras. 1(1), 30); S.I. 1991/828, **art. 3(2)**
F97 Words inserted by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), **Sch. 2 para. 16**
F98 Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46, Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F**, 289G (as inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 54**) and S.I. 1984/703 (N.I. 3), **art. 6**
F99 Words substituted by Children Act 1975 (c. 72, SIF 49:9, 10), **s. 68(1)(7)**

Modifications etc. (not altering text)

C8 S. 32(3) excluded (14.10.1991) by Children Act 1989 (c. 41, SIF 20), **s. 51(5)–(7)**, (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
S. 32(3) restricted (4.11.1996) by S.I. 1995/755, **art. 70(6)(7)(d)**; S.R. (N.I.) 1996/297, art. 2(2)

Marginal Citations

M3 1968 c. 34. (N.I.)
M4 S.I. 1981/1675 (N.I. 26).

32 Detention of absentees. S+N.I.

(1) If any of the following persons, that is to say—

(a) F228

(b) F229

(c) F230

(d) a person sent to a remand home, special reception centre or training school or committed to the care of a fit person under the M50Children and Young Persons Act (Northern Ireland) 1968 **[**F231(but not deemed by virtue of Schedule 8 to the Children (Northern Ireland) Order 1995 to be the subject of a care order within the meaning of that Order)**]**,

is absent from premises at which he is required by. . . F232 the relevant Northern Ireland authority to live, or as the case may be is absent from the home, remand home, special reception centre or training school, at a time when he is not permitted by. . . F232

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the relevant Northern Ireland authority to be absent from it, he may be arrested by a constable anywhere in the United Kingdom or the Channel Islands without a warrant and shall if so arrested be conducted, at the expense of the authority. . . [F232], to the premises or other place aforesaid or such other premises as the authority. . . [F232] may direct.

[[F233](1A) If a child or young person is absent, without the consent of the responsible person—

(a) from a place of safety to which he has been taken **[**[F234]paragraph 7(4) of Schedule 7 to the Powers of Criminal Courts (Sentencing) Act 2000**]**; or

(b) from local authority accommodation—

(i) in which he is required to live under **[**[F235]paragraph 5 of Schedule 6 to that Act**]**; or

(ii) to which he has been remanded under **[**[F236]paragraph 7(5) of Schedule 7 to that Act**]** ,

he may be arrested by a constable anywhere in the United Kingdom or Channel Islands without a warrant.

(1B) A person so arrested shall be conducted to—

(a) the place of safety;

(b) the local authority accommodation; or

(c) such other place as the responsible person may direct, at the responsible person's expense.

(1C) In this section "the responsible person" means the person who made the arrangements under **[**[F237]paragraph 7(4) of Schedule 7 to the Powers of Criminal Courts (Sentencing) Act 2000**]** or, as the case may be, the authority designated under **[**[F238]paragraph 5 of Schedule 6 to that Act, paragraph 7(8) of Schedule 7 to that Act or section**]** 23 of this Act.**]**

(2) If a magistrates' court is satisfied by information on oath that there are reasonable grounds for believing that a person specified in the information can produce a person who is absent as mentioned in subsection (1) **[**[F239]or (1A)**]** of this section, the court may issue a summons directed to the person so specified and requiring him to attend and produce the absent person before the court; and a person who without reasonable excuse fails to comply with any such requirement shall, without prejudice to any liability apart from this subsection, be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding **[**[F240]level 3 on the standard scale**]**.

In the application of this subsection to Northern Ireland, "magistrates court" means a magistrates' court within the meaning of the **[**[F241M51]Magistrates' Courts (Northern Ireland) Order 1981**]**.

[[F242](2A) Without prejudice to its powers under subsection (2) of this section, a magistrates' court (within the meaning of that subsection) may, if it is satisfied by information on oath that there are reasonable grounds for believing that a person who is absent as mentioned in subsection (1) or (1A) of this section is in premises specified in the information, issue a search warrant authorising a constable to search the premises for that person.

(2B) A court shall not issue a summons or search warrant under subsection (2) or (2A) of this section in any case where the person who is absent is a person to whom subsection (1A) of this section applies, unless the information referred to in the said subsection (2) or (2A) is given by the **[**[F243]responsible person**]**.**]**

Status: *Point in time view as at 25/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
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(3) A person who knowingly compels, persuades, incites or assists another person to become or continue to be absent as mentioned in subsection (1) **[**[F244]or (1A)**]** of this section shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or a fine of an amount not exceeding **[**[F245]level 5 on the standard scale**]** or both.

(4) The reference to a constable in **[**[F246]subsections (1),(1A) and (2A)**]** of this section includes a reference to a person who is a constable under the law of any part of the United Kingdom, to a member of the police in Jersey and to an officer of police within the meaning of section 43 of the Larceny (Guernsey) Law 1958 or any corresponding law for the time being in force, and in **[**[F246]subsection (1)**]**"the relevant Northern Ireland authority" means in the case of a person committed to the care of a fit person, the fit person, and in the case of a person sent to a remand home, special reception centre or training school, the person in charge of that home or centre or the managers of that school.

(5) Nothing in this section authorises the arrest in Northern Ireland of, or the taking there of any proceedings in respect of, such a person as is mentioned in paragraph (d) of subsection (1) of this section.

Extent Information

E5 This version of this provision extends to Scotland and Northern Ireland only; a separate version has been created for England and Wales only.

Textual Amendments

F228 S. 32(1)(a) repealed by Child Care Act 1980 (c. 5, SIF 20), ss. 89, 90(1), **Sch. 6**

F229 S. 32(1)(b) repealed by Children Act 1975 (c. 72, SIF 49:9, 10), **s. 68(1)(2)**

F230 S. 32(1)(c) repealed by Child Care Act 1980 (c. 5, SIF 20), ss. 89, 90(1), **Sch. 6**

F231 Words in s. 32(1)(d) inserted (4.11.1996) by S.I. 1995/756, **art. 7(4)**; S.R. (N.I.) 1996/297, art. 3

F232 Words repealed by Child Care Act 1980 (c. 5, SIF 20), **ss. 89**, 90(1) Sch. 6

F233 S. 32(1A)–(1C) substituted (14.10.1991) for subsection (1A) (which was inserted by Children Act 1975 (c. 72, SIF 49:9, 10) s. 68(1)(3)) by Children Act 1989 (c. 41, SIF 20), s. 108(4)(6), **Sch. 12 para. 27(1)**,(with Sch. 14 paras. 1(1), 30); S.I. 1991/828, **art. 3(2)**

F234 Words in s. 32(1A)(a) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 41(2)(a)**

F235 Words in s. 32(1A)(b) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 41(2)(b)**

F236 Words in s. 32(1A)(b)(ii) substituted (25.8.2000) by virtue of 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 41(2)(c)**

F237 Words in s. 32(1C) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 41(3)(a)**

F238 Words in s. 32(1C) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 41(3)(b)**

F239 Words inserted by Children Act 1975 (c. 72, SIF 49:9, 10), **s. 68(1)(4)**

F240 Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46 and S.I. 1984/703 (N.I. 3), **art. 6**

F241 Words substituted by S.I. 1981/1675 (N.I. 26), **Sch. 6 para. 17**

F242 S. 32(2A)(2B) inserted by Children Act 1975 (c. 72, SIF 49:9, 10), **s. 68(1)(5)**

F243 Words in s. 32(2B) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4)(6), **Sch. 12 para. 27(2)**, (with Sch. 14 paras. 1(1), 30); S.I. 1991/828, **art. 3(2)**

F244 Words inserted by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), **Sch. 2 para. 16**

F245 Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46, Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F**, 289G (as inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 54**) and S.I. 1984/703 (N.I. 3), **art. 6**

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F246 Words substituted by Children Act 1975 (c. 72, SIF 49:9, 10), **s. 68(1)(7)**

Modifications etc. (not altering text)

C15 S. 32(3) excluded (14.10.1991) by Children Act 1989 (c. 41, SIF 20), **s. 51(5)–(7)**, (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
S. 32(3) restricted (4.11.1996) by S.I. 1995/755, **art. 70(6)(7)(d)**; S.R. (N.I.) 1996/297, art. 2(2)
S. 32(3) restricted (S.) (12.12.1996 for certain purposes and 1.4.1997 for all remaining purposes) by 1995 c. 36, **s. 38(4)(b)** (with ss. 90, 103(1)); S.I. 1996/3201, **arts. 3(1)(7)**

Marginal Citations

M50 1968 c. 34. (N.I.)
M51 S.I. 1981/1675 (N.I. 26).

Conflict of interest between parent and child or young person

[F100]32A . . . . . .

Textual Amendments

F100 Ss. 32A-32C repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch.15**, (with Sch. 14 para. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

[F101]32B . . . . . .

Textual Amendments

F101 Ss. 32A-32C 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)**

[F102]32C . . . . . .

Textual Amendments

F102 Ss. 32A-32C 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)**

33 . . . . . .[F103]

Textual Amendments

F103 S. 33 repealed by Legal Aid Act 1974 (c. 4, SIF 77:1), **Sch. 5 Pt. I**

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Transitional modifications of Part I for persons of specified ages

34 Transitional modifications of Part I for persons of specified ages.

(1) The Secretary of State may by order provide—

[F104](a) . . . . . .

(b) . . . . . .

(c) that any reference to a young person in section 5(8), [F105]. . . 9(1), 23(1) or 29(1) of this Act shall be construed as including a child who has attained such age as may be so specified;

(d) . . . . . [F106]

(e) that **[**[F107]section 23(4) to (6)**]** of this Act shall have effect as if the references to a young person excluded a young person who has not attained such age as may be so specified;

(f) . . . . . [F108]

(2) In the case of a person who has not attained **[**[F109]the age of eighteen**]** but has attained such lower age as the Secretary of State may by order specify, no proceedings [F110]. . . for an offence shall be begun in any court unless the person proposing to begin the proceedings has, in addition to any notice falling to be given by him to a local authority in pursuance of section [F110]. . . 5(8) of this Act, given notice of the proceedings to a probation officer for the area for which the court acts; [F110]. . ..

(3) In the case of a person who has attained such age as the Secretary of State may by order specify, an authority shall, without prejudice to subsection (2) of section 9 of this Act, not be required by virtue of subsection (1) of that section to make investigations or provide information which it does not already possess with respect to his home surroundings if, by direction of the justices or probation and after-care committee acting for any relevant area, arrangements are in force for information with respect to his home surroundings to be furnished to the court in question by a probation officer.

(4) Except in relation to section 13(2) of this Act, references to a child in subsection (1) of this section do not include references to a person under the age of ten.

(5) . . . . . [F111]

(6) Without prejudice to the generality of section 69(4) of this Act, an order under this section may specify different ages for the purposes of different provisions of this Act specified in the order.

(7) A draft of any order proposed to be made under this section shall be laid before Parliament and, in the case of an order of which the effect is that the reference to a child in section 4 of this Act includes a child who has attained an age of more than twelve, shall not be made unless the draft has been approved by a resolution of each House of Parliament.

Textual Amendments

F104 S. 34(1)(a) repealed (30.9.1998) by 1998 c. 37, s. 120(2), **Sch.10**; S.I. 1998/2327, **art. 2(1)(aa)**.

F105 Words in s. 34(c) repealed (30.9.1998) by 1998 c. 37, ss. 106, 120(2), Sch. 7 para. 8, **Sch.10**; S.I. 1998/2327, **art. 2(1)(w)(aa)(3)(k)**.

F106 S. 34(1)(d) repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 16**

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F107 Words in s. 34(1)(e) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4)(6), **Sch. 12 para. 28(b)**, (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**

F108 S. 34(1)(f) repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170(2), **Sch. 16**

F109 Words in s. 34(2) substituted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 9**; S.I. 1995/127, art. 2(1), **Sch. 1** Appendix A

F110 Words in s. 34(2) 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)**

F111 S. 34(5) repealed by Criminal Law Act 1977 (c. 45, SIF 39:1), **Sch. 13**

PART II

ACCOMMODATION ETC. FOR CHILDREN IN CARE, AND FOSTER CHILDREN

Community homes

35—45. . . . . . [F112]

Textual Amendments

F112 Ss. 35–45, 47–50 repealed by Child Care Act 1980 (c. 5, SIF 20), s. 89, **Sch. 6**

46 Discontinuance of approved schools etc. on establishment of community homes.

(1) If in the case of any approved school, **[**[F113]or remand home within the meaning of the [M5]Criminal Justice Act 1948 or approved probation hostel **[**[F114]within the meaning of the Probation Service Act 1993**]]** (hereafter in this section referred to as an "approved institution") it appears to the Secretary of State that in consequence of the establishment of community homes for a planning area the institution as such is no longer required, he may by order provide that it shall cease to be an approved institution on a date specified in the order.

(2) The provisions of Schedule 3 to this Act shall have effect in relation to institutions which are, or by virtue of this section have ceased to be, approved institutions.

Textual Amendments

F113 Words substituted by Powers of Criminal Courts Act 1973 (c. 62, SIF 39:1), **Sch. 5 para. 36**

F114 Words in s. 46(1) substituted (5.2.1994) by 1993 c. 47, ss. 32, 33, **Sch. 3 para. 3(3)**.

Modifications etc. (not altering text)

C9 S. 46 amended by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), **Sch. 2 para. 17**

Marginal Citations

M5 1948 c. 58**(39:1).**

Status: *Point in time view as at 25/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Children and Young Persons Act 1969 is up to date with all changes known to be in force on or before 24 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

47—50. . . . . . F115

Textual Amendments

F115 Ss. 35–45, 47–50 repealed by Child Care Act 1980 (c. 5, SIF 20), s. 89, **Sch. 6**

51 . . . . . F116

Textual Amendments

F116 Ss. 51, 52(1)–(3) repealed by Foster Children Act 1980 (c. 6, SIF 20), **Sch. 3**

52

(1) F117

X2(4) Section 37 of the M6 Adoption Act 1958 (which defines " protected child" for the purposes of Part IV of that Act) shall have effect subject to the following modifications:—

(a) in paragraph (a) of subsection (1) (which refers to arrangements for placing a child in the care of a person who is not a parent, guardian or relative of his) after the words " relative of his" there shall be inserted the words " but who proposes to adopt him" ;

(b) in subsection (1) (which among other matters excludes a foster child from the definition of " a protected child") the words " but is not a foster child within the meaning of Part I of the Children Act 1958" shall be omitted ; and

(c) in subsection (2) (which excludes certain children from the definition of protected child, including children only temporarily in the care and possession of a person under such arrangements as are referred to in subsection (1)(a) of that section) the words from " by reason" to " that subsection, nor" shall be omitted.

(5) F118

Editorial Information

X2 The text of s. 52(4) 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.

Textual Amendments

F117 Ss. 51, 52(1)–(3) repealed by Foster Children Act 1980 (c. 6, SIF 20), **Sch. 3**

F118 Ss. 52(5), 53–55 repealed by Foster Children Act 1980 (c. 6, SIF 20), **Sch. 3**

Marginal Citations

M6 1958 c. 5. (7 & 8 Eliz. 2.)

53—55. . . . . . F119

Status: *Point in time view as at 25/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
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Textual Amendments

F119 Ss. 52(5), 53–55 repealed by Foster Children Act 1980 (c. 6, SIF 20), **Sch. 3**

56, 57. . . . . . F120

Textual Amendments

F120 Ss. 56, 57 repealed by (E.W.) Foster Children Act 1980 (c. 6, SIF 20), **Sch. 3** and (S.) Foster Children (Scotland) Act 1984 (c. 56, SIF 20), **Sch. 3**
Words "49 and the said sections" in s. 57(4) expressed to be repealed (3.2.1995) by 1994 c. 33, s. 168(3), **Sch.11**; S.I. 1995/127, art. 2(1), **Sch.1** Appendix C

58, 59. . . . . . F121

Textual Amendments

F121 Ss. 58, 59 repealed by Child Care Act 1980 (c. 5, SIF 20), s. 89, **Sch. 6**

PART III

MISCELLANEOUS AND GENERAL

60 . . . . . F122

Textual Amendments

F122 S. 60 repealed by Extradition Act 1989 (c. 33, SIF 48), s. 37(1), **Sch. 2**

61 . . . . . F123

Textual Amendments

F123 S. 61 repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154(2), **Sch. 9**

62—64A. F124

Textual Amendments

F124 Ss. 62–64A, 65(1) repealed by Child Care Act 1980 (c. 5, SIF 20), s. 89, **Sch. 6**

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Financial provisions

65 Grants to voluntary organisations etc.

(1) . . . . . [F125]

(2) . . . . . [F126]

(3) Where an order has been made under section 46 of this Act in relation to an approved institution within the meaning of that section and no **[**[F127]part of the premises occupied by the institution forms part of a controlled or assisted community home.**]**

(4) No grant shall be made under subsection (3) of this section in respect of a liability relating to an institution unless it appears to the Secretary of State that, on or within a reasonable time after the date specified in the order referred to in that subsection, the premises of the institution are to be used for a purpose which is of benefit to children; and any grant made under that subsection shall be subject to such conditions as the Secretary of State may with the approval of the Treasury determine, including conditions with respect to the repayment in whole or in part of the grant, either by the person to whom the grant was made or by some other person who, before the grant was made, consented to accept the liability.

(5) Any sums received by the Secretary of State by virtue of any such condition as is referred to in subsection (4) of this section shall be paid into the Consolidated Fund.

Textual Amendments

F125 Ss. 62–64A, 65(1) repealed by Child Care Act 1980 (c. 5, SIF 20), s. 89, **Sch. 6**

F126 S. 65(2) repealed by Children Act 1975 (c. 72, SIF 49:9, 10), **Sch. 4 Pt. X**

F127 Words substituted by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), **Sch. 2 para. 18**

66 Increase of rate support grants.

(1) The power to make an order under **[**[F128]section 4(1) of the [M7]Local Government Act 1974**]** increasing the amounts fixed by a rate support grant order for a particular year shall be exercisable, in accordance with subsection (2) of this section, in relation to any rate support grant order made before the date of the coming into operation of any provision of this Act (in this section referred to as "the relevant provision") for a grant period ending after that date.

(2) Without prejudice to **[**[F128]subsection (6) of the said section 4**]** (which empowers an order under subsection (1) of that section to vary the matters prescribed by a rate support grant order), an order under subsection (1) of that section made by virtue of this section may be made for such year or years comprised in the grant period concerned as may be specified in the order and in respect of the year or each of the years so specified shall increase the amounts fixed by the relevant rate support grant order as the aggregate amounts of the rate support grants and any elements of the grants for that year to such extent and in such a manner as may appear to **[**[F129]the Secretary of State**]** to be appropriate, having regard to any additional expenditure incurred or likely to be incurred by local authorities in consequence of the coming into operation of the relevant provision.

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(3) In this section "grant period" means the period for which a rate support grant order is made.

(4) There shall be defrayed out of moneys provided by Parliament any increase in rate support grants attributable to this Act.

Textual Amendments

F128 Words substituted by virtue of Interpretation Act 1978 (c. 30, SIF 115:1), **s. 17(2)(a)**

F129 Words substituted by virtue of S.I. 1970/1681, **arts. 2(1)**, 6(3)

Marginal Citations

M7 1974 c. 7**(81:1).**

67 Administrative expenses.

Any administrative expenses of the Secretary of State under this Act shall be defrayed out of moneys provided by Parliament.

Supplemental

68 . . . . . F130

Textual Amendments

F130 S. 68 repealed by Local Government Act 1972 (c. 70, SIF 81:1), **Sch. 30**

69 Orders and regulations etc.

(1) Any power conferred on the Secretary of State by this Act to make an order or regulations, except an order under section 25,. . . F131 or paragraph 23 or 24 of Schedule 4, shall be exercisable by statutory instrument; and any statutory instrument made in pursuance of this subsection, except an instrument containing only regulations under paragraph 8(2) of Schedule 3 or an order under section 1(6), 26, 46, , F131 72(2) or 73(2), or paragraph 11(2) of Schedule 3, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(2) A statutory instrument containing regulations under subsection (4) of section 5 or an order under section 34 of this Act shall not be subject to annulment as aforesaid, but no such regulations or order shall be included in a statutory instrument containing provisions which do not require approval in pursuance of the said subsection (4) or, as the case may be, to which subsection (7) of the said section 34 does not apply.

(3) An order made or directions given by the Secretary of State under any provision of this Act, except an order under section 7(5), may be revoked or varied by a subsequent order or subsequent directions under that provision.

(4) Any order or regulations made by the Secretary of State under this Act may—

(a) make different provision for different circumstances;

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(b) provide for exemptions from any provisions of the order or regulations; and

(c) contain such incidental and supplemental provisions as the Secretary of State considers expedient for the purposes of the order or regulations.

(5) . . . . . .

Textual Amendments

F131 Words repealed by Child Care Act 1980 (c. 5, SIF 20), s. 89, **Sch. 6**

70 Interpretation and ancillary provisions.

(1) In this Act, unless the contrary intention appears, the following expressions have the following meanings:—

"the [M8]Act of 1933" means the Children and Young Persons Act 1933;

"the [M9]Act of 1963" means the Children and Young Persons Act 1963;

"approved school order", "guardian" and "place of safety" have the same meanings as in the Act of 1933;

[F132] . . .

"child", except in Part II (including Schedule 3) and sections 27, 63, 64 and 65 of this Act, means a person under the age of fourteen, and in that Part (including that Schedule) and those sections means a person under the age of eighteen and a person who has attained the age of eighteen and is the subject of a care order;

. . . . . [F133]

[F132] . . .

"local authority" **[**[F134]except in relation to proceedings under section 1 of this Act instituted by a local education authority, means the council of a non-metropolitan county or of a **[**[F135]county borough,**]** metropolitan district**]** or London borough or the Common Council of the City of London;

[[F136] "local authority accommodation" means accommodation provided by or on behalf of a local authority (within the meaning of the Children Act 1989)**]**

"petty sessions area" [F137]. . ., in relation to a **[**[F138] youth court**]**constituted for the metropolitan area within the meaning of Part II of Schedule 2 to the Act of 1963, [F137]. . . means such a division of that area as is mentioned in paragraph 14 of that Schedule;

. . . . . [F133]

"police officer" means a member of a police force;

. . . . . [F133]

"reside" means habitually reside, and cognate expressions shall be construed accordingly [F139]. . .;

[[F140]"supervision order" has the same meaning as in the Powers of Criminal Courts (Sentencing) Act 2000;**]**

. . . . . [F133]

[[F141]"young person" means a person who has attained the age of fourteen and is under the age of eighteen years;**]**

[[F142]"youth offending team" means a team established under section 39 of the Crime and Disorder Act 1998.**]**

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and it is hereby declared that, in the expression "care or control", "care" includes protection and guidance and "control" includes discipline.

[[F143](1A) In the case of a child or young person—

(a) whose father and mother were not married to each other at the time of his birth, and

(b) with respect to whom a residence order is in force in favour of the father,

any reference in this Act to the parent of the child or young person includes (unless the contrary intention appears) a reference to the father.

[F143](1B) In subsection (1A) of this section, the reference to a child or young person whose father and mother were not married to each other at the time of his birth shall be construed in accordance with section 1 of the [M10]Family Law Reform Act 1987 and "residence order" has the meaning given by section 8(1) of the [M11]Children Act 1989.**]**

(2) . . . . . .

(3) In section 99(1) of the Act of 1933 (under which the age which a court presumes or declares to be the age of a person brought before it is deemed to be his true age for the purposes of that Act) the references to that Act shall be construed as including references to this Act.

(4) Subject to the following subsection, any reference in this Act to any enactment is a reference to it as amended, and includes a reference to it as applied, by or under any other enactment including this Act.

(5) Any reference in this Act to an enactment of the Parliament of Northern Ireland shall be construed as a reference to that enactment as amended by any Act of that Parliament, whether passed before or after this Act, and to any enactment of that Parliament for the time being in force which re-enacts the said enactment with or without modifications.

Textual Amendments

F132 Definitions in s. 70(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)**

F133 Definitions repealed by Child Care Act 1980 (c. 5, SIF 20), s. 89, **Sch. 6**

F134 Words substituted by Local Government Act 1972 (c. 70, SIF 81:1), **Sch. 23 para. 16**

F135 Words in the definition of "local authority" in s. 70(1) inserted (1.4.1996) by 1994 c. 19, s. 22(4), **Sch. 10 para. 6** (with s. 54(7), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

F136 Definition in s. 70(1) inserted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4)(6), **Sch. 12 para. 29(a)**, (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**

F137 S. 70(1): words in definition of "petty sessions area" repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with s. 107, Sch. 14 paras. 7(2), 36(9))

F138 Words in s. 70(1) substituted (1.10.1992) by Criminal Justice Act (c. 53, SIF 39:1), s. 100, Sch. 11, para. 40(2)(g); S.I. 1992/333, art. 2(2), **Sch. 2**

F139 S. 70(1): Words in definition of "reside" repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F140 S. 70(1): Definition of "supervision order" substituted (25.8.2000) for definitions of "supervision order", "supervised person" and "supervisor" by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 42**

F141 Definition in s. 70(1) of "young person" substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 68, 101(1), Sch. 8, para. 4(2), **Sch. 12**, para. 22(1); S.I. 1992/333, art. 2(2), **Sch. 2**

F142 Definition in s. 70(1) inserted (30.9.1998 for specified areas and otherwise 1.4.2000) by 1998 c. 37, s. 119, **Sch. 8 para. 23**; S.I. 1998/2327, **art. 3(1)(b)**; S.I. 2000/924, **art. 2(c)**

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F143 S. 70(1A)(1B) inserted by Family Law Reform Act 1987 (c. 42, SIF 49:7), ss. 8(1), 33(1), **Sch. 2 para. 26** and substituted (30.9.1998) by 1998 c. 37, s. 106, **Sch. 7 para. 10**; S.I. 1998/2327, **art. 2(1)(w)**.

Marginal Citations

M8 1933 c. 12**(20).**
M9 1963 c. 37**(20).**
M10 1987 c.42.
M11 1989 c.41.

71 Application to Isles of Scilly.

This Act shall have effect, in its application to the Isles of Scilly, with such modifications as the Secretary of State may by order specify.

72 Transitional provisions, minor amendments and repeals etc.

(1) The transitional provisions and savings set out in Part I of Schedule 4 to this Act shall have effect.

(2) The transitional provisions set out in Part II of Schedule 4 to this Act shall have effect until such day as the Secretary of State may by order specify for the purposes of this subsection (being the day on and after which those provisions will in his opinion be unnecessary in consequence of the coming into force of provisions of the [M12]Social Work (Scotland) Act 1968) and shall be deemed to have been repealed on that day by an Act of Parliament passed after this Act.

[X3](3) The enactments mentioned in Schedule 5 to this Act shall have effect subject to the amendments specified in that Schedule (which are minor amendments and amendments consequential on the provisions of this Act).

[X3](4) Subject to subsection (1) of this section, the enactments mentioned in the first and second columns of Schedule 6 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(5) . . . . . [F144]

Editorial Information

X3 The text of s. 72(3)(4) 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.

Textual Amendments

F144 S. 72(5) repealed by Foster Children Act 1980 (c. 6, SIF 20), **Sch. 3**

Marginal Citations

M12 1968 c. 49**(81:3).**

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73 Citation, commencement and extent.

(1) This Act may be cited as the Children and Young Persons Act 1969, and this Act and the Children and Young Persons Acts 1933 to 1963 may be cited together as the Children and Young Persons Acts 1933 to 1969.

(2) This Act shall come into force on such day as the Secretary of State may by order appoint, and different days may be appointed under this subsection for different provisions of this Act or for different provisions of this Act so far as they apply to such cases only as may be specified in the order.

(3) Without prejudice to the generality of section 69(4) of this Act, an order under the preceding subsection may make such transitional provision as the Secretary of State considers appropriate in connection with the provisions brought into force by the order, including such adaptations of those provisions and of any other provisions of this Act then in force as appear to him appropriate for the purposes or in consequence of the operation of any provision of this Act before the coming into force of any other provision of this Act or of a provision of the [M13]Social Work (Scotland) Act 1968.

(4) This section and the following provisions only of this Act extend to Scotland, that is to say—

(a) sections 10(1) and (2), **[**[F145]32(1) to (1C) and (2A) to (4)**]**, 56 and 57(1);

(b) section 72(2) and Part II of Schedule 4;

(c) paragraphs 25, 26, 33, 35, 38, 42, 43, 53, 54 and 57 to 83 of Schedule 5 and section 72(3) so far as it relates to those paragraphs;

(d) section 72(4) and Schedule 6 so far as they relate to the [M14]Merchant Shipping Act 1894, the [M15]Superannuation (Miscellaneous Provisions) Act 1948, sections 10, 53, 55 and 59 of the Act of 1963, the [M16]Family Allowances Act 1965 and the [M17]Social Work (Scotland) Act 1968.

(5) This section and the following provisions only of this Act extend to Northern Ireland, that is to say—

(a) sections 25 and 32;

(b) section 72(3) and Schedule 5 so far as they relate to section 29 of the [M18]Criminal Justice Act 1961 and provisions of the Social Work (Scotland) Act 1968 which extend to Northern Ireland; and

(c) section 72(4) and Schedule 6 so far as they relate to section 83 of the Act of 1933, paragraph 13 of Schedule 2 to the [M19]Children and Young Persons (Scotland) Act 1937, section 29 of the Criminal Justice Act 1961, sections 10(1) and (2), 53(1) and 65(5) of, and paragraphs 27, 34 and 50 of Schedule 3 to, the Act of 1963 and sections 73(2), 76(1) and (2) and 77(1)(b) of the Social Work (Scotland) Act 1968;

. . . . . [F146]

(6) Section 26 of this Act and this section, and section 72(4) of this Act and Schedule 6 to this Act so far as they relate to paragraph 13 of Schedule 2 to the Children and Young Persons (Scotland) Act 1937 and section 53(1) of, and paragraph 34 of Schedule 3 to, the Act of 1963, extend to the Channel Islands and the Isle of Man, and section **[**[F147]32(1) to (1C)**]** and (4) of this Act and this section extend to the Channel Islands.

(7) It is hereby declared that the provisions of sections 69 and 70 of this Act extend to each of the countries aforesaid so far as is appropriate for the purposes of any other provisions of this Act extending to the country in question.

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Subordinate Legislation Made

P1 Power of appointment conferred by s. 73(2) exercised: S.I. 1969/1552, 1565, 1970/1498, 1883 and 1971/588

Textual Amendments

F145 Words in s. 73(4)(a) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4)(6), **Sch. 12 para.30(a)**, (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**

F146 Words repealed by Northern Ireland Constitution Act 1973 (c. 36, SIF 29:3), **Sch. 6 Pt. I**

F147 Words in s. 73(6) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4)(6), **Sch. 12 para.30(b)**, (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**

Modifications etc. (not altering text)

C10 S. 73(2)(3) extended by Powers of Criminal Courts Act 1973 (c. 62, SIF 39:1), **Sch. 4 para 2(1)**

Marginal Citations

M13 1968 c. 49**(81:3).**

M14 1894 c. 60**(111)**.

M15 1948 c. 33**(101A:1).**

M16 1965 c. 53.

M17 1968 c. 49**(81:3).**

M18 1961 c. 39**(39:1).**

M19 1937 c. 37**(20).**

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SCHEDULES

SCHEDULE 1

. . . F148

Textual Amendments

F148 Sch. 1 repealed by Legal Aid Act 1974 (c. 4, SIF 77:1), **Sch. 5 Pt. I**

SCHEDULE 2

. . . F149

Textual Amendments

F149 Sch. 2 repealed by Child Care Act 1980 (c. 5, SIF 20), s. 89, **Sch. 6**

SCHEDULE 3

APPROVED SCHOOLS AND OTHER INSTITUTIONS

Modifications etc. (not altering text)

C11 Sch. 3 amended by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), **Sch. 2 para. 17**

Provisions as to staff

1 (1) This paragraph applies where it appears to the Secretary of State that on the date specified in an order under section 46 of this Act (in the following provisions of this Schedule referred to as a "section 46 order") all or any of the premises used for the purposes of the institution to which the order relates are to be used for the purposes—

(a) of a community home, or

(b) of a school of any of the following descriptions, namely, a county school, a voluntary school which is a controlled or aided school, or a special school;

and in this Schedule "the specified date", in relation to an institution to which a section 46 order relates, means the date specified in that order.

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(2) Where this paragraph applies the Secretary of State may, by the section 46 order, make such provision as he considers appropriate with respect to—

(a) the transfer of existing staff to the employment of the authority, voluntary organisation or other body of persons responsible for the employment of persons at the community home or school, as the case may be; and

(b) the transfer to a local authority or voluntary organisation specified in the order of any liabilities (including contingent and future liabilities) with respect to the payment of superannuation and other benefits to or in respect of existing staff and retired staff.

[[F150](3) In respect of any such superannuation or other benefits as are referred to in sub-paragraph (2)(b) of this paragraph, being benefits to which a person became entitled before the specified date and to which the [M20]Pensions (Increase) Act 1971 does not apply, the section 46 order may contain such provisions for securing the payment of additional amounts (calculated by reference to increases under that Act or under any enactment repealed by it) as the Secretary of State considers appropriate having regard to any arrangements obtaining with respect to those benefits before the specified date.**]**

(4) Where this paragraph applies the section 46 order—

(a) shall contain provisions for the protection of the interests of any existing staff whose employment is transferred as mentioned in sub-paragraph (2)(a) of this paragraph;

(b) may contain provisions for the protection of the interests of existing staff whose employment is not so transferred; and

(c) may contain provisions applying, amending or repealing any provision made by or under any enactment and relating to the conditions of service of existing staff or the payment of superannuation and other benefits to or in respect of existing or retired staff;

and in a case falling within sub-paragraph (1)(b) of this paragraph any provisions made under paragraph (a) of this sub-paragraph shall have effect notwithstanding any provision made by or under any enactment and relating to the remuneration of teachers.

(5) In this paragraph "existing staff" in relation to a section 46 order means persons who, immediately before the specified date, were employed for the purposes of the institution to which the order relates, and "retired staff" in relation to such an order means persons who, at some time before the specified date, were employed for those purposes but ceased to be so employed before the specified date.

Textual Amendments

F150 Sch. 3 para. 1(3) substituted by Pensions (Increase) Act 1971 (c. 56, SIF 101A:3), **Sch. 3 para. 5**

Marginal Citations

M20 1971 c. 56**(101A:3).**

2 (1) . . . . . [F151]

[X4](2) In accordance with sub-paragraph (1) of this paragraph, subsection (2) of the said section 60 shall be amended as follows:

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"(a) after the words " under the regulations" there shall be inserted the words " or, in a case to which paragraph 2 of Schedule 3 to the Children and Young Persons Act 1969 applies, by the Secretary of State" ; and

(b) after the words " order under Part I of the Police Act 1964" there shall be inserted the words " or of an order under section 46 of the Children and Young Persons Act 1969"."

(3) Where a section 46 order is made in relation to an approved institution but paragraph 1 of this Schedule does not apply in relation to that institution, the section 46 order may make such provision as the Secretary of State considers appropriate with respect to the transfer to him of any such liabilities as are referred to in sub-paragraph (2)(b) of that paragraph and the payment by him of any such additional amount as is referred to in sub-paragraph (3) of that paragraph.

Editorial Information

X4 The text of Sch. 3 para. 2(2) 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.

Textual Amendments

F151 Sch. 3 para. 2(1) repealed by Local Government Act 1972 (c. 70, SIF 81:1), **Sch. 30**

Use of premises as homes for children in care

3 (1) If on the day specified for the purposes of section 7(5) of this Act premises are used for the purposes of an approved school, then during the period (in this Schedule referred to, in relation to an approved school, as "the interim period") beginning immediately after that day and ending on the day on which the school ceases to be an approved school (whether by virtue of a section 46 order or otherwise) those premises may be used for the accommodation and maintenance of children in the care of local authorities.

(2) If during the interim period the premises of an approved school are used for the accommodation and maintenance of children in the care of a local authority then, during that period,

(a) any reference in section 21(1) or section 31 of this Act to a community home includes a reference to those premises; and

(b) for the reference in section 18(1)(c) of the [M21]Criminal Justice Act 1961 (directions of Secretary of State as to management of approved schools) to persons under the care of the managers there shall be substituted a reference to the children in the care of local authorities who are accommodated and maintained in those premises.

(3) At the request of the managers of an approved school the Secretary of State may, at any time during the interim period, give a direction—

(a) that so much as may be specified in the direction of any rules made under paragraph 1(1) of Schedule 4 to the Act of 1933 (approved school rules) and of any rules made by the managers and approved by him under paragraph 1(2) of that Schedule shall no longer apply in relation to that school; and

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(b) that, in place of those rules, so much as may be specified in the direction of any regulations made under section 43 of this Act shall apply, subject to such adaptations and modifications as may be so specified, in relation to the approved school as if it were a community home.

(4) If the effect of the application, by a direction under sub-paragraph (3) above, of any provision of regulations made under section 43 of this Act in relation to an approved school would be to impose any duty or confer any power on a local authority in relation to that school, the Secretary of State shall not give a direction applying that provision except with the consent of the local authority concerned.

Marginal Citations
M21 1961 c. 39(**39:1**).

4 (1) If on the day specified for the purposes of section 7(5) of this Act a remand home was designated under section 11 of the Act of 1963 as a classifying centre then, during the period beginning immediately after that day and ending on the date specified in a section 46 order relating to that home, the home may be used for the accommodation and maintenance of children in the care of local authorities.

(2) In this Schedule "classifying centre" means a remand home designated as mentioned in sub-paragraph (1) of this paragraph and, in relation to a classifying centre, the period specified in that sub-paragraph is referred to as "the interim period".

(3) During the interim period—

(a) the expenses of a local authority in providing and maintaining a classifying centre in relation to the whole or part of the expenses of which a direction has been given by the Secretary of State under section 11(3) of the Act of 1963 shall be treated for the purposes of section 104 of the Act of 1933 as if they were expenses incurred by the authority as managers of an approved school;

(b) subsections (4) and (5) of section 106 of the Act of 1933 shall apply in relation to a classifying centre as they apply in relation to an approved school the managers of which are a local authority; and

(c) any reference in section 21(1) or section 31 of this Act to a community home includes a reference to a classifying centre.

5 (1) Where a section 46 order is made in relation to an approved school or approved probation hostel or home and, in a regional plan approved by the Secretary of State, the whole or any part of the premises of the institution is designated as a controlled or assisted community home, the premises so designated may, after the specified date, be used for the purpose specified in the regional plan.

(2) Without prejudice to any power to vary the provisions of a trust deed relating to a community home consisting of premises designated as mentioned in sub-paragraph (1) of this paragraph, the purpose referred to in that sub-paragraph shall be deemed to be included among the purposes for which the premises are held in accordance with a trust deed relating to that home.

6 (1) Where a section 46 order is made in relation to an approved institution (other than an institution provided by a local authority) and, in a regional plan approved by the Secretary of State, the whole or any part of the premises of the institution is designated as a community home to be provided by a local authority, then if the

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Secretary of State is satisfied that the premises so designated were to a substantial extent provided with the assistance of grants under section 104 of the Act of 1933 or **[**[F152]section 20 of the Probation Service Act 1993**]**, he may, by an authorisation in writing under this paragraph, authorise the transfer of the premises so designated to that local authority.

(2) The transfer of any premises in pursuance of an authorisation under this paragraph—

(a) shall be on such terms, as to payment and other matters, as may be agreed between the local authority concerned and the trustees or other persons in whom the premises are vested and, if the authorisation so provides, as may be approved by the Secretary of State;

(b) shall not take effect before the specified date; and

(c) shall operate to vest the premises transferred in the local authority free from any charitable trust and from any other obligation requiring the use of the premises for the purposes of an approved institution.

(3) Before giving an authorisation under this paragraph authorising the transfer of any premises belonging to a charity or otherwise held on charitable trusts, the Secretary of State shall consult the Charity Commissioners.

Textual Amendments

F152 Words in Sch. 3 para. 6(1) substituted (5.2.1994) by virtue of 1993 c. 47, ss. 32, 33, **Sch. 3 para. 3(4)(a)**.

7 The provisions of paragraphs 3 to 6 of this Schedule shall have effect notwithstanding anything in the law relating to charities or in any deed or other instrument regulating the purposes for which any premises may be used.

Financial provisions

8 (1) During the period which is the interim period in relation to an approved school or to a classifying centre falling within paragraph 4(3)(a) of this Schedule contributions shall be payable by local authorities to the managers of that school or, as the case may be, the local authority providing the classifying centre in respect of children in the care of the authorities who are accommodated and maintained in the school premises or the classifying centre in accordance with paragraph 3(1) or paragraph 4(1) of this Schedule.

(2) The contributions payable by a local authority under sub-paragraph (1) above in respect of a child in their care shall be payable throughout the time during which the child is accommodated and maintained in the approved school or classifying centre concerned and shall be such as may be prescribed by regulations made by the Secretary of State.

9 (1) Where a section 46 order is made in relation to an approved institution, other than an institution provided by a local authority, and in a regional plan approved by the Secretary of State the whole or any part of the premises of the approved institution is designated as a community home, then,—

(a) on the coming into force of an instrument of management for a voluntary home which consists of or includes the premises so designated; or

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(b) on the transfer of the premises so designated to a local authority in pursuance of an authorisation under paragraph 6 of this Schedule,

any such obligation relating to that institution as is referred to in sub-paragraph (2) of this paragraph shall cease.

(2) Sub-paragraph (1) of this paragraph applies to any obligation arising by virtue of a condition imposed under either of the following enactments, namely,—

(a) section 104 of the Act of 1933 (expenses of managers of an approved school); or

(b) **[**[F153]section 20 of the Probation Service Act 1993**]** (expenditure in connection with approved probation hostels or homes).

(3) In a case falling within sub-paragraph (1) of this paragraph, the section 46 order may contain provisions requiring the responsible authority or organisation or, as the case may be, the local authority to whom the premises are transferred, to pay to the Secretary of State such sum as he may determine in accordance with sub-paragraph (4) of this paragraph by way of repayment of a proportion of any grants made in relation to the former approved institution under either of the enactments referred to in sub-paragraph (2) of this paragraph, but where the community home concerned is an assisted community home, the section 46 order may provide that, with the consent of the Treasury, the Secretary of State may reduce the sum to be paid to him in accordance with the preceding provisions of this sub-paragraph to such sum as he thinks fit.

(4) For the purpose of determining any such sum as is mentioned in sub-paragraph (3) of this paragraph, the Secretary of State shall assess—

(a) the amount which in his opinion represents the proportion of the total amount of the grants paid in respect of expenditure in connection with the former approved institution which was attributable to expenditure of a capital nature; and

(b) the amount which in his opinion represents the proportion of the contributions paid by local authorities under section 90 of the Act of 1933 or, as the case may be, the proportion of the sums paid by probation committees under rules made under **[**[F153]the Probation Service Act 1993**]** which (amount assessed under paragraph (a) above exceeds twice the amount assessed under paragraph (b) above.

(5) If the instrument of management for an assisted community home ceases to have effect as mentioned in subsection (1) of section 48 of this Act there shall be deducted from any sum which is payable to the Secretary of State under subsection (5) of that section any sums paid to him by the responsible organisation in respect of the assisted community home in pursuance of any such provisions of a section 46 order relating to the former approved institution as are referred to in sub-paragraph (3) of this paragraph.

(6) In this paragraph "the former approved institution", in relation to a community home, means the approved institution the whole or part of the premises of which are comprised in that home.

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Textual Amendments

F153 Words in Sch. 3 para. 9(2)(4) substituted (5.2.1994) by virtue of 1993 c. 47, ss. 32, 33, **Sch. 3 para. 3(4)(a)(b)**.

10 (1) The provisions of this paragraph apply where in a regional plan approved by the Secretary of State, the whole or any part of the premises of an approved institution to which a section 46 order relates is designated as a controlled or assisted community home and an instrument of management for a community home which consists of or includes the premises so designated has come into force; and in this paragraph "the former approved institution", in relation to such a community home, means the approved institution the whole or part of the premises of which are comprised in that home.

(2) Where this paragraph applies and the community home concerned is a controlled community home, then—

(a) the Secretary of State may, by the section 46 order, make such provision as he considers appropriate for the transfer to the responsible authority of any rights, liabilities and obligations which, immediately before the specified date, were rights, liabilities and obligations of the managers of, or the society or person carrying on, the former approved institution; and

(b) except in so far as the section 46 order otherwise provides, any legal proceedings pending immediately before the specified date by or against those managers or that society or person shall be continued on and after that date, with the substitution of the responsible authority for those managers or that society or person as a party to the proceedings.

(3) Where this paragraph applies and the community home concerned is an assisted community home but the responsible organisation does not consist of the persons who were the managers of or, as the case may be, is not the society or person who carried on, the former approved institution, paragraphs (a) and (b) of sub-paragraph (2) of this paragraph shall apply with the substitution for any reference to the responsible authority of a reference to the responsible organisation.

(4) If any liabilities of a voluntary organisation which is the responsible organisation in relation to an assisted community home falling within sub-paragraph (1) of this paragraph were incurred by the organisation before the specified date or were transferred to the organisation by the section 46 order (by virtue of sub-paragraph (3) of this paragraph) and, in either case, had the former approved institution continued to be an approved institution, any expenditure incurred in meeting those liabilities would have been eligible for a grant out of moneys provided by Parliament—

(a) under section 104(1)(a) of the Act of 1933 as the expenses of the managers of an approved school, or

(b) under section 77(3)(b) of the [M22]Criminal Justice Act 1948 **[**[F154]or under section 51(3)(c) of the [M23]Powers of Criminal Courts Act 1973**][**[F155]or under section 20 of the Probation Service Act 1993**]** as expenditure falling within that section and relating to an approved probation hostel or home,

then any expenditure incurred after the specified date by the responsible organisation in meeting those liabilities shall be deemed for the purposes of section 65(1) of this

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Act to be expenditure incurred by the responsible organisation in connection with the assisted community home in question.

Textual Amendments

F154 Words inserted by Powers of Criminal Courts Act 1973 (c. 62, SIF 39:1), **Sch. 5 para. 38(c)**

F155 Words in Sch. 3 para. 10(4) inserted (5.2.1994) by 1993 c. 47, ss. 32, 33, **Sch. 3 para. 3(4)(c)**.

Marginal Citations

M22 1948 c. 58**(39:1).**

M23 1973 c. 62**(39:1).**

11 (1) Where a section 46 order is made in relation to an approved institution and no such provision as is referred to in sub-paragraph (1) of paragraph 9 of this Schedule is made by a regional plan in relation to any part of the premises of the institution, the person or persons on whom falls any such obligation (in this paragraph referred to as a "repayment obligation") relating to the institution as is referred to in sub-paragraph (2) of that paragraph may apply to the Secretary of State for an order under this paragraph.

(2) If, on an application under sub-paragraph (1) of this paragraph, it appears to the Secretary of State that on or within a reasonable time after the specified date the premises of the institution concerned or the proceeds of sale of the whole or any part of those premises are to be used for a purpose which is of benefit to children, he may with the consent of the Treasury make an order—

(a) substituting for the conditions under which the repayment obligation arose such different conditions as he considers appropriate with respect to the repayment of any sum to which the repayment obligation relates; and

(b) if the person or persons on whom the repayment obligation falls so request, imposing any liability to repay a sum in pursuance of the substituted conditions referred to in paragraph (a) above on such other person or persons as consent to accept the liability and as, in the opinion of the Secretary of State, will be able to discharge that liability.

Interpretation

12 In this Schedule—

"approved institution" has the same meaning as in section 46 of this Act;

"the responsibility authority", in relation to a controlled community home, has the same meaning as in section 41 of this Act;

"the responsible organisation", in relation to an assisted community home, has the same meaning as in section 42 of this Act; and

"section 46 order" and, in relation to an institution to which such an order relates, "specified date" have the meanings assigned to them by paragraph 1(1) of this Schedule.

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SCHEDULE 4

TRANSITIONAL PROVISIONS AND SAVINGS

PART I

GENERAL

1 For the purposes of subsection (4) of section 1 and subsection (7) of section 7 of this Act, any order under the Act of 1933 committing a child or young person to the care of a fit person other than a local authority, any supervision order under that Act and any order to enter into recognisances in pursuance of section 62(1)(c) of that Act shall be deemed to be such an earlier order as is mentioned in those subsections.

[[F156]1A(1) Where—

(a) before the date when section 1 of this Act comes into force any child or young person (hereafter in this paragraph referred to as "the relevant infant") has been brought before a **[**[F157] youth court**]** under section 62 of the [M24]Children and Young Persons Act 1933 or has been brought before such a court by virtue of a provision of section 40 or 40A of the [M25]Education Act 1944; and

(b) immediately before that date that court has neither made any order which it had power to make in respect of the relevant infant under the said section 62 nor dismissed the case,

nothing in paragraph 13 of Schedule 5 to this Act nor in any provision of Schedule 6 thereto shall prevent the proceedings before that court in respect of the relevant infant being continued; but the court shall in those proceedings have power to make any order which it has power to make in proceedings under section 1 of this Act and shall not have power to make any other order, and subsections (3), (4) and (5) of the said section 1 and subsections (10) and (13) of section 2 of this Act shall have effect accordingly with any necessary modifications.

(2) For the purposes of subsection (12) of the said section 2, any order made in respect of the relevant infant by virtue of sub-paragraph (1) of this paragraph shall be deemed to be made under section 1 of this Act.

(3) Any record of a finding of the fact that the relevant infant is in need of care or protection made in pursuance of section 5 of the [M26]Children and Young Persons Act 1938 in any such proceedings as are referred to in sub-paragraph (1) of this paragraph shall, notwithstanding the repeal of the said section 5 by this Act, be admissible as evidence of that fact in those proceedings.**]**

Textual Amendments

F156 Sch. 4 para. 1A inserted by Administration of Justice Act 1970 (c. 31, SIF 37), **s. 51(2)**

F157 Words in Sch. 4 para. 1A substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11**, para. 40(2)(g); S.I. 1992/333, art. 2(2), **Sch.2**

Marginal Citations

M24 1933 c. 12**(20).**

M25 1944 c. 31**(41:1).**

M26 1938 c. 40.

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[F158]2 . . . . . .

Textual Amendments

F158 Sch. 4 para. 2 repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(1), Sch. 11, para. 2, **Sch.13**; S.I. 1992/333, art. 2(2), **Sch.2**

[F159]3 . . . . . .

Textual Amendments

F159 Sch. 4 para. 3 repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(1), **Sch.13**; S.I. 1992/333, art. 2(2), **Sch. 2**

4 . . . . . [F160]

Textual Amendments

F160 Sch. 4 para. 4 repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154(2), **Sch. 9**

5 (1) The coming into force of section 7(1) or of an order under section 34(1)(d) of this Act shall not affect any sentence of borstal training passed before the date when the said section 7(1) or the order came into force or any committal for sentence before that date under **[**[F161]section 37(1) of the [M27]Magistrates' Courts Act 1980**]**; but a sentence of borstal training shall not be passed on any person (including a person to whom such a committal relates) if on the date of the relevant conviction he had not attained the minimum age which is for the time being specified in section 20(1) of the [M28]Criminal Justice Act 1948.

(2) . . . . . [F162]

Textual Amendments

F161 Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154(2), **Sch. 7 para. 86**

F162 Sch. 4 para. 5(2) repealed by Powers of Criminal Courts Act 1973 (c. 62, SIF 39:1), **Sch. 6**

Marginal Citations

M27 1980 c. 43(**82**).

M28 1948 c. 58**(39:1).**

6 . . . . . [F163]

Textual Amendments

F163 Sch. 4 para. 6 repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 16**

7 (1) Every approved school order in force on the specified day shall cease to have effect at the end of that day; and after that day—

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(a) no person shall be detained by virtue of section 73 or section 82 of the Act of 1933 or an order under paragraph 2 of Schedule 2 to the said Act of 1961 or be subject to supervision in pursuance of that Schedule; and

(b) no person who has attained the age of nineteen shall be detained by virtue of a warrant under section 15 of the said Act of 1961.

(2) A person who has not attained the age of nineteen on the specified day and who, but for sub-paragraph (1) of this paragraph, would after that day have been the subject of an approved school order or liable to be detained or subject to supervision as mentioned in that sub-paragraph shall be deemed from the end of that day—

(a) to be the subject of a care order made by the court which made the approved school order in question on the same day as that order and committing him to the care of the local authority named in the approved school order in pursuance of section 70(2) of the Act of 1933 or, if no authority is so named, of a local authority nominated in relation to him by the Secretary of State; and

(b) in the case where he would have been subject to supervision as aforesaid, to have been allowed by the said local authority to be under the charge and control of the person last nominated in relation to him in pursuance of paragraph 1(1) of Schedule 2 to the said Act of 1961;

but nothing in this paragraph shall be construed as affecting the validity of a warrant under the said section 15 in relation to a person who has not attained the age of nineteen.

In relation to a person in respect of whom two or more approved school orders would have been in force after the specified day but for sub-paragraph (1) of this paragraph, references to such an order in paragraph (a) of this sub-paragraph are to the later or latest of the orders.

(3) The Secretary of State may from time to time nominate another local authority in the place of a local authority nominated by him in pursuance of the preceding sub-paragraph or this sub-paragraph.

(4) A person who is the subject of a care order by virtue of sub-paragraph (2) of this paragraph and who was unlawfully absent on the specified day from an approved school in which he was then required to be shall, until the local authority to whose care he is committed by the order direct otherwise, be deemed for the purposes of section 32 of this Act to be duly required by the authority to live after that day in the premises which on that day constituted the school.

(5) A person who on the specified day is the subject of an approved school order or subject to supervision in pursuance of the said Schedule 2 or eligible for assistance under paragraph 7 of that Schedule and is not the subject of a care order from the end of that day by virtue of sub-paragraph (2) of this paragraph shall be deemed for the purposes of section 20 of the [M29]Children Act 1948 and section 58 of the Act of 1963 (which authorise local authorities to provide assistance for persons formerly in care) to have been in the care of a local authority under the Children Act 1948 on that day, notwithstanding that he may then have attained the age of eighteen; and in relation to such a person the reference in the said section 58 to the local authority shall be construed as a reference to any local authority.

(6) If an order under section 88 of the Act of 1933 is in force at the end of the specified day in respect of payments under an affiliation order made for the maintenance of a person who is deemed by virtue of this paragraph to be subject to a care order after

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that day, the order under that section shall after that day be deemed to have been made, by virtue of the care order, under that section as modified by this Act.

(7) **[**[F164]A restriction direction which was given under section 49 of the [M30]Mental Health Act 1983**]** in respect of a person detained by virtue of an approved school order and which is in force at the end of the specified day shall cease to have effect at the end of that day.

(8) References to an approved school order in this paragraph, except in sub-paragraph (2)(a), include references to an order of the competent authority under subsection (1) of section 83 of the Act of 1933 and such an order as is mentioned in subsection (3) of that section; and in relation to those orders this paragraph shall have effect, as if for sub-paragraph (2)(a) there were substituted the following—

"(a) to be the subject of a care order made by a court in England on the date when the order for his detention in a school was made under the relevant law mentioned in section 83 of the Act of 1933 and committing him to the care of a local authority nominated in relation to him by the Secretary of State; and"

(9) In this paragraph "the specified day" means the day specified for the purposes of section 7(5) of this Act.

Textual Amendments

F164 Words substituted by Mental Health Act 1983 (c. 20, SIF 85), **Sch. 4 para. 26(e)**

Marginal Citations

M29 1948 c. 43.

M30 1983 c. 20**(85).**

8 (1) An order under the Act of 1933 committing a child or young person to the care of a local authority as a fit person and in force on the date when section 7(6) of this Act comes into force shall be deemed on and after that date to be a care order committing him to the care of that authority.

(2) Sub-paragraph (6) of the preceding paragraph shall have effect for the purposes of this paragraph as if for references to that paragraph and the specified day there were substituted respectively references to this paragraph and the day preceding the date mentioned in the preceding sub-paragraph.

9 Except as provided by paragraph 1 of this Schedule and this paragraph, nothing in this Act affects—

(a) an order under the Act of 1933 committing a child or young person to the care of a fit person other than a local authority and in force on the date when section 7(6) of this Act comes into force; or

(b) the operation of any enactment in relation to such an order;

but where an application for the variation or revocation of the order is considered on or after that date by a **[**[F165]youth court**]** in pursuance of section 84(6) of the Act of 1933, the court shall have power (to the exclusion of its powers under the said section 84(6)) to refuse the application or to revoke the order and, where it revokes the order, to make a care order in respect of the child or young person in question.

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Textual Amendments

F165 Words in Sch. 4 para. 9 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11**, para. 40(2)(g); S.I. 1992/333, art. 2(2), **Sch. 2**.

10 . . . . . **F166**

Textual Amendments

F166 Sch. 4 para. 10 repealed by Foster Children Act 1980 (c. 6, SIF 20), **Sch. 3**

11 Notwithstanding anything in section 20(3) or 21(1) of this Act, an order which is a care order by virtue of paragraph 8 of this Schedule and a care order made by virtue of paragraph 9 of this Schedule shall, unless previously revoked, cease to have effect when the child or young person in question attains the age of eighteen.

12 (1) Where a supervision order under the Children and Young Persons Acts 1933 to 1963 is in force on the date when this paragraph comes into force or where an order under section 52 of the Act of 1963 (whether made before, on or after that date) falls to be treated by virtue of subsection (3) of that section as a supervision order under the Act of 1933, the order and, in relation to the order, any enactment amended or repealed by this Act shall, subject to the following provisions of this paragraph, have effect as if this Act had not been passed; and the order may be altered or revoked accordingly.

(2) A **[**[F167]youth court**]** before which the person to whom such a supervision order relates is brought after the date aforesaid in pursuance of subsection (1) of section 66 of this Act of 1933 shall not have power to make such an order as is mentioned in that subsection in respect of him but shall instead have power to revoke the supervision order and make a care order in respect of him on being satisified that he is unlikely to receive the care or control he needs unless the court makes a care order; and section 6(1) of the Act of 1963 shall not apply in a case where the court exercises its power under this sub-paragraph.

[F168](3) . . . . . .

(4) References to a supervision order in sub-paragraphs (2) and (3) of this paragraph include references to an order under the said section 52.

Textual Amendments

F167 Words in Sch. 4 para. 12(2) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 100, **Sch. 11**, para. 40(2)(g); S.I. 1992/333, art. 2(2), **Sch. 2**.

F168 Sch. 4 para. 12(3) repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

13 . . . . . **F169**

Textual Amendments

F169 Sch. 4 para. 13 repealed by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), **Sch. 10 Pt. I**

Status: *Point in time view as at 25/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Children and Young Persons Act 1969 is up to date with all changes known to be in force on or before 24 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

14 If immediately before the coming into force of section 49 of this Act any person has, under section 3(3) of the Children Act 1948, the care and control of a child (within the meaning of that Act) with respect to whom a resolution under section 2 of that Act is in force, then after the coming into force of that section the child shall again be in the care of the local authority by whom the resolution was passed but shall be deemed to have been allowed by that authority, under section 13(2) of that Act (as substituted by the said section 49), to be under the charge and control of that person, on the same terms as were applicable under the said section 3(3).

15 It shall be lawful for a person detained in any place in pursuance of section 27 of the [M31]Criminal Justice Act 1948 at the time when paragraph 24 of Schedule 5 to this Act comes into force to be detained there thereafter, until he is next delivered thence in due course of law, as if that paragraph had not come into force.

Marginal Citations

M31 1948 c. 58**(39:1).**

16 . . . . . [F170]

Textual Amendments

F170 Sch. 4 para. 16 repealed by Foster Children Act 1980 (c. 6, SIF 20), **Sch. 3**

17 Nothing in Schedule 6 to this Act affects the operation of section 15(3) of the [M32]Adoption Act 1958 in relation to a fit person order made under the [M33]Children and Young Persons (Scotland) Act 1937.

Marginal Citations

M32 1958 c. 5 (7 & 8 Eliz. 2)**(49:11).**

M33 1937 c. 37**(20).**

18 Nothing in any provision of Schedule 6 to this Act affects any order which, immediately before the coming into force of that provision, is in force by virtue of any enactment repealed by that provision.

[X5]PART II

INTERIM PROVISIONS PENDING COMMENCEMENT OF [M34]PROVISIONS OF SOCIAL WORK (SCOTLAND) ACT 1968

Editorial Information

X5 The text of Sch. 4 Pt. II (paras. 19-24), which is spent, 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.

Marginal Citations

M34 1968 c. 49

Status: *Point in time view as at 25/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Children and Young Persons Act 1969 is up to date with all changes known to be in force on or before 24 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

19 Where a court in England or Wales by which a child or young person is found guilty of an offence is satisfied that he resides or will reside in Scotland, the court shall have power, without prejudice to its other powers and notwithstanding anything in section 7(2) of this Act, to make a probation order in respect of him in accordance with sections 3 and 9 of the [M35]Criminal Justice Act 1948.

Marginal Citations

M35 1948 c. 58

20 In section 51(1) of the Act of 1963, for the words "principal Act" there shall be substituted the words "Children and Young Persons Act 1969 in proceedings under section 1 of that Act."

21 In section 51(2) of the Act of 1963, for the words from "proposes" to "this Act" there shall be substituted ", or a supervision order under the Children and Young Persons Act 1969 has been made in proceedings under section 1 of that Act, proposes to reside or is residing in Scotland" and for the words "specified in the supervision order" there shall be substituted the words " for which the supervision order would have continued in force if it had been allowed to continue in force until it ceased to have effect by the effluxion of time."

22 Where a **[**[F171]youth court**]** in England or Wales is satisfied that a person who has not attained the age of eighteen and in respect of whom a supervision order made by virtue of section 7(7)(*b*) of this Act or section 7A(4) of the [M36]Criminal Justice (Scotland) Act 1949 is in force resides or will reside in Scotland, the court may discharge the order and exercise the like powers to make a probation order in accordance with sections 3 and 9 of the Criminal Justice Act 1948 in respect of him as if in the proceedings it had duly found him guilty of the offence in consequence of which the supervision order was made and section 7(2) of this Act had not been passed; but a probation order made by virtue of this paragraph shall not continue in force after the date on which the discharged supervision order would have ceased to have effect by the effluxion of time.

Textual Amendments

F171 Words in Sch. 4 para. 22 substituted (E.W.)(1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11**, para. 40(2)(g); S.I. 1992/333, art. 2(2), **Sch. 2**.

Marginal Citations

M36 1949 c. 94

23 (1) Where it appears to the local authority to whose care a person is committed by a care order that his parent or guardian resides or will reside in Scotland and that it is appropriate to transfer him to the care of the managers of an approved school in Scotland, the authority shall make a report on the case to the Secretary of State; and thereupon the Secretary of State may, if he thinks fit, make an order transferring the person in question to the care of the managers of such a school.

(2) The provisions of the Children and Young Persons (Scotland) Acts 1937 to 1963 shall apply to an order made under this paragraph as if it were an approved school order made by a **[**[F172]youth court**]** in Scotland on the date on which the care order in question was originally made; but notwithstanding anything in section 75 of the

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said Act of 1937 such an order shall cease to have effect on the date when the care order in question would have ceased to have effect by the effluxion of time and the contributions to be made under under section 94 of the said Act of 1937 in respect of the person to whom the order under this paragraph relates shall be made by the authority nominated for the purpose in the order under this paragraph, being the education authority within whose area it appears to the Secretary of State at the time that order is made that his parent or guardian resides or will reside.

(3) When a person is received into the care of the managers of an approved school in pursuance of an order under this paragraph, the care order in question shall cease to have effect.

Textual Amendments

F172 Words in Sch. 4 para. 23 substituted (E.W.) (1.10.1992) for the words "juvenile court" by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 100, 102(2), **Sch. 11 para. 40(2)(g)**; S.I. 1992/333, art. 2(2), **Sch. 2**

24 If it appesrs to the Secretary of State that the parent or guardian of a person who has not attained the age of nineteen and is the subject of an approved school order in force under the [M37]Children and Young Persons (Scotland) Act 1937, or such other order as is mentioned in subsection (1) or subsection (3) of section 87 of that Act, resides or will reside in the area of a local authority in England or Wales, the Secretary of State may make an order committing that person to the care of that authority; and an order under this paragraph shall have effect as if it were a care order made on the date on which the approved school or other order was made, but as if sections 20(2) and 21(5) of this Act were omitted.

Marginal Citations

M37 1937 c. 37

[X6]SCHEDULE 5

Section 72(3).

MINOR AND CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

Editorial Information

X6 The text of Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

1 . . . . . [F173]

Textual Amendments

F173 Sch. 5 para. 1 repealed by Criminal Justice Act 1972 (c. 71, SIF 39:1), **Sch. 6 Pt. II**

Status: *Point in time view as at 25/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Children and Young Persons Act 1969 is up to date with all changes known to be in force on or before 24 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

The Act of 1933

F174 2 . . . . . .

Textual Amendments

F174 Schedule 5 para. 2 repealed (1.10.1993) by 1993 c. 35, s. 307, Sch. 19, para. 42, **Sch. 21**, Pt. I; S.I. 1993/1975, art. 9, **Sch. 1**, Appendix

3 In section 34(2) of the Act of 1933 after the words " be taken" there shall be inserted the words " by the person who arrested him".

4 In section 46 of the Act of 1933, after subsection (1) there shall be inserted the following subsection:—

"(1A) If a notification that the acused desires to plead guilty without appearing before the court is received by the clerk of a court in pursuance of section 1 of the Magistrates' Courts Act 1957 and the court has no reason to believe that the accused is a child or young person, then, if he is a child or young person he shall be deemed to have attained the age of seventeen for the purposes of subsection (1) of this section in its application to the proceedings in question."

5 . . . . . F175

Textual Amendments

F175 Sch. 5 para. 5 repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 16**

F176 6 . . . . . .

Textual Amendments

F176 Sch. 5 para. 6 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

7 Section 63 of the Act of 1933 shall cease to have effect.

8—10 . . . . . F177

Textual Amendments

F177 Sch. 5 paras. 8–10 repealed by Child Care Act 1980 (c. 5, SIF 20), s. 89, **Sch. 6**

F178 11 . . . . . .

Textual Amendments

F178 Sch. 5 para. 11 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

12 F179 (1) . . . . . .

Status: *Point in time view as at 25/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
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(2) In the said section 107(1), in the definition of " place of safety", for the words " any home provided by a local authority under Part II of the Children Act 1948 any remand home or" there shall be substituted the words " a community home provided by a local authority or a controlled community home, any".

(3) Section 107(2) of the Act of 1933 shall cease to have effect.

Textual Amendments

F179 Sch. 5 para. 12(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)**

The [M38] Education Act 1944

Marginal Citations

M38 1944 c. 31.

[F180]13 . . . . . .

Textual Amendments

F180 Schedule 5 para. 13, repealed (1.10.1993) by 1993 c. 35, s. 307, Sch. 19, para. 42, **Sch. 21**, Pt. I; S.I. 1993/1975, art. 9, **Sch. 1**, Appendix.

14—17. . . . . [F181]

Textual Amendments

F181 Sch. 5 paras. 14–17 repealed by Child Care Act 1980 (c. 5), SIF 20, s. 89, Sch. 6

18 . . . . . [F182]

Textual Amendments

F182 Sch. 5 para. 18 repealed by Local Authority Social Services Act 1970 (c. 42, SIF 81:3), **Sch. 3**

19—22. . . . . [F183]

Textual Amendments

F183 Sch. 5 paras. 19–22 repealed by Child Care Act 1980 (c. 5, SIF 20), s. 89, **Sch. 6**

Status: *Point in time view as at 25/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
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[M39]*The Criminal Justice Act 1948*

Marginal Citations
M39 1948 c. 58

23 . . . . . [F184]

Textual Amendments
F184 Sch. 5 para. 23 repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 16**

24 For section 27 of the said Act of 1948 there shall be substituted the following section:—

"**27 Remand of persons aged 17 to 20.**

(1) Where a court remands a person charged with or convicted of an offence or commits him for trial or sentence and he is not less than seventeen but under twenty-one years old and is not released on bail, then, if the court has been notified by the Secretary of State that a remand centre is available for the reception from the court of persons of his class or description, it shall commit him to a remand centre and, if it has not been so notified, it shall commit him to a prison.

(2) Where a person is committed to a remand centre in pursuance of this section, the centre shall be specified in the warrant and he shall be detained there for the period for which he is remanded or until he is delivered thence in due course of law.

(3) In this section "court" includes a justice; and nothing in this section affects the provisions of the Magistrates' Courts Act 1952 (which provides for remands to the custody of a constable)."

25, 26. . . . . [F185]

Textual Amendments
F185 Sch. 5 paras. 25, 26 repealed by Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **Sch. 10 Pt. I**

[M40]*The Sexual Offences Act 1956*

Marginal Citations
M40 1956 c. 69.

27 In section 37(7) of the Sexual Offences Act 1956, for the words "section twenty or twenty-one of the Magistrates' Courts Act 1952 (which relate" in paragraph (a) there shall be substituted the words "section 6 of the Children and Young Persons Act 1969 (which relates" and for the words "that Act" in paragraph (b) there shall be substituted the words " [M41]the Magistrates' Courts Act 1952".

Status: *Point in time view as at 25/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
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Marginal Citations
M41 1952 c. 55.

[M42]*The Affiliation Proceedings Act 1957*

Marginal Citations
M42 1957 c. 55.

28 (1) In section 5(2)(a) of the Affiliation Proceedings Act 1957, for the words from "fit person" to "school" there shall be substituted the words "local authority".

(2) In section 7(4) of that Act, for paragraph (a) there shall be substituted the following paragraph:—

"(a) subject to the next following subsection, so as to require payments thereunder to be made in respect of any period when the child is in the care of a local authority under section 1 of the or by virtue of a care order (other than an interim order) within the meaning of the Children and Young Persons Act 1969 ;"

(3) In section 7(6) of that Act, for the words from "a person" onwards there shall be substituted the words "by virtue of such a care order as aforesaid".

29—32. . . . . [F186]

Textual Amendments
F186 Sch. 5 paras. 29–32 repealed by Foster Children Act 1980 (c. 6, SIF 20), **Sch. 3**

[M43]*The Adoption Act 1958*

Marginal Citations
M43 1958 c. 5 (7 & 8 Eliz. 2.)

33 (1) In section 4(3) of the Adoption Act 1958, for paragraph (a) there shall be substituted the following paragraph:—

"(a) section 24 of the Children and Young Persons Act 1969 (which relates to the powers and duties of local authorities with respect to persons committed to their care in pursuance of that Act)."

34 In section 15(3) of the said Act of 1958, for the words "the last mentioned order" there shall be substituted the words "or to the care of a local authority by a care order (other than an interim order) in force under the Children and Young Persons Act 1969, the fit person order or care order as the case may be".

35 In section 37(2) of the said Act of 1958, for the words "(4) or (5)" there shall be substituted the words "or (4)".

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36 In section 57(1) of the said Act of 1958, in the definition of "place of safety", for the word "home" in the first place where it occurs there shall be substituted the words "community home" and for the words "under Part II of the Children Act 1948, remand" there shall be substituted the words "a controlled community".

[M44] *The Mental Health Act 1959*

Marginal Citations
M44 1959 c. 72.

[F187] 37 . . . . . .

Textual Amendments
F187 Sch. 5 para. 37 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)**

38—40. . . . . [F188]

Textual Amendments
F188 Sch. 5 paras. 38–40 repealed by Mental Health Act 1983 (c. 20, SIF 85), s. 134, **Sch. 6**

41 . . . . . [F189]

Textual Amendments
F189 Sch. 5 para. 41 repealed by Mental Health (Amendment) Act 1982 (c. 51, SIF 85), **Sch. 4**

42 . . . . . [F190]

Textual Amendments
F190 Sch. 5 para. 42 repealed by Mental Health (Scotland) Act 1984 (c. 36, SIF 85), **Sch. 5**

43 . . . . . [F191]

Textual Amendments
F191 Sch. 5 para. 43 repealed by Mental Health (Scotland) Act 1984 (c. 36, SIF 85), **Sch. 5**

44 . . . . . [F192]

Textual Amendments
F192 Sch. 5 para. 44 repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 16**

45 . . . . . [F193]

Status: *Point in time view as at 25/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
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Textual Amendments

F193 Sch. 5 para. 45 repealed by Powers of Criminal Courts Act 1973 (c. 62, SIF 39:1), **Sch. 6**

[M45]The Criminal Justice Act 1961.

Marginal Citations

M45 1961 c. 39.

46 In section 29(3)(a) of the said Act of 1961, for the words "that Act" there shall be substituted the words "the Children and Young Persons Act 1933".

The Act of 1963

[F194]47 . . . . . .

Textual Amendments

F194 Sch. 5 para. 47 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)**

[F195]48 . . . . . .

Textual Amendments

F195 Sch. 5 para. 48 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)**

49 In section 29(1) of the Act of 1963, for the words "before a juvenile court under section 62 or section 65 of the principal Act" there shall be substituted the words "under section 1 of the Children and Young Persons Act 1969 or for an offence" ; and section 29(2) of the Act of 1963 shall cease to have effect.

50—52. . . . . [F196]

Textual Amendments

F196 Sch. 5 paras. 50–52 repealed by Child Care Act 1980 (c. 5, SIF 20), s. 89, **Sch. 6**

53 For subsection (3) of section 57 of the Act of 1963 there shall be substituted the following subsection:—

"(3) The said sections 39 and 49 shall extend to Scotland and the said sections 46 and 54 shall extend to England and Wales, but—

(a) references to a court in the said sections 39 and 49 shall not include a court in Scotland ; and

(b) references to a court in the said sections 46 and 54 shall not include a court in England and Wales."

Status: *Point in time view as at 25/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
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54 . . . . . [F197]

Textual Amendments

F197 Sch. 5 para. 54 repealed with saving for any benefits or allowances for period before 4.4.1977 by Child Benefit Act 1975 (c. 61, SIF 113:1), s. 21(4), **Sch. 5 Pt. I**

[M46]*The Criminal Justice Act 1967*

Marginal Citations

M46 1967 c. 80.

PROSPECTIVE

55 In **[**[F198]section 9 of the Criminal Justice Act 1967 and **[**[F199]section 5B**]** of the Magistrates' Courts Act 1980**]**, after subsection (3) of each section there shall be inserted the following subsection:—

"(3A) In the case of a statement which indicates in pursuance of subsection (3)(a) of this section that the person making it has not attained the age of fourteen, subsection (2)(b) of this section shall have effect as if for the words from "made" onwards there were substituted the words "understands the importance of telling the truth in it"."

Textual Amendments

F198 Words in Sch. 5 para. 55 substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82) s. 154, Sch. 7 para. 87

F199 Words in Sch. 5 para. 55 substituted (4.7.1996, with effect as mentioned in S.I. 1997/386, **art. 1(2)**) by 1996 c. 25, s. 47, **Sch. 1 Pt. I para.21**, Pt. III para. 39 (with s. 78(1))

56 . . . . . [F200]

Textual Amendments

F200 Sch. 5 para. 56 repealed by Criminal Law Act 1977 (c. 45, SIF 39:1), **Sch. 13**

[M47]*The Social Work (Scotland) Act 1968*

Marginal Citations

M47 1968 c. 49.

[F201]57 . . . . . .

Status: *Point in time view as at 25/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
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Textual Amendments

F201 Sch. 5 para. 57 repealed (1.4.1997) by 1995 c. 36, s. 105(4)(5), Sch. 4 para. 16, **Sch.5** (with s. 103(1)); S.I. 1996/3201, **art. 3(7)**

58 (1) In section 72 of the said Act of 1968, after subsection (1) there shall be inserted the following subsection:—

"(1A) The juvenile court in England or Wales to which notification of a supervision requirement is sent under this section may make a supervision order in respect of the person to whom the notification relates but, notwithstanding anything in section 76(1) of this Act, shall not include in the order a requirement authorised by section 12 of the Children and Young Persons Act 1969 unless that person is before the court when the supervision order is made ; and in relation to a supervision order made by virtue of this subsection—

(a) section 15 of that Act shall have effect as if subsection (2) were omitted ; and

(b) section 17 of that Act shall have effect as if in paragraph (a) the reference to three years and the date on which the order was originally made were respectively references to one year and the date on which the said notification was sent and as if in paragraph (b) the words from "the order was" to "and" were omitted."

(2) In subsection (2) of that section, after the word "court" there shall be inserted the words "in Northern Ireland".

(3) In subsection (4) of that section for the words from "includes" to "1963" there shall be substituted the words ", in relation to England and Wales, has the same meaning as in the said Act of 1969".

59 (1) In section 73 of the said Act of 1968, in subsection (1), after the word "reporter", in the second place where it occurs, there shall be inserted the following words:—

"(i) in the case of a supervision order made by virtue of section 7A(4) of the Criminal Justice (Scotland) Act 1949, to notify the appropriate court and to transmit to that court all documents and certified copies of documents relating to the case which the reporter has received by virtue of section 76 of this Act ;

(ii) in any other case.

and at the end of that subsection there shall be inserted the following paragraph:—

In this subsection "appropriate court" means the sheriff having jurisdiction in the area in which the child proposes to reside or is residing or, where the original probation order was imposed by the High Court of Justiciary, that Court."

(2) After subsection (1) of that section there shall be inserted the following subsection:—

"(1A) Where a court in England and Wales is satisfied that a child in respect of whom the court proposes to make a supervision order is residing or proposes to reside in Scotland, the court may make the order notwithstanding anything in subsection (1) of section 18 of the Children and Young Persons Act 1969

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(which relates to residence of the supervised person in England or Wales) ; and where the court makes a supervision order by virtue of this subsection—

(a) the areas to be named in the order in pursuance of subsection (2)(a) of the said section 18 shall be those in which the court is sitting ;

(b) the order may require the supervised person to comply with directions of the supervisor with respect to his departure to Scotland, and any such requirement shall, for the purposes of sections 15 and 16 of that Act (which relate to the variation and discharge of supervision orders), be deemed to be included in the order in pursuance of section 12(2) of that Act ; and

(c) the court shall send notification of the order as mentioned in paragraph (b) of the foregoing subsection and the provisions of that subsection relating to the duty of the reporter shall apply accordingly."

(3) In subsection (2) of that section for the word "subsection" there shall be substituted the words "provisions of this section.".

60 In section 74 of the said Act of 1968, after subsection (5) there shall be inserted the following subsection:—

"(6) An order under this section committing a child to the care of a local authority shall have effect as if it were a care order under the Children and Young Persons Act 1969, but as if sections 20(2) and 21(5) of that Act and in section 20(3) of that Act paragraph (a) and the words "in any other case" in paragraph (b) were omitted."

61 (1) In section 75 of the said Act of 1968, in subsection (1) after the word "order" there shall be inserted the words "or an order under section 74(3) of this Act relating to a training school".

(2) In subsection (2) of that section, for the words from "under", where it first occurs, to "1944" there shall be substituted the words "by a care order (other than an interim order) within the meaning of the Children and Young Persons Act 1969 or an order under section 74(3) of this Act" and after the word "1947" there shall be inserted the words "or the said section 74(3)".

(3) In subsection (3) of that section, after the words "training school order" there shall be inserted the words "or order under the said section 74(3) relating to a training scool".

(4) In subsection (4) of that section after the word "order" there shall be inserted the words "under the said section 74(3) or".

62 In section 76(4) of the said Act of 1968, after the word "order" there shall be inserted the words "or order under section 74(3) of this Act relating to a training school".

63 In section 90(1) of the said Act of 1968, the words "or to prescribe any matter," shall be omitted.

64 In section 94(1) of the said Act of 1968—

(1) after the definition of "place of safety" there shall be inserted the words—

"prescribed" means—

(a) in section 3, prescribed by regulations,

(b) in section 44, prescribed by rules, and

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(c) in sections 62(2), 66(1) and (2), 94, paragraphs 2(2) and (3), 4(3) and (4) of Schedule 7, prescribed by order,

(2) in the definition of "supervision order" after the word "1963" there shall be inserted the words "and includes a supervision order within the meaning of the Children and Young Persons Act 1969".

65 In section 97(1) of the said Act of 1968—

[[F202](1) after the words "that is to say—" there shall be inserted the words "section 44(1) (except head (b)) and (1A)",**]**

(2) after the words "Part V" there shall be inserted the words "section 98(3)" and "Schedule 2, paragraphs 7 and 13".

Textual Amendments

F202 Sch. 5 para. 65(1) repealed (S.) (1.4.1997) by 1995 c. 36, s. 105(4)(5), Sch. 4 para. 16, **Sch.5** (with s. 103(1)); S.I. 1996/3201, **art. 3(7)**

66 In section 98 of the said Act of 1968, after subsection (2) there shall be inserted the following subsection:—

"(3) An order under this section may make such transitional provisions as appear to the Secretary of State to be necessary or expedient in connection with the provisions thereby brought into force, including such adaptations of those provisions or of any provision of this Act then in force as appear to the Secretary of State necessary or expedient for the purposes or in consequence of the operation of any provision of this Act before the coming into force of any other provision of this Act or of the Children and Young Persons Act 1969."

67, 68. . . . . [F203]

Textual Amendments

F203 Sch. 5 paras. 67, 68 repealed by Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **Sch. 10 Pt. I**

69 In Schedule 7 to the said Act of 1968, in paragraph 1(1)(a), for the words "section 63" there shall be substituted the words "section 62".

70 In Schedule 8 to the said Act of 1968, in paragraph 7—

(a) for sub-paragraph (1) of that paragraph there shall be substituted the following sub-paragraph:—

(1) In section 87, for subsection (1), there shall be substituted the following subsection—

"(1) Any person detained in a training school under the law in force in Northern Ireland may, with the consent of the Secretary of State, be transferred by order of the competent authhority in Northern Ireland to such place in Scotland as the Secretary of State may direct for the purposes of undergoing residential training, and shall be subject to the provisions of this Act and of the Criminal Justice (Scotland) Act 1963 as if the order sending him to the school in Northern Ireland were an order for committal for residential training made under section 58A of this Act made upon the same date, and

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as if the order were an authority for his detention for a period not exceeding the period for which he might be detained under the training school order made in respect of him ;"

(b) in sub-paragraph (2) of that paragraph at the end there shall be inserted the words "; and in section 87(2) and (4) the words "England or", wherever they occur, shall be omitted" ;

(c) in sub-paragraph (3) of that paragraph the words "to such" shall be omitted ;

(d) after sub-paragraph (3) of that paragraph there shall be inserted the following sub-paragraphs—

"(4) In section 87(5) the words "in relation to England, the Secretary of State, and" shall be omitted.

(5) In section 87 subsection (6) shall be omitted."

71 In Schedule 8 to the said Act of 1968, in paragraph 9(2), for the word "for" there shall be substituted the word "of".

72 In Schedule 8 to the said Act of 1968, in paragraph 10, at the end there shall be inserted the following words—

"after the definition of "Street" there shall be inserted the following definition—

"Training school order" has the same meaning as in the Social Work (Scotland) Act 1968."

73 . . . . . F204

Textual Amendments

F204 Sch. 5 para. 73 repealed by Child Care Act 1980 (c. 5, SIF 20), s. 89, **Sch. 6**

74 In Schedule 8 to the said Act of 1968, in paragraph 38, for the words "In section 15(4)" there shall be substituted the words—

"(1) In section 15(3), for the words "the last mentioned order" there shall be substituted the words "or to the care of a local authority by a care order (other than an interrim order) in force under the Children and Young Persons Act 1969, the fit person order or care order as the case may be".

(2) In subsection (4)."

75 In Schedule 8 to the said Act of 1968, in sub-paragraph (1) of paragraph 51, for the words from "inclufde"where it secondly occurs to the end of the sub-paragraph there shall be substituted the words "include ; and paragraph (e) shall be omitted."

76 In Schedule 8 to the said Act of 1968, in paragraph 54, for the word "and" where the word first occurs there shall be substituted the word "or" and after the words "by virtue of" there shall be inserted the words "where those words secondly occur".

77 In Schedule 8 to the said Act of 1968, after paragraph 59, there shall be inserted the following paragraph:—

" Criminal Justice Act 1961

59A In section 32(2), after paragraph (g), there shall be inserted the following paragraph—

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(h) section 58A of the Children and Young Persons (Scotland) Act 1937."

78 . . . . . F205

Textual Amendments

F205 Sch. 5 para. 78 repealed with saving for any benefits or allowances for period before 4.4.1977 by Child Benefit Act 1975 (c. 61, SIF 113:1), s. 21(2)(4), **Sch. 5 Pt. I**

79 In Part I of Schedule 9 to the said Act of 1968, in the entry relating to the Children and Young Persons (Scotland) Act Act 1937, in the thrid column, after the words "Sections 68 to 86" there shall be inserted the following words:—

"In section 87(2) and (4) the words "England or" wherever they occur, in subsection (5) the words "in relation to England, the Secretary of State, and" and subsection (6)."

80 In Part I of Schedule 9 to the said Act of 1968, in the entry relating to the Children Act 1958, in the third column, for the words "Section 2(6) and (7)" there shall be substituted the words—

"In section 2, in subsection (4) the words from "or by virtue of" to "of an approved school", and subsections (6) and (7)."

81 In Part I of Schedule 9 to the said Act of 1968, in the entry relating to section 15(3) of the [M48]Adoption Act 1958, in the third column, for the words "or the Children" to "1937" there shall be substituted the following words "fit person by" to "care of a" and the words "fit person order or" and "as the case may be"

Marginal Citations

M48 1958 c. 5 (7 & 8 Eliz. 2)

82 . . . . . F206

Textual Amendments

F206 Sch. 5 para. 82 repealed by Foster Children Act 1980 (c. 6, SIF 20), **Sch. 3**

83 In Part II of Schedule 9 to the said Act of 1968, in the entry relating to the Family Allowances Act 1965, in the third column, for the words from "11," to "(2)," there shall be substituted the word "11(2),".

SCHEDULE 6

Section 72(4).

REPEALS

Chapter	Short title	Extent of repeal

Status: *Point in time view as at 25/08/2000. This version of this Act contains provisions that are not valid for this point in time.*
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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.	In section 10(2) the words from “and may” onwards. Sections 26(6), 29(3) and 32. In section 34(2) the words “or taken to a place of safety”. Section 35. In section 44, in subsection (1) the words from “being” to “as”, and subsection (2). 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 ot amend” onwards. Section 54. **F207** . . . **F207** . . . Sections 57 and 58. **F207** . . . Sections 62 to 85. 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). Sections 89(1), 90, 91 and 94. In section 102, paragraphs (a) and (b) of subsection (1), and

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		in subsection (2) the words from "the rights" to "Act or".
		Sections 103 and 104.
		In section 106, subsections (3) to (5).
		In section 107(1) the definitions of "approved school", "approved school order", "managers" and "special reception centre".
		Section 107(2).
		Section 108(2) and (3).
		Schedule 4.
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. 33.	The Superannuation (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.	Section 3(3) to (5).
		In section 4(3), the proviso.
		Sections 5, 6(3) and (4), 7, 15 and 16.
		In section 23, in subsection (1), the words from "(which" to "ailment)" 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.
		Section 39(1)(e).
		In section 49(1), the words from "other than" onwards.
		Section 51(2).
		Section 54(1) and (2).

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		In section 59, in subsection (1) the definition of "approved school order", and subsection (2). 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, 71, 72 and 75. In section 77, in subsection (1) the words "or in remand homes or approved schools", in subsection (4)(c) the words "in remand homes or" and "or in approved schools", and subsection (6). In section 80(1), the definition of "approved school", "remand home" and "supervision order" and in the definition of "sentence" the words from "an", in the second place where it occurs, to "school". In Schedule 9, the entries relating to sections 54, 58, 70, 77, 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, and the entry relating to the

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		Children and Young Persons Act 1938.
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.	Sections 2 to 5.
		In the Schedule, paragraphs 2, 3, 5, 8, 9 and 11 to 16.
1952 c. 52.	The Prison Act 1952.	In section 49(2) the words "remand home or", where they first occur, and the words "remand home" wherever else they occur.
		In section 50, the words from "and subsection" onwards.
		In section 53(1) the definition of "remand home".
1952 c. 55.	The Magistrates' Courts Act 1952.	Sections 20, 21 and 26(2).
		Section 32.
		In section 38(1), the words from "The provisions of this" onwards.
1953 c. 33.	The Education (Miscellaneous Provisions) Act 1953.	Section 11.
1956 c. 24.	The Children and Young Persons Act 1956.	The whole Act.
1956 c. 50.	The Family Allowances and National Insurance Act 1956.	Section 5.
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).

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1958 c. 65.	The Children Act 1958.	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, in subsection (4) the words "the Children and Young Persons Act 1933 or of", and subsections (6) and (7). 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). In section 17, in the definition of "fit person order" the words "the Children and Young Persons Act 1933 or". In Schedule 2 the entry relating to section 54 of the Children Act 1948.
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 (1) the words "but is not a foster child within the meaning of Part I of the Children Act 1958", in subsection (2) the words from "by reason" to "subsection nor", and 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.

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		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”. Section 79. In section 80(1), the definitions of “approved school” and “remand home”.
1961 c. 39.	The Criminal Justice Act 1961.	In section 1, subsection (1) and the proviso to subsection (2). In section 4, in subsection (1) the words “but not less than fourteen”, and in subsection (2)(a) the words from “the offender” to “and”. In section 5(2), paragraph (a) and the words following paragraph (b), and section 5(3). 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”. In section 7, subsection (2), and in subsection (3) the words from “and where” onwards. Section 8(1) and (2). In section 9, paragraph (a). In section 10(2)(a), the words from “except” to “excessive”.

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		Sections 14 to 19, 22(4) and 25. 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". Schedule 2. 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.
1963 c. 33.	The London Government Act 1963.	In section 47, in subsection (1) the words "and in the definition of remand home in any enactment", and in subsection (3) the reference in paragraph (c) to section 49 of the Criminal Justice Act 1948. In Schedule 17, paragraph 18(c).
1963 c. 37.	The Children and Young Persons Act 1963.	Sections 1(4), 2 and 4 to 15. Section 22. 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). Section 24.

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		In section 25(1) the words "or taken to a place of safety", and section 25(2).
		In section 29, in subsection (1) the words "continue to" and subsection (2).
		Section 33.
		Section 53(1) and (2).
		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.
		Sections 59 and 61.
		In section 65(5), the words "subsections (1) and (2) of section 10 and", "and 53(1)" and "27" and "34".
		Schedule 1.
		In Schedule 3, paragraphs 10, 15 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".
1963 c. 39.	The Criminal Justice (Scotland) Act 1963.	In Schedule 5, the entry relating to the Children Act 1948.
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.	In section 55, the words "or any provision of the Children and Young Persons Act 1933" and the words from "and accordingly" onwards.
		In section 77(1), the words "on his means".

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		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.
1968 c. 49.	The Social Work (Scotland) Act 1968.	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". In section 73(2), the word "juvenile". In section 74, in subsection (3) the words "in England or Wlaes 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 Atcs 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". 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". In section 76, in subsections (1) and (2) the word "juvenile" wherever it occurs,

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	and in subsection (4) the words "approved school or" and "of the approved school or".
	Section 77(1)(b).
	In section 90(1) the words "or to presribe any matter".
	In Schedule 2, in paragraph 10 the words from "and" to "1933".
	In Schedule 8, paragraphs 2 to 5, 18, 21 and 35.

Textual Amendments

F207 Entries relating to ss. 55, 56(1), 59(1) of 1933 c. 12 repealed (30.9.1998) by 1998 c. 37, ss. 106, 120(2), Sch. 7 para. 11, **Sch.10**; S.I. 1998/2327, **art.2(1)(w)(aa)(3)(k)**.

SCHEDULE 7

. . . **F208**

Textual Amendments

F208 Sch. 7 repealed by Foster Children Act 1980 (c. 6, SFI 20), **Sch. 3**

Status:
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