

SCHEDULES

SCHEDULE 1

Section 33(1).

MODIFICATIONS OF PART IV OF CRIMINAL JUSTICE ACT 1967

- 1 (1) In section 73(1), after the word "proceedings" there shall be inserted the words " and the proceedings mentioned in subsections (3A) and (3B) of this section ".
- (2) At the end of section 73(2) there shall be inserted the words " and any other magistrates' court to which the case is remitted in pursuance of section 56(1) of the Children and Young Persons Act 1933 ".
- (3) In section 73, after subsection (3) there shall be inserted the following subsections:—
- “(3A) Where a person—
- (a) is or is to be brought before a juvenile court under section 1 of the Children and Young Persons Act 1969 ; or
- (b) is the subject of an application to a magistrates' court under section 15 or section 21 of that Act ; or
- (c) is or is to be brought before a juvenile court under section 31 of that Act,
- the court may order that he shall be given legal aid for the purpose of proceedings before the court and, in a case falling within paragraph (a) of this subsection, before any juvenile court to which the case is remitted.
- (3B) Where a person desires to appeal to a court of quarter sessions in pursuance of section 2(12), 3(8), 16(8), 21(4) or 31(6) of the said Act of 1969, that court or the court from whose decision the appeal lies may order that he be given legal aid for the purpose of the appeal.”
- 2 (1) At the end of section 74(2) there shall be inserted the words " and except in the case of proceedings under section 1 of the Children and Young Persons Act 1969 where it is alleged that the condition set out in subsection (2)(f) of that section is satisfied in consequence of an indictable offence and where the court is of the opinion aforesaid ".
- (2) In section 74(3), after " (3) " there shall be inserted the word " (3B) " and for the word "either" there shall be substituted the word " any ".
- (3) In section 74(5), after the word " (2) " there shall be inserted the words " or (3A) ".
- (4) In section 74(6), after the word " section ", there shall be inserted the words " or to any person by a legal aid order under subsection (3B) of that section " and after the word " sentence " there shall be inserted the words " or, as the case may be, dismissing the appeal mentioned in the said subsection (3B) or otherwise altering the order to which the appeal relates ".
- 3 In section 75, after subsection (4) there shall be inserted the following subsection:—

Status: This is the original version (as it was originally enacted).

“(4A) Subsections (3) and (4) of this section shall have effect, in their application to a person who has not attained the age of sixteen, as if the words " he ", " him " and " his " referred to that person and a person who is an appropriate contributor in relation to him or such of them as the court selects, and as if for the word " shall " in subsection (4) there were substituted the word " may " ; and the court may require that a statement furnished by an appropriate contributor in pursuance of subsection (4) shall specify both his means and those of the other person aforesaid.”

4 (1) In section 76, after subsection (1) there shall be inserted the following subsection:—

“(1A) In a case where a legally assisted person has not attained the age of sixteen, the power conferred by the last foregoing subsection to order him to pay contributions in respect of the relevant costs shall include power to order any person who is an appropriate contributor in relation to him to pay such contributions ; and for the purposes of any order proposed to be made by virtue of this subsection in connection with a legal aid order, an appropriate contributor who has failed to furnish a statement which he was required to furnish in pursuance of section 75(4) of this Act in connection with the legal aid order shall be deemed to have resources and commitments which are such that he may reasonably be ordered to pay the whole amount of the costs in question.”

(2) In section 76(4)(a), after the words " that magistrates' court " there shall be inserted the words " , or any other magistrates' court to which the case is remitted in pursuance of section 56(1) of the Children and Young Persons Act 1933. "

(3) At the end of section 76 there shall be inserted the following subsection:—

“(5) Nothing in subsection (4) of this section applies in a case where the legal aid order in question was made by virtue of section 73(3A) or (3B) of this Act, and in such a case an order under this section may be made—

(a) where the legal aid was ordered to be given for the purpose of proceedings before a magistrates' court, by that court, or any other magistrates' court to which the case is remitted in pursuance of section 2(11) of the Children and Young Persons Act 1969, after disposing of the case ; and

(b) where the legal aid was ordered to be given for the purposes of an appeal to a court of quarter sessions, by that court after disposing of the appeal.”

5 In section 77(1), after the words " assisted person ", there shall be inserted the words " , or a person who is an appropriate contributor in relation to him, ", for the words " into his means " there shall be substituted the words " into the means of that person and any such contributor or of either or any of them " and the words " on his means " shall be omitted.

6 In section 78(1), after the words " that he " there shall be inserted the words " or any other person ".

7 (1) In section 79(2), after the word " by " there shall be inserted the words " or in respect of " , and for the words " to him " there shall be substituted the words—

“(a) where the contribution was made by one person only, to him ; and

(b) where the contribution was made by two or more persons, to them in proportion to the amounts contributed by them”.

Status: This is the original version (as it was originally enacted).

- (2) In section 79(3) and section 79(6) after the words " assisted person" there shall be inserted the words " or an appropriate contributor ".
- 8 (1) In section 84, in the definition of " appropriate authority ", after paragraph (a) there shall be inserted the following paragraph:—
- “(aa) in relation to legal aid ordered by virtue of section 73(3A) or (3B) of this Act, the clerk of the magistrates' court before which the proceedings were heard or from which the appeal was brought or the clerk of the magistrates' court nominated for the purposes of this paragraph by the first-mentioned court.”
- (2) In section 84, after the definition aforesaid there shall be inserted the following:—
- “" appropriate contributor ", in relation to a person who has not attained the age of sixteen, means his father, any person who has been adjudged to be his putative father and (whether or not he is legitimate) his mother.”
- (3) At the end of section 84 there shall be inserted the following subsections:—
- “(2) Any power to make an application in pursuance of this Part of this Act which is exercisable by a person who has not attained the age of seventeen shall also be exercisable by his parent or guardian on his behalf, without prejudice to any powers of the parent or guardian apart from this subsection ; and in this subsection " guardian " has the same meaning as in section 70(2) of the Children and Young Persons Act 1969.
- (3) A person who attains the age of sixteen after a legal aid order is made in respect of him or, in a case where such an order is made in pursuance of an application, after the application is made, shall be treated for the purposes of this Part of this Act, in relation to the order, as not having attained that age.”
- and accordingly the said section 84 as amended by sub-paragraphs (1) and (2) of this paragraph shall be subsection (1) of that section.

SCHEDULE 2

Section 35(4).

CHILDREN'S REGIONAL PLANNING COMMITTEES

- 1 (1) Subject to the following provisions of this Schedule, the children's regional planning committee for a planning area (in this Schedule referred to as " the committee") shall consist of such number of persons selected and appointed in such manner and holding office on such terms as the relevant authorities may from time to time approve.
- (2) No person who is disqualified by virtue of section 59 of the Local Government Act 1933 from being a member of any local authority which is one of the relevant authorities for a planning area may be a member of the committee for that area.
- 2 (1) Subject to sub-paragraph (2) of this paragraph, the relevant authorities for a planning area shall so exercise their powers under paragraph 1(1) of this Schedule as to secure that each authority nominates as a member of the committee for the area at least one person who is not so nominated by any other of the relevant authorities.
- (2) If the Secretary of State considers that owing to special circumstances the requirement imposed by sub-paragraph (1) of this paragraph should be dispensed with in the case of a particular authority he may direct accordingly.

Status: This is the original version (as it was originally enacted).

- (3) The members of the committee for a planning area who are nominated by the relevant authorities are in the following provisions of this Schedule referred to as "the nominated members".
- 3 (1) Without prejudice to any power of co-option conferred on the committee for a planning area under paragraph 1(1) of this Schedule, but subject to paragraph 4 of this Schedule, the nominated members of the committee may co-opt other persons to serve as members of the committee, either generally or in relation only to such matters as may be specified by the nominated members.
- (2) Where any persons are co-opted to serve as members of the committee for a planning area in relation only to such matters as are specified by the nominated members then, subject to any directions given by the relevant authorities, the extent to which those persons shall be entitled to attend, speak and vote at meetings of the committee shall be such as may be determined by the nominated members.
- 4 The relevant authorities for a planning area shall so exercise their powers under paragraph 1(1) of this Schedule, and the nominated members of the committee for a planning area shall so limit any exercise of their power under paragraph 3 of this Schedule, as to secure that at all times a majority of the members of the committee for the planning area are members of the relevant authorities.
- 5 Subject to any directions given by the relevant authorities, the procedure and quorum of the committee for a planning area shall be such as may be determined by the nominated members.
- 6 Section 93(1) of the Local Government Act 1933 (which relates to the expenses of joint committees of local authorities) shall apply to the committee for a planning area as it applies to such a joint committee as is mentioned in that section, but as if—
- (a) for references to the local authorities by whom the committee is appointed there were substituted references to the relevant authorities ; and
 - (b) for paragraphs (a) and (b) of subsection (1) of that section there were substituted the words " by the Secretary of State ";
- and Part X of that Act (which relates to accounts and audit) shall apply to the accounts of the committee for a planning area as it applies to the accounts of such a joint committee as is mentioned in section 219(c) of that Act.

SCHEDULE 3

Section 46(2).

APPROVED SCHOOLS AND OTHER INSTITUTIONS

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;

Status: This is the original version (as it was originally enacted).

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.

- (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.
- (3) If any such superannuation or other benefits as are referred to in sub-paragraph (2) (b) of this paragraph are not benefits to which the Pensions (Increase) Acts 1920 to 1969 or any of those Acts apply, the section 46 order may contain such provisions as the Secretary of State considers appropriate—
- (a) for securing the continued payment of additional amounts (calculated by reference to increases under those Acts) which were paid before the specified date in respect of any such benefits; and
 - (b) for securing the payment of additional amounts (calculated by reference to increases under those Acts) in respect of any such benefits to which any person became entitled before the specified date but in respect of which no similar additional amounts were paid before that 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.

- 2 (1) Regulations under section 60 of the Local Government Act 1958 may make provision in relation to persons who suffer loss of employment or loss or diminution of emoluments as a result of a section 46 order and, if in such a case the Minister by whom the regulations are made thinks fit, the regulations may provide for the payment of compensation by the Secretary of State instead of by an authority prescribed by or determined under the regulations.

Status: This is the original version (as it was originally enacted).

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

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 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
 - (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

Status: This is the original version (as it was originally enacted).

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.

- 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 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 section 77 of the Criminal Justice Act 1948, 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

Status: This is the original version (as it was originally enacted).

- (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.
- 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
 - (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) section 77 of the Criminal Justice Act 1948 (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,

Status: This is the original version (as it was originally enacted).

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 Schedule 5 to the Criminal Justice Act 194S which (in either case) should be treated as having been paid on account of expenditure of a capital nature in connection with the former approved institution;

and the sum determined by the Secretary of State for the purpose of sub-paragraph (3) of this paragraph shall be equal to the amount by which the 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.

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.

Status: This is the original version (as it was originally enacted).

- (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 Criminal Justice Act 1948, 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 Act to be expenditure incurred by the responsible organisation in connection with the assisted community home in question.
- 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 responsible authority ", in relation to a controlled community home, has the same meaning as in section 41 of this Act;

Status: This is the original version (as it was originally enacted).

" 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.

SCHEDULE 4

Section 72(1), (2).

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.
- 2 (1) Nothing in section 4 of this Act affects any proceedings against a person for an offence with which by virtue of that section he has ceased to be chargeable since the proceedings were begun ; but where a person is found guilty of an offence and by reason of that section could not have been charged with it on the date of finding, then, subject to sections 1(5) and 2(13) of this Act, the court may make an order under section 1 of this Act in respect of the offender or an order discharging him absolutely but shall not have power to make any other order in consequence of the finding.

(2) Nothing in section 4 of this Act shall be construed as preventing any act or omission which occurred outside the United Kingdom from being a civil offence for the purposes of the Army Act 1955, the Air Force Act 1955, or the Naval Discipline Act 1957, or from being dealt with under any of those Acts.
- 3 Nothing in section 5 of this Act affects any information laid in respect of a person before the date on which apart from this paragraph the information would have been required by virtue of that section to contain a statement of his age.
- 4 Where a person is committed for trial by a jury before subsection (1) of section 6 of this Act comes into force, or claims to be tried by a jury before subsection (2) of that section comes into force, proceedings in respect of the offence in question shall not be affected by the coming into force of that subsection.
- 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 section 28(1) of the Magistrates' Courts Act 1952 ; 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 Criminal Justice Act 1948.

(2) Nothing in section 7(2) of this Act affects a probation order made before the coming into force of the said section 7(2).

Status: This is the original version (as it was originally enacted).

- 6 No order shall be made under section 19(1) of the Criminal Justice Act 1948, at any time after the coming into force of this paragraph and before the coming into force of paragraph 23 of Schedule 5 to this Act, in respect of a person under the age of seventeen in consequence of a default within the meaning of the Criminal Justice Act 1961.
- 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—
- (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 Children Act 1948 and section 58 of the Act of 1963 (which authorise local authorities to provide assistance for persons formerly in care)

Status: This is the original version (as it was originally enacted).

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 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) A direction restricting discharge which was given under section 74 of the Mental Health Act 1959 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.”
- 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 juvenile 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.
- 10 Without prejudice to the preceding paragraph, a person who is subject to such an order as is mentioned in sub-paragraph (a) of that paragraph is not a foster-child within the meaning of Part I of the Children Act 1958.

Status: This is the original version (as it was originally enacted).

- 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 juvenile 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 the 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.
- (3) Where such a supervision order contains a provision requiring residence in an institution which has become a community home, the provision shall be construed as requiring residence in the home ; and in such a case any reference to an institution of the kind in question in rules under the Criminal Justice Act 1948 providing for the making of payments to the body or person by whom the institution is managed shall be construed as a reference to the home.
- (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.
- 13 (1) During the period beginning with the coming into force of section 35 of this Act and ending with the coming into operation of a regional plan for a particular planning area—
- (a) sections 15 and 16 of the Children Act 1948 shall continue to apply in relation to each of the relevant authorities ; and
- (b) each of the relevant authorities may continue to exercise the power conferred by subsection (2) of section 19 of that Act, as it had effect immediately before the passing of this Act, to accommodate persons in hostels provided under that section ; and
- (c) section 77(1) of the Act of 1933 shall continue to apply in relation to each of the relevant authorities as if for the words " the duty of " there were substituted the words " lawful for ".
- (2) Where different parts of the area of a local authority are comprised in different planning areas then, in relation to that local authority, the period specified in sub-paragraph (1) of this paragraph shall not expire until a regional plan has come into operation for each of if those planning areas.
- (3) If on the submission of a regional plan for a planning area to the Secretary of State part only of the plan is approved by him, any reference in the preceding provisions of this paragraph to the coming into operation of a regional plan for that area shall be construed as a reference to the coming into operation of a further regional plan containing all necessary supplementary proposals for that area.

Status: This is the original version (as it was originally enacted).

- 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 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.
- 16 Nothing in paragraph 29 of Schedule 5 to this Act affects the operation of section 2(4) of the Children Act 1958 in relation to a supervision order made under the Children and Young Persons (Scotland) Act 1937.
- 17 Nothing in Schedule 6 to this Act affects the operation of section 15(3) of the Adoption Act 1958 in relation to a fit person order made under the Children and Young Persons (Scotland) Act 1937.
- 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.

PART II

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

- 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 Criminal Justice Act 1948.
- 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 juvenile 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 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

Status: This is the original version (as it was originally enacted).

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.

- 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 juvenile 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.
- 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 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.

SCHEDULE 5

Section 72(3).

MINOR AND CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

The Police (Property) Act 1897

- 1 The Police (Property) Act 1897 (which makes provision for the disposal of property in the possession of the police) shall apply to property which has come into the possession of the police in connection with an allegation, in proceedings under section 1 of this Act, that the condition set out in subsection (2)(f) of that section is satisfied as it applies to property which has come into the possession of the police in the circumstances mentioned in that Act.

Status: This is the original version (as it was originally enacted).

The Act of 1933

- 2 In section 10 of the Act of 1933, after subsection (1) there shall be inserted the following subsection:—
- “(1A) Proceedings for an offence under this section shall not be instituted except by a local education authority; and before instituting such proceedings the authority shall consider whether it would be appropriate, instead of or as well as instituting the proceedings, to bring the child or young person in question before a juvenile court under section 1 of the Children and Young Persons Act 1969.”
- 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 In section 55(1) of the Act of 1933, for the words "charged with" there shall be substituted the words " found guilty of " and after the word "care" there shall be inserted the words " or control " .
- 6 In section 56(1) of the Act of 1933, for the word "resides" there shall be substituted the words " habitually resides " .
- 7 Section 63 of the Act of 1933 shall cease to have effect.
- 8 In section 86(1) of the Act of 1933 for the words from "an order" to "approved school" there shall be substituted the words " a care order which is not an interim order has been made in respect of a child or young person " .
- 9 (1) In subsection (1) of section 87 of the Act of 1933, for the words from " an order has " to " same time, and " there shall be substituted the words " a care order which is not an interim order has been made in respect of a child or young person then, subject to section 62 of the Children and Young Persons Act 1969 " .
- (2) For subsection (2) of that section, there shall be substituted the following subsection:—
- “(2) A contribution order in respect of a child or young person may be made on the application of the local authority entitled to receive contributions in respect of him.”
- (3) In subsection (3) of that section for the words from "in the case " , in the first place where they occur, onwards there shall be substituted the words " as long as the child or young person to whom it relates is in the care of the local authority concerned " .
- 10 (1) In subsection (1) of section 88 of the Act of 1933 for the words from " ordered " to " approved school" there shall be substituted the words " the subject of a care order (other than an interim order) " ; for the words " that court" there shall be substituted the words " the court which makes the order " ; for the words " the person who is "

Status: This is the original version (as it was originally enacted).

there shall be substituted the words " the local authority who are ", and for the words " the persons by whom, and in the circumstances in which " there shall be substituted the words " the local authorities by whom ".

- (2) In subsection (2)(c) of that section, for the words " person who was" there shall be substituted the words " local authority who were ".
- (3) In subsection (4) of that section, for paragraphs (a) and (b) there shall be substituted the words " after the child or young person to whom that order relates has ceased to be the subject of the care order by virtue of which the order under this " section was made or, where this section applies by virtue of section 23 of the Children Act 1948, after he has ceased to be in the care of a local authority under section 1 of that Act or, in either case, if 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 ".
- 11 In section 106(2)(a) of the Act of 1933, for the words from " fifty-seven " to " Schedule to " there shall be substituted the words " eighty-seven and eighty-eight of ".
- 12 (1) In section 107(1) of the Act of 1933, after the words " that is to say " there shall be inserted the following words:—
 " " care order " and " interim order " have the same meanings as in the Children and Young Persons Act 1969."
- (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.

The Education Act 1944

- 13 For subsections (2) to (5) of section 40 of the Education Act 1944 there shall be substituted the following subsections:—
- “(2) Proceedings for such offences as aforesaid shall not be instituted except by a local education authority; and before instituting such proceedings the authority shall consider whether it would be appropriate, instead of or as well as instituting the proceedings, to bring the child in question before a juvenile court under section 1 of the Children and Young Persons Act 1969.
- (3) The court by which a person is convicted of an offence against section 37 of this Act or before which a person is charged with an offence against section 39 of this Act may if it thinks fit direct the authority who instituted the proceedings to bring the child to whom the proceedings relate before a juvenile court under the said section 1 ; and it shall be the duty of the authority to comply with the direction.
- (4) Where a child in respect of whom a school attendance order is in force is brought before a juvenile court by a local education authority under the said section 1 and the court finds that the condition set out in subsection (2)(e) of that section is not satisfied with respect to him, the court may direct that the order shall cease to be in force.”

The Children Act 1948

- 14 In section 4(3) of the Children Act 1948, the proviso shall cease to have effect.
- 15 In section 20(1) of the said Act of 1948, for the words "any such person as is mentioned in subsection (1) of the last foregoing section" there shall be substituted the words " any person over compulsory school age but under the age of twenty one who is, or has at any time after ceasing to be of compulsory school age been, in the care of a local authority ".
- 16 In section 23(1) of the said Act of 1948 for the words from " committed " in the second place where it occurs to the end of the subsection there shall be substituted the words " in the care of a local authority by virtue of such an order as is mentioned in subsection (1) of the said section 86 ".
- 17 (1) In section 26(1) of the said Act of 1948 for paragraph (b) there shall be substituted the following paragraph:—
“(b) an illegitimate child is in the care of a local authority by virtue of such an order as is mentioned in section 86(1) of the Children and Young Persons Act 1933, or.”
- (2) In subsections (3) and (4)(b) of the said section 26, for the words " person who is " there shall be substituted the words " local authority who are ", and in subsection (4) of that section for the words " (b) or (c) " there shall be substituted the words " or (b) ".
- 18 In section 39(1) of the said Act of 1948 after paragraph (h) there shall be inserted the following paragraph:—
“(i) the Children and Young Persons Act 1969.”
- 19 In section 43(1) of the said Act of 1948 for the words from " Parts IV and V " onwards there shall be substituted the words " the Children and Young Persons Acts 1933 to 1969, the Adoption Act 1958 and the Adoption Act 1968 ".
- 20 (1) In subsection (1) of section 51 of the said Act of 1948, for the words from " homes" to " this Act" there shall be substituted the words " community homes provided by them or in controlled community homes " and at the end of that subsection there shall be added the words " or sections 2(5), 16(3) or 28 of the Children and Young Persons Act 1969 and of children detained by them in pursuance of arrangements under section 29(3) of that Act ".
- (2) In subsection (3) of the said section 51, for the words from "home " to " this Act " there shall be substituted the words " community home provided by a local authority or a controlled community home ".
- 21 (1) In subsection (3) of section 54 of the said Act of 1948, after the word " area " in the first place where it occurs there shall be inserted the words " other than community homes " and after the word " any " in the last place where it occurs, there shall be inserted the word " such ".
- (2) In subsection (4) of that section, for the words from " as a fit person " to the end of the subsection there shall be substituted the words " by a care order within the meaning of the Children and Young Persons Act 1969 or by a warrant under section 23(1) of that Act. "
- (3) In subsection (5) of that section, for the words from "ninety-four " to " 1933 " there shall be substituted the words " section 58 of the Children and Young Persons Act 1969 ".

Status: This is the original version (as it was originally enacted).

- 22 In section 59(1) of the said Act of 1948, at the end of the definition of " child" there shall be added the words " and any person who has attained that age and is the subject of a care order within the meaning of the Children and Young Persons Act 1969 ".

The Criminal Justice Act 1948

- 23 In section 19(1) of the Criminal Justice Act 1948, after the words " who is" there shall be inserted the words " not less than seventeen but ".
- 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 section 105(5) of the Magistrates' Courts Act 1952 (which provides for remands to the custody of a constable).”

The Criminal Justice (Scotland) Act 1949

- 25 In section 7 of the Criminal Justice (Scotland) Act 1949, after the words " that the offender" in subsection (1) and " that the probationer " in subsection (2) there shall be inserted the words " has attained the age of seventeen and ".
- 26 After section 7 of the said Act of 1949 there shall be inserted the following section:
 —

“7A Further provisions as to probation orders relating to persons residing or formerly residing in England.

- (1) Where the court by which a probation order is made under section 2 of this Act or subsection (6) of this section is satisfied that the person to whom the order relates is under the age of seventeen and resides or will reside in England, subsection (2) of the said section 2 shall not apply to the order but the order shall name the petty sessions area in which that person resides or will reside and the court shall send notification of the order to the clerk to the justices for that area.
- (2) Where a probation order has been made under section 2 of this Act or subsection (6) of this section and the court which made the order or the appropriate court is satisfied that the person to whom the order relates is

Status: This is the original version (as it was originally enacted).

under the age of seventeen and proposes to reside or is residing in England, the power of that court to amend the order under Schedule 2 to this Act shall include power, without summoning him and without his consent, to insert in the order the name of the petty sessions area aforesaid; and where the court exercises the power conferred on it by virtue of this subsection it shall send notification of the order to the clerk aforesaid.

- (3) A court which sends a notification to a clerk in pursuance of the foregoing provisions of this section shall send to him with it three copies of the probation order in question and such other documents and information relating to the case as it considers likely to be of assistance to the juvenile court mentioned in the following subsection.
- (4) It shall be the duty of the clerk to whom a notification is sent in pursuance of the foregoing provisions of this section to refer the notification to a juvenile court acting for the petty sessions area named in the order, and on such a reference the court—
- (a) may make a supervision order under the Children and Young Persons Act 1969 in respect of a person to whom the notification relates ; and
 - (b) if it does not make such an order, shall dismiss the case.
- (5) A supervision order made by virtue of the foregoing subsection shall not include a requirement authorised by section 12 of the said Act of 1969 unless the supervised person is before the court when the supervision order is made, and in relation to a supervision order made by virtue of that subsection—
- (a) section 15 of that Act shall have effect as if in subsection (4) paragraph (b) and the words following it were omitted ; and
 - (b) section 17(a) of that Act shall have effect as if the second reference to the supervision order were a reference to the probation order in consequence of which the supervision order is made ;
- and when a juvenile court disposes of a case referred to it in pursuance of the foregoing subsection, the probation order in consequence of which the reference was made shall cease to have effect.
- (6) The court which, in pursuance of subsection (1) of section 73 of the Social Work (Scotland) Act 1968, considers a case referred to it in consequence of a notification under paragraph (i) of that subsection (which relates to a case in which a person subject to a supervision order made by virtue of this section moves to Scotland)—
- (a) may, if it is of opinion that the person to whom the notification relates should continue to be under supervision, make a probation order in respect of him for a period specified in the order; and
 - (b) if it does not make such an order, shall dismiss the case ;
- and when the court disposes of a case in pursuance of this subsection the supervision order aforesaid shall cease to have effect.
- (7) Notwithstanding any provision to the contrary in section 2 of this Act, a probation order made by virtue of the foregoing subsection which includes only requirements having the like effect as any requirement or provision of the supervision order to which the notification relates may be made without summoning the person to whom the notification relates and without his consent, and shall specify a period of supervision which shall expire not later

Status: This is the original version (as it was originally enacted).

than the date on which that supervision order would have ceased to have effect by the effluxion of time; and, except as aforesaid, Part I of this Act shall apply to that probation order.

- (8) In this section " petty sessions area " has the same meaning as in the said Act of 1969."

The Sexual Offences Act 1956

- 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 " the Magistrates' Courts Act 1952 " .

The Affiliation Proceedings Act 1957

- 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 Children Act 1948 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 " .

The Children Act 1958

- 29 In section 2(4) of the Children Act 1958, for the words " supervision order or " there shall be substituted the words " supervision order within the meaning of the Children and Young Persons Act 1969 or a " .
- 30 In section 9 of the said Act of 1958, after the words " foster child " there shall be inserted the words " for reward " .
- 31 In section 12(1) of the said Act of 1958, for the words " one month " there shall be substituted the words " two weeks " .
- 32 In section 17 of the said Act of 1958, after the words "that is to say " there shall be inserted the words " approved school " has the same meaning as in the Children and Young Persons (Scotland) Act 1937; " and, 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 " .

The Adoption Act 1958

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

Status: This is the original version (as it was originally enacted).

“(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) ".

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 ".

The Mental Health Act 1959

37 (1) In subsection (1) of section 9 of the Mental Health Act 1959 for the words from " or other accommodation " to " section fifteen of that Act" there shall be substituted the words " provided under section 38 of the Children and Young Persons Act 1969 " and for the words " that Act" there shall be substituted the words " the Children Act 1948 ".

(2) In subsection (2) of the said section 9, for the words "or other accommodation provided under the said section fifteen " there shall be substituted the words " provided under the said section 38 ".

38 In section 10(1)(a) of the said Act of 1959 for sub-paragraph (i) there shall be substituted the following sub-paragraph:—

“(i) 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).”

39 In section 50 of the said Act of 1959, 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).”

40 In section 60(6) of the said Act of 1959, after the word " offence" there shall be inserted the words " or make any such order as is mentioned in paragraphs (b) or (c) of section 7(7) of the Children and Young Persons Act 1969 in respect of the offender ".

41 In section 62(4) of the said Act of 1959 for the words " section 62 of the Children and Young Persons Act 1933 " there shall be substituted the words " section 1 of the Children and Young Persons Act 1969 ".

The Mental Health (Scotland) Act 1960

42 In section 10(1)(a) of the Mental Health (Scotland) Act 1960, for sub-paragraph (ii) there shall be substituted the following sub-paragraph :—

Status: This is the original version (as it was originally enacted).

“(ii) section 24 of the Children and Young Persons Act 1969 (which relates to the powers and duties of local authorities in England and Wales with respect to persons committed to their care).”

43 In section 46 of the said Act of 1960, for paragraph (b) there shall be substituted the following paragraph:—

“(b) section 24 of the Children and Young Persons Act 1969 (which relates to the powers and duties of local authorities in England and Wales with respect to persons committed to their care).”

The Criminal Justice Act 1961

44 For section 5(1) of the Criminal Justice Act 1961 there shall be substituted the following:—

“5 Defaulters already detained in detention centre.

(1) Where a court has power to commit a person to prison for any term for a default and that person has attained the age of seventeen and is detained in a detention centre under a previous sentence or warrant, the court may, subject to the provisions of this section, commit him to a detention centre for a term not exceeding the term aforesaid or six months, whichever is the shorter.”

45 In section 9 of the said Act of 1961, for the words from the beginning to " that Act", where they first occur, there shall be substituted the words " Where an order for conditional discharge under section seven of the Criminal Justice Act 1948 " .

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

47 In section 3(1) of the Act of 1963, for the words " section 62 of the principal Act" there shall be substituted the words " section 1 of the Children and Young Persons Act 1969 " .

48 In section 23 of the Act of 1963, in subsection (1)(b), for the words " that Act " there shall be substituted the words " the principal Act " and, in subsection (5), for the words from " for his detention " onwards there shall be substituted the words " within the meaning of the Children and Young Persons Act 1969 " .

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 (1) In subsection (1) of section 30 of the Act of 1963, for the words " the person who " there shall be substituted the words " the local authority who " .

(2) In subsection (3) of that section, for the words " subsections (3) and (4)" there shall be substituted " subsection (3) " and at the end of that subsection there shall be added the words " section 62 of the Children and Young Persons Act 1969 " .

(3) In subsection (4) of that section for the words from " a magistrates' court", in the first place where they occur, to the end of the subsection there shall be substituted

Status: This is the original version (as it was originally enacted).

the words " a magistrates' court acting for the area or part of the area of the local authority which is the applicant. "

- (4) In subsection (5) of that section for the words " 14(1) of this Act keep the person " there shall be substituted the words " 24(8) of the Children and Young Persons Act 1969 keep the local authority " .

51 In section 45(1) of the Act of 1963, after the words "the Children Act 1958 " there shall be inserted the words " the Children and Young Persons Act 1969 " .

52 In section 49(1) of the Act of 1963, for the words "section 3(3)", there shall be substituted the words " section 13(2) " and for the words " over the care " in both places there shall be substituted the word " charge " .

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 or Wales.”

The Family Allowances Act 1965

54 (1) In subsection (1)(b) of section 11 of the Family Allowances Act 1965, for the words " said Act of " there shall be substituted the words " Children and Young Persons Act " .

(2) In subsection (2) of that section for the words "said Act of 1933 " there shall be substituted the words " Children and Young Persons Act 1969 (other than an interim order) " and for the words from "5(1)" to " 1956 " there shall be substituted the words " 13(2) of the Children Act 1948 " .

(3) In subsection (3) of that section, for the words " 3 or 4 " there shall be substituted the words " 4 or 13(2) " .

The Criminal Justice Act 1967

55 In sections 2 and 9 of the Criminal Justice Act 1967, 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. "”

56 In section 3(3) of the Criminal Justice Act 1967, for the words " 19 or 20 of the Magistrates' Courts Act 1952 " there shall be substituted the words " or 19 of the Magistrates' Courts Act 1952 or section 6 of the Children and Young Persons Act 1969 " .

Status: This is the original version (as it was originally enacted).

The Social Work (Scotland) Act 1968

57 After section 44(1) of the Social Work (Scotland) Act 1968, there shall be inserted the following subsection:—

“(1A) A supervision requirement imposing a condition as to the place where a child is to reside in England or Wales shall be a like authority as in Scotland for the person in charge of the place to restrict the child's liberty to such an extent as that person may consider appropriate having regard to the terms of the supervision requirement.”

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 references 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 " the 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:—

Status: This is the original version (as it was originally enacted).

- “(1A) Where a court in England or 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 (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—

Status: This is the original version (as it was originally enacted).

- (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
 (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—
- (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 ".
- 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 In Schedule 2 to the said Act of 1968, in paragraph 10, to section 50 of the Children
 and Young Persons (Scotland) Act 1937 as substituted by that paragraph, there shall
 be added the following subsection:—
 “(2) The provisions of the foregoing subsection so far as they relate to
 section 54 of this Act shall extend to England and Wales.”
- 68 In Schedule 2 to the said Act of 1968, in paragraph 19, after the word "' children"
 there shall be inserted the words " , for the word ' offenders' there shall be substituted
 the word ' children', and for the word ' offender' in the three places where that word
 occurs there shall be substituted the word ' child ' ".
- 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

Status: This is the original version (as it was originally enacted).

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 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 In Schedule 8 to the said Act of 1968, in paragraph 17(1), for the words " in Scotland " there shall be substituted the words " , within the meaning of the Social Work (Scotland) Act 1968 ".

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 interim 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 "include" 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 that 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 ".

Status: This is the original version (as it was originally enacted).

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—

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

78 In Schedule 8 to the said Act of 1968, for paragraph 74(1), there shall be substituted the following sub-paragraph—

“74 (1) For section 11(1)(a) there shall be substituted the following paragraph—

“(a) during which his or her residence in a residential establishment is required by a supervision requirement made under section 44 of the Social Work (Scotland) Act 1968, and the child is not absent from the residential establishment under supervision ;”

in paragraph (b), for the words " the said Act of 1937 ", there shall be substituted the words " the Children and Young Persons (Scotland) Act 1937 " , after paragraph (b) there shall be inserted the following paragraph:—

“(bb) during which the child is liable to undergo residential training under committal by virtue of section 58A of the said Act of 1937, and is not released under that section ;”

and for paragraph (c) there shall be substituted the following paragraph:

—

“(c) during which the child is accommodated by virtue of rules made by the Secretary of State under section 45 of the Social Work (Scotland) Act 1968””

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 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 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 ' " .

Status: This is the original version (as it was originally enacted).

- 82 In Part II of Schedule 9 to the said Act of 1968, in the entry relating to the Children Act 1958, in the third column, the entry relating to section 17 shall be omitted.
- 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
1894 c. 60.	The Merchant Shipping Act 1894.	In section 183(3), the proviso.
1918 c. 57.	The War Pensions (Administrative Provisions) Act 1918.	Section 9(4).
1920 c. 23.	The War Pensions Act 1920.	Section 9.
1933 c. 12.	The Children and Young Persons Act 1933.	In section 10(2) the words from " and may " onwards. Sections 26(6), 29(3) and 32. In section 34(2) the words " or taken to a place of safety". Section 35. In section 44, in subsection (1) the words from " being " to " as ", and subsection (2). In section 48(2) the words " a probationer or " and " any failure to comply with the requirements of the probation order or" and the words from " or to amend" onwards. Section 54. In section 55 the words " child or" wherever they occur, in subsection (1) the words " in any case and shall if the offender is a child," subsection (2), and in subsection (4) the words " or on forfeiture of any such security as aforesaid ".

Status: This is the original version (as it was originally enacted).

Chapter	Short title	Extent of repeal
		<p>In section 56(1) the words " child or " .</p> <p>Sections 57 and 58.</p> <p>In section 59(1) the words " children and " and " child or " .</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 in subsection (2) the words from " the rights " to " Act or" .</p> <p>Sections 103 and 104.</p> <p>In section 106, subsections (3) to (5).</p> <p>In section 107(1) the definitions of "approved school", " approved school order", " managers " and " special reception centre " .</p> <p>Section 107(2).</p> <p>Section 108(2) and (3).</p> <p>Schedule 4.</p>
1937 c. 37.	The Children and Young Persons (Scotland) Act 1937.	<p>Sections 82, 86, 87 and 89.</p> <p>In Schedule 2, paragraph 13.</p>
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.	Section 14.

Status: This is the original version (as it was originally enacted).

Chapter	Short title	Extent of repeal
1948 c. 40.	The Education (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.	<p>Section 3(3) to (5).</p> <p>In section 4(3), the proviso.</p> <p>Sections 5, 6(3) and (4), 7, 15 and 16.</p> <p>In section 23, in subsection (1), the words from " (which " to " aliment) " and subsection (3).</p> <p>Section 25.</p> <p>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.</p> <p>Section 39(1)(e).</p> <p>In section 49(1), the words from " other than " onwards.</p> <p>Section 51(2).</p> <p>Section 54(1) and (2).</p> <p>In section 59, in subsection (1) the definition of " approved school order ", and subsection (2).</p> <p>In Schedule 3, the entries relating to sections 70, 82, 84, 90 and 107 of the Act of 1933.</p>
1948 c. 58.	The Criminal Justice Act 1948.	<p>In section 3(5), the words from " if the " to " age ".</p> <p>In section 11(1) the words from the beginning to " behaviour " in the first place where it occurs.</p> <p>In sections 46(1) and 47(1) the words " or a supervision order".</p> <p>Sections 48(4), 49, 71, 72 and 75.</p>

Status: This is the original version (as it was originally enacted).

Chapter	Short title	Extent of repeal
		<p>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).</p> <p>In section 80(1), the definitions 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 ".</p> <p>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 relating to the Children and Young Persons Act 1938.</p>
1949 c. 101.	The Justices of the Peace Act 1949.	Section 14.
1950 c. 37.	The Maintenance Orders Act 1950.	In Schedule 1, in the entry relating to section 86 of the Act of 1933, the words from " or as " onwards.
1952 c. 50.	The Children and Young Persons (Amendment) Act 1952.	Sections 2 to 5. In the Schedule, paragraphs 2, 3, 5, 8, 9 and 11 to 16.
1952 c. 52.	The Prison Act 1952.	<p>In section 49(2) the words "remand home or", where they first occur, and the words " remand home " wherever else they occur.</p> <p>In section 50, the words from " and subsection " onwards.</p>

Status: This is the original version (as it was originally enacted).

Chapter	Short title	Extent of repeal
1952 c. 55.	The Magistrates' Courts Act 1952.	In section 53(1) the definition of " remand home ". Sections 20, 21 and 26(2). Section 32.
1953 c. 33.	The Education (Miscellaneous Provisions) Act 1953.	In section 38(1), the words from " The provisions of this" onwards. 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)00 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).
1958 c. 65.	The Children Act 1958.	In section 2, in subsection (1) the words from " for reward " to " one month", in subsection (2) the words from " by " in the first place where it occurs to " or " where that word first subsequently occurs, in subsection (4) the words " the Children and Young Persons Act 1933 or of", and subsections (6) and (7). In section 3, in subsection (4), the words from "or is removed " to " maintaining him" and the words from " or removal " onwards, in subsection (5) the words " need not give a notice under subsection (4) of this section but ", and subsection (6).

Status: This is the original version (as it was originally enacted).

Chapter	Short title	Extent of repeal
1958 c. 5 (7 & 8 Eliz. 2).	The Adoption Act 1958	<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> <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.</p> <p>Section 61.</p> <p>Section 70(2).</p> <p>In section 72(6)(a) the words from "or made" to "Act 1933 " and from "or an order " onwards.</p> <p>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 ".</p> <p>Section 79.</p> <p>In section 80(1), the definitions of " approved school " and " remand home ".</p>

Status: This is the original version (as it was originally enacted).

Chapter	Short title	Extent of repeal
1961 c. 39.	The Criminal Justice Act 1961.	<p>In section 1, subsection (1) and the proviso to subsection (2).</p> <p>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 ".</p> <p>In section 5(2), paragraph (a) and the words following paragraph (b), and section 5(3).</p> <p>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 ".</p> <p>In section 7, subsection (2), and in subsection (3) the words from " and where" onwards.</p> <p>Section 8(1) and (2).</p> <p>In section 9, paragraph (a).</p> <p>In section 10(2)(a), the words from " except " to " excessive ".</p> <p>Sections 14 to 19, 22(4) and 25.</p> <p>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 ".</p> <p>Schedule 2.</p> <p>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</p>

Status: This is the original version (as it was originally enacted).

Chapter	Short title	Extent of repeal
1963 c. 33.	The London Government Act 1963.	<p>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</p> <p>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.</p>
1963 c. 37.	The Children and Young Persons Act 1963.	<p>In Schedule 17, paragraph 18(c).</p> <p>Sections 1(4), 2 and 4 to 15.</p> <p>Section 22.</p> <p>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).</p> <p>Section 24.</p> <p>In section 25(1) the words " or taken to a place of safety ", and section 25(2).</p> <p>In section 29, in subsection (1) the words " continue to " and subsection (2).</p> <p>Section 33.</p> <p>Section 53(1) and (2).</p> <p>In section 55 the words from " section 84(5)" to " principal Act", the word " or " immediately preceding the words " section 17 " and the</p>

Status: This is the original version (as it was originally enacted).

Chapter	Short title	Extent of repeal
		<p>words from " (which relate " onwards.</p> <p>Sections 59 and 61.</p> <p>In section 65(5), the words " subsections (1) and (2) of section 10 and ", " and 53(1)" and " 27 " and " 34 ".</p> <p>Schedule 1.</p> <p>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 ".</p>
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), subparagraph (i) of paragraph (a) and in paragraph (c) the words from " made " to " order ".
1967 c. 80.	The Criminal Justice Act 1967.	<p>In section 55, the words " or any provision of the Children and Young Persons Act 1933" and the words from " and accordingly " onwards.</p> <p>In section 77(1), the words " on his means ".</p> <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>
1968 c. 49.	The Social Work (Scotland) Act 1968.	In section 72(2), the words " of the Children and Young Persons Acts 1933 to 1963 or, as the case may be ", the word " respectively " and the words " to a supervision order within the meaning of

Status: This is the original version (as it was originally enacted).

Chapter	Short title	Extent of repeal
		<p>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, and in subsection (4) the words " approved school or" and " of the approved school or ".</p> <p>Section 77(1)(b).</p> <p>In section 90(1) the words " or to prescribe any matter ".</p> <p>In Schedule 2, in paragraph 10 the words from " and" to " 1933 ".</p>

Status: This is the original version (as it was originally enacted).

Chapter	Short title	Extent of repeal
		In Schedule 8, paragraphs 2 to 5, 18, 21 and 35.

SCHEDULE 7

Section 72(5).

SECTIONS 1 TO 6 AND 14 OF THE CHILDREN ACT 1958 AS AMENDED

“1 Duty of local authorities ensure well-being of foster children.

It shall be the duty of every local authority to satisfy themselves as to the well-being of children within their area who are foster children within the meaning of this Part of this Act and, for that purpose, to secure that, so far as appears to the authority to be appropriate, the children are visited from time to time by officers of the authority and that such advice is given as to the care and maintenance of the children as appears to be needed.

2 Meaning of " foster child " .

- (1) In this Part of this Act " foster child " means, subject to the following provisions of this section, a child below the upper limit of the compulsory school age whose care and maintenance are undertaken by a person who is not a relative or guardian of his.
- (2) A child is not a foster child within the meaning of this Part of this Act while he is in the care of a local authority or a voluntary organisation or is boarded out by a local health authority or a local education authority (or, in Scotland, an education authority).
- (3) A child is not a foster child within the meaning of this Part of this Act while he is in the care of any person—
 - (a) in premises in which any parent, adult relative or guardian of his is for the time being residing ;
 - (b) in any voluntary home within the meaning of Part V of the Children and Young Persons Act, 1933, or in any residential establishment within the meaning of the Social Work (Scotland) Act 1968 ;
 - (c) in any school within the meaning of the Education Acts, 1944 to 1953, or the Education (Scotland) Acts 1939 to 1956 in which he is receiving full-time education ;
 - (d) in any hospital or in any nursing home registered or exempted from registration under Part VI of the Public Health Act, 1936, Part XI of the Public Health (London) Act, 1936, or the Nursing Homes Registration (Scotland) Act, 1938 ;
or
 - (e) in any home or institution not specified in this section but maintained by a public or local authority.
- (3A) A child is not a foster child within the meaning of this Part of this Act at any time while his care and maintenance are undertaken by a person, other than a relative or guardian of his, if at that time—
 - (a) that person does not intend to, and does not in fact, undertake his care and maintenance for a continuous period of more than six days ; or

Status: This is the original version (as it was originally enacted).

- (b) that person is not a regular foster parent and does not intend to, and does not in fact, undertake his care and maintenance for a continuous period of more than twenty-seven days;

and for the purposes of this subsection a person is a regular foster parent if, during the period of twelve months immediately preceding the date on which he begins to undertake the care and maintenance of the child in question, he had, otherwise than as a relative or guardian, the care and maintenance of one or more children either for a period of, or periods amounting in the aggregate to, not less than three months or for at least three continuous periods each of which was of more than six days.

- (4) A child is not a foster child within the meaning of this Part of this Act while he is in the care of any person in compliance with a supervision order within the meaning of the Children and Young Persons Act 1969 or a probation order or supervision requirement or by virtue of a fit person order or while he is in an approved school or is deemed for the purposes of the Children and Young Persons (Scotland) Act, 1937, to be under the care of the managers of an approved school or while he is liable to be detained or subject to guardianship under the Mental Health Act, 1959, or the Mental Health (Scotland) Act, 1960, or is resident in a residential home for mentally disordered persons within the meaning of Part III of the Mental Health Act, 1959, or in a residential home for persons suffering from mental disorder within the meaning of Part III of the Mental Health (Scotland) Act, 1960.

- (4A) A child is not a foster child for the purposes of this Part of this Act while he is placed in the care and possession of a person who proposes to adopt him under arrangements made by such a local authority or registered adoption society as is referred to in Part II of the Adoption Act 1958 or while he is a protected child within the meaning of Part IV of that Act.

3 Duty of persons maintaining foster children to notify local authority.

- (1) Subject to the following provisions of this section, a person who proposes to maintain as a foster child a child not already in his care shall give written notice thereof to the local authority not less than two weeks and not more than four weeks before he receives the child, unless he receives him in an emergency ; and a person who maintains a foster child whom he received in an emergency or who became a foster child while in his care shall give written notice thereof to the local authority not later than forty-eight hours after he receives the child or, as the case may be, after the child becomes a foster child.
- (2) Every such notice shall specify the date on which it is intended that the child should be received or, as the case may be, on which the child was in fact received or became a foster child and the premises in which the child is to be or is being kept and shall be given to the local authority for the area in which those premises are situated.
- (2A) A person shall not be required to give notice under subsection (1) of this section in relation to a child if—
- (a) he has on a previous occasion given notice under that subsection in respect of that or any other child, specifying the premises at which he proposes to keep the child in question ; and
 - (b) he has not, at any time since that notice was given, ceased to maintain at least one foster child at those premises and been required by virtue of the following provisions of this section to give notice under subsection (5A) of this section in respect of those premises.

Status: This is the original version (as it was originally enacted).

- (3) Where a person who is maintaining one or more foster children changes his permanent address or the premises in which the child is, or the children are, kept he shall, not less than two weeks and not more than four weeks before the change or, if the change is made in an emergency, not later than forty-eight hours after the change, give written notice to the said local authority, specifying the new address or premises, and if the new premises are in the area of another local authority, the authority to whom the notice is given shall inform that other local authority and give them such of the particulars mentioned in subsection (7) of this section as are known to them.
- (4) If a foster child dies the person who was maintaining him shall, within forty-eight hours thereof, give to the local authority and to the person from whom the child was received notice in writing of the death.
- (5) Where a foster child is removed or removes himself from the care of the person maintaining him, that person shall at the request of the local authority give them the name and address, if known, of the person (if any) into whose care the child has been removed.
- (5A) Subject to the provisions of the following subsection, where a person who has been maintaining one or more foster children at any premises ceases to maintain foster children at those premises and the circumstances are such that no notice is required to be given under subsection (3) or subsection (4) of this section, that person shall, within forty-eight hours after he ceases to maintain any foster child at those premises, give notice in writing thereof to the local authority.
- (5B) A person need not give the notice required by the preceding subsection in consequence of his ceasing to maintain foster children at any premises if, at the time he so ceases, he intends within twenty-seven days again to maintain any of them as a foster child at those premises; but if he subsequently abandons that intention or the said period expires without his having given effect to it he shall give the said notice within forty-eight hours of that event.
- (7) A person maintaining or proposing to maintain a foster child shall at the request of the local authority give them the following particulars, so far as known to him, that is to say, the name, sex, and date and place of birth of the child, and the name and address of every person who is a parent or guardian or acts as a guardian of the child or from whom the child has been or is to be received.

4 Power to inspect premises, impose conditions, or prohibit the keeping of foster children.

- (1) Any officer of a local authority authorised to visit foster children may, after producing, if asked to do so, some duly authenticated document showing that he is so authorised, inspect any premises in the area of the authority in the whole or any part of which foster children are to be or are being kept.
- (1A) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—
- (a) that there is reasonable cause to believe that a foster child is being kept in any premises, or in any part thereof; and
 - (b) that admission to those premises or that part thereof has been refused to a duly authorised officer of the local authority or that such a refusal is apprehended or that the occupier is temporarily absent,

Status: This is the original version (as it was originally enacted).

the justice may by warrant under his hand authorise an officer of the local authority to enter the premises if need be by force, at any reasonable time within forty-eight hours of the issue of the warrant, for the purpose of inspecting the premises.

(2) Where a person is keeping or proposes to keep foster children in premises used (while foster children are kept therein) wholly or partly for that purpose, the local authority may impose on him requirements, to be complied with, after such time as the authority may specify, whenever a foster child is kept in the premises, as to—

- (a) the number, age and sex of the foster children who may be kept at any one time in the premises or any part thereof;
- (b) the accommodation and equipment to be provided for the children ;
- (c) the medical arrangements to be made for protecting the health of the children ;
- (d) the giving of particulars of the person for the time being in charge of the children ;
- (e) the number, qualifications or experience of the persons employed in looking after the children ;
- (f) the keeping of records ;
- (g) the fire precautions to be taken in the premises ;
- (h) the giving of particulars of any foster child received in the premises and of any change in the number or identity of the foster children kept therein ;

but any such requirement may be limited to a particular class of foster children kept in the premises and any requirement imposed under paragraphs (b) to (h) of this subsection may be limited by the authority so as to apply only when the number of foster children kept in the premises exceeds a specified number.

(3) Where a person proposes to keep a foster child in any premises and the local authority are of the opinion that—

- (a) the premises are not suitable premises in which to keep foster children ; or
- (b) that person is not a suitable person to have the care and maintenance of foster children ; or
- (c) it would be detrimental to that child to be kept by that person in those premises ;

the local authority may impose a prohibition on that person under subsection (3A) of this section.

(3A) A prohibition imposed on any person under this subsection may—

- (a) prohibit him from keeping any foster child in premises specified in the prohibition ; or
- (b) prohibit him from keeping any foster child in any premises in the area of the local authority ; or
- (c) prohibit him from keeping a particular child specified in the prohibition in premises so specified.

(3B) Where a local authority have imposed a prohibition on any person under subsection (3A) of this section, the local authority may, if they think fit, cancel the prohibition, either of their own motion or on an application made by that person on the ground of a change in the circumstances in which a foster child would be kept by him.

(4) Where a local authority impose a requirement on any person under subsection (2) of this section as respects any premises, they may prohibit him from keeping foster children in the premises after the time specified for compliance with the requirement unless the requirement is complied with.

- (5) Any requirement or prohibition imposed under this section shall be imposed by notice in writing addressed to the person on whom it is imposed.

5 Appeal to juvenile court against requirement or prohibition imposed under section four.

- (1) Any person aggrieved by any requirement or prohibition imposed under section four of this Act may, within fourteen days from the date on which he is notified of the requirement or prohibition, or, in the case of a prohibition imposed under subsection (3A) of that section, within fourteen days from the refusal by the local authority to accede to an application by him for the cancellation of the prohibition, appeal to a juvenile court, and where the appeal is against such a requirement the requirement shall not have effect while the appeal is pending.
- (2) Where the court allows such an appeal it may, instead of cancelling the requirement or prohibition, vary the requirement or allow more time for compliance with it or, where an absolute prohibition has been imposed, substitute for it a prohibition to use the premises after such time as the court may specify unless such specified requirements as the local authority had power to impose under section four of this Act are complied with.
- (3) Any notice by which a requirement or prohibition is imposed on any person under section four of this Act shall contain a statement informing him of his right to appeal against the requirement or prohibition and of the time within which he may do so.
- (4) Any requirement or prohibition specified or substituted under this section by the court shall be deemed for the purposes of this Part of this Act other than this section to have been imposed by the local authority under section four of this Act.
- (5) In the application of this section to Scotland, for references to a juvenile court there shall be substituted references to the sheriff.

6 Disqualification for keeping foster children.

- (1) A person shall not maintain a foster child if—
- (a) an order has been made against him under this Part of this Act removing a child from his care ;
 - (b) an order has been made under the Children and Young Persons Act, 1933, the Children and Young Persons Act 1969, or the Children and Young Persons (Scotland) Act, 1937, or a supervision requirement has been made under the Social Work (Scotland) Act 1968 and by virtue of the order or requirement a child was removed from his care ;
 - (c) he has been convicted of any offence specified in the First Schedule to the said Act of 1933 or the First Schedule to the said Act of 1937 or has been placed on probation or discharged absolutely or conditionally for any such offence ;
 - (d) his rights and powers with respect to a child have been vested in a local authority under section two of the Children Act, 1948 or under section 16 of the Social Work (Scotland) Act 1968 ;
 - (e) a local health authority or in Scotland a local authority have made an order under subsection (3) or (4) of section one of the Nurseries and Child-Minders Regulation Act 1948 refusing, or an order under section five of that Act cancelling, the registration of any premises occupied by him or his registration ;

Status: This is the original version (as it was originally enacted).

- (f) an order has been made under section 43 of the Adoption Act 1958 for the removal of a protected child who was being kept or was about to be received by him,
unless he has disclosed that fact to the local authority and obtained their consent.
- (2) Where this section applies to any person, otherwise than by virtue of this subsection, it shall apply also to any other person who lives in the same premises as he does or who lives in premises at which he is employed.”

“14 Offences.

- (1) A person shall be guilty of an offence if—
- (a) being required, under any provision of this Part of this Act, to give any notice or information, he fails to give the notice within the time specified in that provision or fails to give the information within a reasonable time, or knowingly makes or causes or procures another person to make any false or misleading statement in the notice or information;
 - (b) he refuses to allow the visiting of any foster child by a duly authorised officer of a local authority or the inspection, under the power conferred by subsection (1) of section four of this Act, of any premises or wilfully obstructs a person entitled to enter any premises by virtue of a warrant under subsection (1A) of that section ;
 - (c) he fails to comply with any requirement imposed by a local authority under this Part of this Act or keeps any foster child in any premises in contravention of a prohibition so imposed ;
 - (d) he maintains a foster child in contravention of section six of this Act; or
 - (e) he refuses to comply with an order under this Part of this Act for the removal of any child or obstructs any person in the execution of such an order.
- (1A) Where section 6 of this Act applies to any person by virtue only of subsection (2) of that section, he shall not be guilty of an offence under paragraph (d) of subsection (1) of this section if he proves that he did not know, and had no reasonable ground for believing, that a person living or employed in the premises in which he lives was a person to whom that section applies.
- (2) A person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding one hundred pounds or both.
- (2A) If any person who is required, under any provision of this Part of this Act, to give a notice fails to give the notice within the time specified in that provision, then, notwithstanding anything in section 104 of the Magistrates' Courts Act 1952 (time limit for proceedings) proceedings for the offence may be brought at any time within six months from the date when evidence of the offence came to the knowledge of the local authority.
- (3) In England and Wales, a local authority may institute proceedings for an offence under this section.”