

Status: Point in time view as at 25/08/2000.

Changes to legislation: Children and Young Persons Act 1969 is up to date with all changes known to be in force on or before 22 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)

SCHEDULES

SCHEDULE 1

. . . F1

Textual Amendments

F1 Sch. 1 repealed by [Legal Aid Act 1974 \(c. 4, SIF 77:1\)](#), [Sch. 5 Pt. 1](#)

SCHEDULE 2

. . . F2

Textual Amendments

F2 Sch. 2 repealed by [Child Care Act 1980 \(c. 5, SIF 20\)](#), s. 89, [Sch. 6](#)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)

C1 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.

[^{F3}(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 ^{M1}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.

<p>Textual Amendments</p> <p>F3 Sch. 3 para. 1(3) substituted by Pensions (Increase) Act 1971 (c. 56, SIF 101A:3), Sch. 3 para. 5</p> <hr/> <p>Marginal Citations</p> <p>M1 1971 c. 56(101A:3).</p>

2 (1) ^{F4}

^{X1}(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

- X1** 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

- F4** 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 ^{M2}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

M2 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 [^{F5}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

F5 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) [^{F6}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 [^{F6}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

F6 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 ^{M3}Criminal Justice Act 1948 [^{F7}or under section 51(3)(c) of the ^{M4}Powers of Criminal Courts Act 1973][^{F8}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

- F7** Words inserted by [Powers of Criminal Courts Act 1973 \(c. 62, SIF 39:1\)](#), **Sch. 5 para. 38(c)**
F8 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

- M3** [1948 c. 58\(39:1\)](#).
M4 [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.

[^{F9}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 [^{F10}youth court] under section 62 of the ^{M5}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 ^{M6}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 ^{M7}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

F9 Sch. 4 para. 1A inserted by Administration of Justice Act 1970 (c. 31, SIF 37), s. 51(2)

F10 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

M5 1933 c. 12(20).

M6 1944 c. 31(41:1).

M7 1938 c. 40.

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F11²

Textual Amendments
F11 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

F12³

Textual Amendments
F12 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 F13

Textual Amendments
F13 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 [^{F14}section 37(1) of the ^{M8}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 ^{M9}Criminal Justice Act 1948.

(2) F15

Textual Amendments
F14 Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154(2), Sch. 7 para. 86
F15 Sch. 4 para. 5(2) repealed by Powers of Criminal Courts Act 1973 (c. 62, SIF 39:1), Sch. 6

Marginal Citations
M8 1980 c. 43(82).
M9 1948 c. 58(39:1).

6 F16

Textual Amendments
F16 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 ^{M10}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) [^{F17}A restriction direction which was given under section 49 of the ^{M11}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

F17 Words substituted by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), [Sch. 4 para. 26\(e\)](#)

Marginal Citations

M10 1948 c. 43.

M11 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 [^{F18}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.

Status: Point in time view as at 25/08/2000.

Changes to legislation: Children and Young Persons Act 1969 is up to date with all changes known to be in force on or before 22 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

F18 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 **F19**

Textual Amendments

F19 [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 [^{F20}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 satisfied 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.

^{F21}(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

F20 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](#).

F21 [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 **F22**

Textual Amendments

F22 [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.

Changes to legislation: Children and Young Persons Act 1969 is up to date with all changes known to be in force on or before 22 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 ^{M12}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

M12 1948 c. 58(39:1).

- 16 **F23**

Textual Amendments

F23 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 ^{M13}Adoption Act 1958 in relation to a fit person order made under the ^{M14}Children and Young Persons (Scotland) Act 1937.

Marginal Citations

M13 1958 c. 5 (7 & 8 Eliz. 2)(49:11).

M14 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.

^{X2}PART II

INTERIM PROVISIONS PENDING COMMENCEMENT OF
^{M15}PROVISIONS OF SOCIAL WORK (SCOTLAND) ACT 1968

Editorial Information

X2 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

M15 1968 c. 49

Status: Point in time view as at 25/08/2000.

Changes to legislation: Children and Young Persons Act 1969 is up to date with all changes known to be in force on or before 22 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 ^{M16}Criminal Justice Act 1948.

Marginal Citations

M16 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 [^{F24}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 ^{M17}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

F24 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

M17 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 [^{F25}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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Changes to legislation: Children and Young Persons Act 1969 is up to date with all changes known to be in force on or before 22 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)

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

F25 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 appers 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 ^{M18}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

M18 [1937 c. 37](#)

^{X3}SCHEDULE 5

Section 72(3).

MINOR AND CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

Editorial Information

X3 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 **F26**

Textual Amendments

F26 [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.

Changes to legislation: Children and Young Persons Act 1969 is up to date with all changes known to be in force on or before 22 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

F27 2

Textual Amendments

F27 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 accused 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 F28

Textual Amendments

F28 Sch. 5 para. 5 repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), Sch. 16

F29 6

Textual Amendments

F29 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 F30

Textual Amendments

F30 Sch. 5 paras. 8–10 repealed by Child Care Act 1980 (c. 5, SIF 20), s. 89, Sch. 6

F31 11

Textual Amendments

F31 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 F32(1)

Status: Point in time view as at 25/08/2000.

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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
F32 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 ^{M19} Education Act 1944

Marginal Citations
M19 1944 c. 31.

^{F33}13

Textual Amendments
F33 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. ^{F34}

Textual Amendments
F34 Sch. 5 paras. 14—17 repealed by Child Care Act 1980 (c. 5), SIF 20, s. 89, Sch. 6

18

Textual Amendments
F35 Sch. 5 para. 18 repealed by Local Authority Social Services Act 1970 (c. 42, SIF 81:3), Sch. 3

19—22. ^{F36}

Textual Amendments
F36 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.

Changes to legislation: Children and Young Persons Act 1969 is up to date with all changes known to be in force on or before 22 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)

M20 The Criminal Justice Act 1948

Marginal Citations

M20 1948 c. 58

23 **F37**

Textual Amendments

F37 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. **F38**

Textual Amendments

F38 Sch. 5 paras. 25, 26 repealed by Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), Sch. 10 Pt. I

M21 The Sexual Offences Act 1956

Marginal Citations

M21 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 “^{M22}the Magistrates’ Courts Act 1952”.

Status: Point in time view as at 25/08/2000.

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Marginal Citations

M22 1952 c. 55.

^{M23}*The Affiliation Proceedings Act 1957*

Marginal Citations

M23 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. ^{F39}

Textual Amendments

F39 Sch. 5 paras. 29–32 repealed by Foster Children Act 1980 (c. 6, SIF 20), Sch. 3

^{M24}*The Adoption Act 1958*

Marginal Citations

M24 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)”.

Status: Point in time view as at 25/08/2000.

Changes to legislation: Children and Young Persons Act 1969 is up to date with all changes known to be in force on or before 22 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)

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”.

M25 *The Mental Health Act 1959*

Marginal Citations

M25 1959 c. 72.

F40 37

Textual Amendments

F40 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. F41

Textual Amendments

F41 Sch. 5 paras. 38—40 repealed by Mental Health Act 1983 (c. 20, SIF 85), s. 134, Sch. 6

41

Textual Amendments

F42 Sch. 5 para. 41 repealed by Mental Health (Amendment) Act 1982 (c. 51, SIF 85), Sch. 4

42

Textual Amendments

F43 Sch. 5 para. 42 repealed by Mental Health (Scotland) Act 1984 (c. 36, SIF 85), Sch. 5

43

Textual Amendments

F44 Sch. 5 para. 43 repealed by Mental Health (Scotland) Act 1984 (c. 36, SIF 85), Sch. 5

44

Textual Amendments

F45 Sch. 5 para. 44 repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), Sch. 16

45

Status: Point in time view as at 25/08/2000.

Changes to legislation: Children and Young Persons Act 1969 is up to date with all changes known to be in force on or before 22 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

F46 Sch. 5 para. 45 repealed by Powers of Criminal Courts Act 1973 (c. 62, SIF 39:1), **Sch. 6**

^{M26}*The Criminal Justice Act 1961.*

Marginal Citations

M26 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

^{F47}47

Textual Amendments

F47 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)**

^{F48}48

Textual Amendments

F48 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. ^{F49}

Textual Amendments

F49 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.

Changes to legislation: Children and Young Persons Act 1969 is up to date with all changes known to be in force on or before 22 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)

54 F50

Textual Amendments

F50 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**

M27 The Criminal Justice Act 1967

Marginal Citations

M27 1967 c. 80.

PROSPECTIVE

55 In [^{F51}section 9 of the Criminal Justice Act 1967 and [^{F52}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

F51 Words in Sch. 5 para. 55 substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82) s. 154, Sch. 7 para. 87

F52 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 F53

Textual Amendments

F53 Sch. 5 para. 56 repealed by Criminal Law Act 1977 (c. 45, SIF 39:1), **Sch. 13**

M28 The Social Work (Scotland) Act 1968

Marginal Citations

M28 1968 c. 49.

^{F54}57

Status: Point in time view as at 25/08/2000.

Changes to legislation: Children and Young Persons Act 1969 is up to date with all changes known to be in force on or before 22 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

F54 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

Status: Point in time view as at 25/08/2000.

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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 school”.

(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—

[^{F55}(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

F55 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. ^{F56}

Textual Amendments

F56 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 authority 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 F57

Textual Amendments

F57 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 “includfe” 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—

Status: Point in time view as at 25/08/2000.

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

78 F58

Textual Amendments

F58 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 third 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 ^{M29}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

M29 1958 c. 5 (7 & 8 Eliz. 2)

82 F59

Textual Amendments

F59 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
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Status: Point in time view as at 25/08/2000.

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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.	<p>In section 10(2) the words from “and may” onwards.</p> <p>Sections 26(6), 29(3) and 32.</p> <p>In section 34(2) the words “or taken to a place of safety”.</p> <p>Section 35.</p> <p>In section 44, in subsection (1) the words from “being” to “as”, and subsection (2).</p> <p>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 to amend” onwards.</p> <p>Section 54.</p> <p>F60</p> <p>...</p> <p>F60</p> <p>...</p> <p>Sections 57 and 58.</p> <p>F60</p> <p>...</p> <p>Sections 62 to 85.</p> <p>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).</p> <p>Sections 89(1), 90, 91 and 94.</p> <p>In section 102, paragraphs (a) and (b) of subsection (1), and</p>

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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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1948 c. 58.

The Criminal Justice Act
1948.

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.

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.
1952 c. 52.	The Prison Act 1952.	In the Schedule, paragraphs 2, 3, 5, 8, 9 and 11 to 16. 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.	<p>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).</p> <p>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).</p> <p>In section 17, in the definition of “fit person order” the words “the Children and Young Persons Act 1933 or”.</p> <p>In Schedule 2 the entry relating to section 54 of the Children Act 1948.</p>
1958 c. 5 (7 & 8 Eliz. 2).	The Adoption Act 1958.	<p>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”.</p> <p>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”.</p>
1959 c. 72.	The Mental Health Act 1959.	<p>In section 60(6) the words from “including” onwards. Section 61.</p>

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1961 c. 39.

The Criminal Justice Act
1961.

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”.

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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1968 c. 49.	The Social Work (Scotland) Act 1968.	<p>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.</p> <p>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”.</p> <p>In section 73(2), the word “juvenile”.</p> <p>In section 74, in subsection (3) the words “in England or Wales 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 Acts 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”.</p> <p>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”.</p> <p>In section 76, in subsections (1) and (2) the word “juvenile” wherever it occurs,</p>
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Status: Point in time view as at 25/08/2000.

Changes to legislation: Children and Young Persons Act 1969 is up to date with all changes known to be in force on or before 22 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)

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 prescribe 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

F60 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

F61

Textual Amendments

F61 Sch. 7 repealed by Foster Children Act 1980 (c. 6, SFI 20), **Sch. 3**

Status:

Point in time view as at 25/08/2000.

Changes to legislation:

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