



Children and Young Persons Act 1969

1969 CHAPTER 54

PART I

CARE AND OTHER TREATMENT OF JUVENILES THROUGH COURT PROCEEDINGS

Committal to care of local authorities

20 Orders for committal to care of local authorities

- (1) Any provision of this Act authorising the making of a care order in respect of any person shall be construed as authorising the making of an order committing him to the care of a local authority; and in this Act " care order " shall be construed accordingly and " interim order " means a care order containing provision for the order to expire with the expiration of twenty-eight days, or of a shorter period specified in the order, beginning—
 - (a) if the order is made by a court, with the date of the making of the order ; and
 - (b) if it is made by a justice, with the date when the person to whom it relates was first in legal custody in connection with the matter in consequence of which the order is made.
- (2) The local authority to whose care a person is committed by a care order shall be—
 - (a) except in the case of an interim order, the local authority in whose area it appears to the court making the order that that person resides or, if it does not appear to the court that he resides in the area of a local authority, any local authority in whose area it appears to the court that any offence was committed or any circumstances arose in consequence of which the order is made; and
 - (b) in the case of an interim order, such one of the local authorities mentioned in paragraph (a) of this subsection as the court or justice making the order thinks fit (whether or not the person in question appears to reside in their area).
- (3) Subject to the provisions of the following section, a care order other than an interim order shall cease to have effect—

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- (a) if the person to whom it relates had attained the age of sixteen when the order was originally made, when he attains the age of nineteen ; and
 - (b) in any other case, when that person attains the age of eighteen.
- (4) A care order shall be sufficient authority for the detention by any local authority or constable of the person to whom the order relates until he is received into the care of the authority to whose care he is committed by the order.

21 Variation and discharge of care orders

- (1) If it appears to a juvenile court, on the application of a local authority to whose care a person is committed by a care order which would cease to have effect by virtue of subsection (3)(b) of the preceding section, that he is accommodated in a community home or a home provided by the Secretary of State and that by reason of his mental condition or behaviour it is in his interest or the public interest for him to continue to be so accommodated after he attains the age of eighteen, the court may order that the care order shall continue in force until he attains the age of nineteen; but the court shall not make an order under this subsection unless the person in question is present before the court.
- (2) If it appears to a juvenile court, on the application of a local authority to whose care a person is committed by a care order or on the application of that person, that it is appropriate to discharge the order, the court may discharge it and on discharging it may, unless it was an interim order and unless the person to whom the discharged order related has attained the age of eighteen, make a supervision order in respect of him.
- (3) Where an application under the preceding subsection for the discharge of a care order is dismissed, then—
- (a) in the case of an interim order, no further application for its discharge shall be made under that subsection except with the consent of a juvenile court (without prejudice to the power to make an application under subsection (4) of the following section); and
 - (b) in any other case, no further application for its discharge shall be made under this subsection by any person during the period of three months beginning with the date of the dismissal except with the consent of a juvenile court.
- (4) The person to whom the relevant care order relates or related may appeal to quarter sessions against an order under subsection (1) of this section or a supervision order made in pursuance of subsection (2) of this section or the dismissal of an application under the said subsection (2) for the discharge of the care order.
- (5) The local authority to whose care a person is committed by a care order (other than an interim order) may, within the period of three months beginning with the date of the order, appeal to quarter sessions against the provision of the order naming their area on the ground that at the time the order was made the person aforesaid resided in the area of another local authority named in the notice of appeal; but no appeal shall be brought by a local authority under this subsection unless they give notice in writing of the proposal to bring it to the other local authority in question before giving notice of appeal.
- (6) References in this section to a juvenile court, in relation to a care order, are references to a juvenile court acting for any part of the area of the local authority to whose care a person is committed by the order or for the place where that person resides.

22 Special provisions relating to interim orders

- (1) A juvenile court or a justice shall not make an interim order in respect of any person unless either—
 - (a) that person is present before the court or justice ; or
 - (b) the court or justice is satisfied that he is under the age of five or cannot be present as aforesaid by reason of illness or accident.
- (2) An interim order shall contain provision requiring the local authority to whose care a person is committed by the order to bring that person before a court specified in the order on the expiration of the order or at such earlier time as the specified court may require, so however that the said provision shall, if the court making the order considers it appropriate so to direct by reason of the fact that that person is under the age of five or by reason of illness or accident, require the local authority to bring him before the specified court on the expiration of the order only if the specified court so requires.
- (3) A juvenile court acting for the same area as a juvenile court by which or a justice by whom an interim order has been made in respect of any person may, at any time before the expiration of the order, make a further interim order in respect of him; and the power to make an interim order conferred by this subsection is without prejudice to any other power to make such an order.
- (4) The High Court may, on the application of a person to whom an interim order relates, discharge the order on such terms as the court thinks fit; but if on such an application the discharge of the order is refused, the local authority to whose care he is committed by the order shall not exercise in his case their powers under section 13(2) of the Children Act 1948 (which enables them to allow a parent or other person to be in charge of him) except with the consent and in accordance with any directions of the High Court.
- (5) If a court which has made or, apart from this subsection, would make an interim order in respect of a person who has attained the age of fourteen certifies that he is of so unruly a character that he cannot safely be committed to the care of a local authority and 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, then, subject to the following provisions of this section, the court shall commit him to a remand centre for twenty-eight days or such shorter period as may be specified in the warrant; but in a case where an interim order is in force in respect of the person in question, a warrant under this subsection shall not be issued in respect of him except on the application of the local authority to whose care he is committed by the order and shall not be issued for a period extending beyond the date fixed for the expiration of the order, and on the issue of a warrant under this subsection in such a case the interim order shall cease to have effect.

In this subsection "court" includes a justice.

- (6) Subsections (1), (3) and (4) of this section, so much of section 2(11)(a) as requires the clerk to be informed and section 21(2) to (4) of this Act shall apply to a warrant under subsection (5) of this section as they apply to an interim order but as if the words " is under the age of five or " in subsection (1) of this section were omitted.

23 Remand to care of local authorities etc.

- (1) Where a court—

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- (a) remands or commits for trial a child charged with homicide or remands a child convicted of homicide ; or
- (b) remands a young person charged with or convicted of one or more offences or commits him for trial or sentence,

and he is not released on bail, then, subject to the following provisions of this section, the court shall commit him to the care of a local authority in whose area it appears to the court that he resides or that the offence or one of the offences was committed.

- (2) If the court aforesaid certifies that a young person is of so unruly a character that he cannot safely be committed to the care of a local authority under the preceding subsection, 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.
- (3) If, on the application of the local authority to whose care a young person is committed by a warrant under subsection (1) of this section, the court by which he was so committed or any magistrates' court having jurisdiction in the place where he is for the time being certifies as mentioned in subsection (2) of this section, the provisions of the said subsection (2) relating to committal shall apply in relation to him and he shall cease to be committed in pursuance of the said subsection (1).
- (4) The preceding provisions of this section shall have effect subject to the provisions of section 28 of the Magistrates' Courts Act 1952 (which relates to committal to quarter sessions with a view to a borstal sentence).
- (5) In this section "court" and "magistrates' court" include a justice; and notwithstanding anything in the preceding provisions of this section, section 105(5) of the said Act of 1952 (which provides for remands to the custody of a constable for periods not exceeding three clear days) 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.

24 Powers and duties of local authorities etc. with respect to persons committed to their care

- (1) It shall be the duty of a local authority to whose care a person is committed by a care order or by a warrant under subsection (1) of the preceding section to receive him into their care and, notwithstanding any claim by his parent or guardian, to keep him in their care while the order or warrant is in force.
- (2) A local authority shall, subject to the following provisions of this section, have the same powers and duties with respect to a person in their care by virtue of a care order or such a warrant as his parent or guardian would have apart from the order or warrant and may (without prejudice to the preceding provisions of this subsection but subject to regulations made in pursuance of section 43 of this Act) restrict his liberty to such extent as the authority consider appropriate.
- (3) A local authority shall not cause a person in their care by virtue of a care order to be brought up in any religious creed other than that in which he would have been brought up apart from the order.
- (4) It shall be the duty of a local authority to comply with any provision included in an interim order in pursuance of section 22(2) of this Act and, in the case of a person in

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their care by virtue of the preceding section, to permit him to be removed from their care in due course of law.

- (5) If a person who is subject to a care order and has attained the age of five is accommodated in a community home or other establishment which he has not been allowed to leave during the preceding three months for the purpose of ordinary attendance at an educational institution or at work and it appears to the local authority to whose care he is committed by the order that—
- (a) communication between him and his parent or guardian has been so infrequent that it is appropriate to appoint a visitor for him ; or
 - (b) he has not lived with or visited or been visited by either of his parents or his guardian during the preceding twelve months,

it shall be the duty of the authority to appoint an independent person to be his visitor for the purposes of this subsection; and a person so appointed shall—

- (i) have the duty of visiting, advising and befriending the person to whom the care order relates ; and
- (ii) be entitled to exercise on behalf of that person his powers under section 21(2) of this Act; and
- (iii) be entitled to recover from the authority who appointed him any expenses reasonably incurred by him for the purposes of his functions under this subsection.

In this section "independent person " means a person satisfying such conditions as may be prescribed by regulations made by the Secretary of State with a view to securing that he is independent of the local authority in question and unconnected with any community home.

- (6) A person's appointment as a visitor in pursuance of the preceding subsection shall be determined if the care order in question ceases to be in force or he gives notice in writing to the authority who appointed him that he resigns the appointment or the authority give him notice in writing that they terminate it; but the determination of such an appointment shall not prejudice any duty under the preceding subsection to make a further appointment.
- (7) The functions conferred on a local authority by the preceding provisions of this section in respect of any person are in addition to the functions which, by virtue of section 27 of this Act, are conferred on the authority in respect of him by Part II of the Children Act 1948.
- (8) While a care order other than an interim order is in force in respect of a person who has not attained the age of eighteen, it shall be the duty of his parent to keep the local authority to whose care he is committed by the order informed of the parent's address; and if the parent knows of the order and fails to perform his duty under this subsection, the parent shall be liable on summary conviction to a fine not exceeding ten pounds unless he shows that at the material time he was residing at the address of the other parent and had reasonable cause to believe that the other parent had kept the authority informed of their address.