



# Children and Young Persons Act 1969

## 1969 CHAPTER 54

### PART III

#### MISCELLANEOUS AND GENERAL

##### *Miscellaneous*

#### **60 Extradition offences**

(1) There shall be included—

- (a) in the list of extradition crimes contained in Schedule 1 to the Extradition Act 1870 ; and
- (b) among the descriptions of offences set out in Schedule 1 to the Fugitive Offenders Act 1967,

any offence of the kind described in section 1 of the Act of 1933 (which relates to cruelty to persons under sixteen) and any offence of the kind described in section 1 of the Indecency with Children Act 1960.

(2) Nothing in this Act shall be construed as derogating from the provisions of section 17 of the said Act of 1870 or section 16(2) or 17 of the said Act of 1967 in their application to any provisions of those Acts respectively as amended by the preceding subsection.

#### **61 Rules relating to juvenile court panels and composition of juvenile courts**

(1) Without prejudice to the generality of the power to make rules under section 15 of the Justices of the Peace Act 1949 relating to the procedure and practice to be followed by magistrates' courts, provision may be made by such rules with respect to any of the following matters, namely.—

- (a) the formation and revision of juvenile court panels, that is to say, panels of justices specially qualified to deal with juvenile cases and the eligibility of justices to be members of such panels ;
- (b) the appointment of persons as chairmen of juvenile courts; and
- (c) the composition of juvenile courts.

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- (2) Rules making any such provisions as are referred to in subsection (1) of this section may confer powers on the Lord Chancellor with respect to any of the matters specified in the rules and may, in particular, provide for the appointment of juvenile court panels by him and for the removal from a juvenile court panel of any justice who, in his opinion, is unsuitable to serve on a juvenile court.
- (3) Rules made by virtue of this section may make different provision in relation to different areas for which juvenile court panels are formed ; and in the application of this section to the county palatine of Lancaster, for any reference in the preceding subsection to the Lord Chancellor there shall be substituted a reference to the Chancellor of the Duchy.
- (4) Nothing in this section or in any rules made under section 15 of the said Act of 1949 shall affect—
- (a) the areas for which juvenile court panels are formed and juvenile courts are constituted ;
  - (b) the provisions of Part I of Schedule 2 to the Act of 1963 (and, as it has effect by virtue of section 17(1) of that Act, Part I of Schedule 2 to the Act of 1933) with respect to the making of recommendations and orders relating to the formation of combined juvenile court panels; or
  - (c) the provisions of paragraph 14 of that Schedule relating to the divisions of the metropolitan area for which juvenile courts sit;
- but rules under the said section 15 may repeal, either generally or with respect to any part of the metropolitan area, any provision contained in paragraphs 15 to 18 of that Schedule (which contain provisions applicable in the metropolitan area with respect to certain of the matters referred to in subsection (1) of this section) and in subsections (2) and (3) of section 12 of the Administration of Justice Act 1964 (which amend those paragraphs).
- (5) In this section "the metropolitan area " means the inner London area and the City of London.

## **62 Contributions in respect of children and young persons in care**

- (1) The provisions of sections 86 to 88 of the Act of 1933 (which, as originally enacted, provided for contributions in respect of children and young persons committed to the care of a fit person or sent to an approved school) shall apply in relation to children and young persons committed to the care of a local authority by a care order which is not an interim order.
- (2) Whether or not a contribution order has been made in respect of any child or young person in the care of a local authority, no contribution shall be payable in respect of him for any period during which he is allowed by the local authority to be under the charge and control of a parent, guardian, relative or friend, although remaining in the care of the local authority.
- (3) Where a person (in this section referred to as a " contributory ") is liable under section 86 of the Act of 1933 to make a contribution in respect of a child or young person in the care of a local authority, then, subject to the following provisions of this section, the amount of his contribution shall be such as may be proposed by the local authority and agreed by the contributory or, in default of agreement, as may be determined by a court in proceedings for, or for the variation of, a contribution order.

- (4) The maximum contribution which may be proposed by a local authority in respect of a child or young person in their care shall be a weekly amount equal to the weekly amount which, in the opinion of the local authority, they would normally be prepared to pay if a child or young person of the same age were boarded out by them (whether or not the child or young person in respect of whom the contribution is proposed is in fact so boarded out and, if he is, whether or not the local authority are in fact paying that amount).
- (5) No contribution order shall be made on a contributory in respect of a child or young person unless—
  - (a) the local authority in whose care he is have, by notice in writing given to the contributory, proposed an amount as the amount of his contribution ; and
  - (b) either the contributory and the local authority have not, within the period of one month beginning with the day on which the notice was given to the contributory, agreed on the amount of his contribution or the contributory has defaulted in making one or more contributions of an amount which has been agreed.
- (6) In proceedings for a contribution order, the court shall not order a contributory to pay a contribution greater than that proposed in the notice given to him under subsection (5) (a) of this section.
- (7) In proceedings for the variation of a contribution order, the local authority concerned shall specify the weekly amount which, having regard to subsection (4) of this section, they propose should be the amount of the contribution and the court shall not vary the contribution order so as to require the contributory to pay a contribution greater than that proposed by the local authority.
- (8) In this section—
  - " contribution " means a contribution under section 86 of the Act of 1933 ;
  - and
  - " contribution order " means an order under section 87 of that Act.

### **63 Returns of information and presentation of reports etc to Parliament**

- (1) Every local authority shall, at such times and in such form as the Secretary of State may direct, transmit to the Secretary of State such particulars as he may require—
  - (a) with respect to the performance by the local authority of all or any of the functions specified in section 39(1) of the Children Act 1948 (which relates to the establishment of children's committees); and
  - (b) with respect to the children in relation to whom the authority have exercised those functions.
- (2) Every voluntary organisation shall, at such times and in such form as the Secretary of State may direct, transmit to him such particulars as he may require with respect to the children who are accommodated and maintained in voluntary homes provided by the organisation or who have been boarded out by the organisation.
- (3) The clerk of each juvenile court shall, at such times and in such form as the Secretary of State may direct, transmit to him such particulars as he may require with respect to the proceedings of the court.

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- (4) The Secretary of State shall in each year lay before Parliament a consolidated and classified abstract of the information transmitted to him under the preceding provisions of this section.
- (5) The Secretary of State shall lay before Parliament in 1973 and in every third subsequent year a report with respect to the exercise by local authorities of the functions specified in section 39(1) of the Children Act 1948, the provision by voluntary organisations of facilities for children and such other matters relating to children as he thinks fit.

### *Financial provisions*

#### **64 Expenses of Secretary of State in providing homes offering specialised facilities**

There shall be defrayed out of moneys provided by Parliament any expenses incurred by the Secretary of State in providing, equipping and maintaining homes for the accommodation of children who are in the care of local authorities and are in need of particular facilities and services which are provided in those homes and are, in the opinion of the Secretary of State, unlikely to be readily available in community homes.

#### **65 Grants to voluntary organisations etc.**

- (1) The Secretary of State may make out of moneys provided by Parliament grants to voluntary organisations of such amounts and subject to such conditions as he may with the consent of the Treasury determine towards expenditure incurred by them in connection with the establishment, maintenance or improvement of voluntary homes which at the time the expenditure was incurred were assisted community homes or were designated as such in a regional plan which was then in operation, including expenses incurred by them in respect of the borrowing of money to defray any such expenditure.
- (2) The power of the Secretary of State to make grants to voluntary organisations under section 46 of the Children Act 1948 (which relates to grants in respect of certain expenses incurred in connection with voluntary homes) shall not apply to expenditure incurred in connection with a voluntary home which, at the time the expenditure was incurred, was a controlled or assisted community home or was designated as such in a regional plan which was then in operation.
- (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 such provision as is referred to in paragraph 9(1) of Schedule 3 to this Act is made by a regional plan in relation to any part of the premises of the institution, the Secretary of State may with the consent of the Treasury make out of moneys provided by Parliament grants towards the discharge by any person of any liability, other than an obligation to which paragraph 11 of that Schedule applies, which was incurred by that person in connection with the establishment, maintenance or improvement of the institution.
- (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.

## **66 Increase of rate support grants**

- (1) The power to make an order under section 3(1) of the Local Government Act 1966 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 subsection (4) of the said section 3 (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 the Minister of Housing and Local Government 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.
- (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.

## **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 Compulsory acquisition of land**

- (1) A local authority other than a county council may be authorised by the Secretary of State to purchase compulsorily any land, whether situated inside or outside their area, for the purposes of their functions under this Act or section 1 of the Act of 1963.
- (2) The Acquisition of Land (Authorisation Procedure) Act 1946 shall apply in relation to the compulsory purchase of land in pursuance of subsection (1) of this section as if that subsection were contained in an Act in force immediately before the commencement of that Act.
- (3) In the application to the functions of a county council under this Act or section 1 of the Act of 1963 of section 159(1) of the Local Government Act 1933 (under which

a county council may be authorised to purchase land compulsorily) the power to authorise a compulsory purchase shall be vested in the Secretary of State.

## **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, 39 or 43(5) 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, 47, 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;
  - (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.

## **70 Interpretation and ancillary provisions**

- (1) In this Act, unless the contrary intention appears, the following expressions have the following meanings :—
  - " the Act of 1933 " means the Children and Young Persons Act 1933 ;
  - " the 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 ;
  - " care order " has the meaning assigned to it by section 20 of this Act;
  - " 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;
  - " instrument of management" means an instrument of management made under section 39 of this Act;
  - " interim order " has the meaning assigned to it by section 20 of this Act;
  - " local authority " means the council of a county, county borough or London borough or the Common Council of the City of London ;
  - " petty sessions area " has the same meaning as in the Magistrates' Courts Act 1952 except that, in relation to a juvenile court constituted for the metropolitan area within the meaning of Part II of Schedule 2 to the Act of

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1963, it means such a division of that area as is mentioned in paragraph 14 of that Schedule;

" planning area " has the meaning assigned to it by section 35(1) of this Act;

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

" regional plan " has the meaning assigned to it by section 36(1) of this Act;

" the relevant authorities ", in relation to a planning area, has the meaning assigned to it by section 35(3) of this Act;

" reside " means habitually reside, and cognate expressions shall be construed accordingly except in section 12(4) and (5) of this Act;

" supervision order ", " supervised person " and " supervisor " have the meanings assigned to them by section 11 of this Act;

" trust deed ", in relation to a voluntary home, has the meaning assigned to it by section 40(5) of this Act;

" voluntary home " has the same meaning as in Part V of the Act of 1933 ;

" voluntary organisation " has the same meaning as in the Children Act 1948 ; and

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

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

- (2) Without prejudice to any power apart from this subsection to bring proceedings on behalf of another person, any power to make an application which is exercisable by a child or young person by virtue of section 15(1), 21(2), 22(4) or (6) or 28(5) of this Act shall also be exercisable on his behalf by his parent or guardian; and in this subsection " guardian" includes any person who was a guardian of the child or young person in question at the time when any supervision order, care order or warrant to which the application relates was originally made.
- (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.

## **71 Application to Isles of Stilly**

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.

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- (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 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.
- (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).
- (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) In accordance with Part II of this Act and the said Schedules 5 and 6, sections 1 to 6 and 14 of the Children Act 1958 are to have effect, after the coming into force of so much of that Part and those Schedules as relates to those sections, as set out in Schedule 7 to this Act, but without prejudice to any other enactment affecting the operation of those sections.

### **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 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), 32(1), (3) and (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 Merchant Shipping Act 1894, the Superannuation (Miscellaneous Provisions) Act 1948, sections 10, 53, 55 and 59 of the Act of 1963, the Family Allowances Act 1965 and the Social Work (Scotland) Act 1968.
- (5) This section and the following provisions only of this Act extend to Northern Ireland, that is to say—



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- (a) sections 25 and 32 ;
- (b) section 72(3) and Schedule 5 so far as they relate to section 29 of the 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 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 ;

and section 32(2) and (3) of this Act shall be treated for the purposes of section 6 of the Government of Ireland Act 1920 as if it had been passed before the day appointed for the said section 6 to come into operation.

- (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 32(1) 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.