

Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons Act 1969, Part II. (See end of Document for details)

SCHEDULES

SCHEDULE 4

TRANSITIONAL PROVISIONS AND SAVINGS

^{X1}PART II

INTERIM PROVISIONS PENDING COMMENCEMENT OF ^{M1}PROVISIONS OF SOCIAL WORK (SCOTLAND) ACT 1968

Editorial Information

- X1** 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 II (paras. 19-24), which is spent, is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.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

- M1** 1968 c. 49

- 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 ^{M2}Criminal Justice Act 1948.

Marginal Citations

- M2** 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 [^{F1}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 ^{M3}Criminal Justice (Scotland) Act 1949 is in force resides or will reside in Scotland, the court may

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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

F1 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

M3 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 [^{F2}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 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 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

F2 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 appears 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 ^{M4}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

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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.

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Marginal Citations

M4 1937 c. 37

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