



Children and Young Persons Act 1969

1969 CHAPTER 54

PART I

CARE AND OTHER TREATMENT OF JUVENILES THROUGH COURT PROCEEDINGS

Detention

32 Detention of absentees. **E+W**

(1) If any of the following persons, that is to say—

- (a) F1
- (b) F2
- (c) F3

(d) a person sent to a remand home, special reception centre or training school or committed to the care of a fit person under the ^{M1}Children and Young Persons Act (Northern Ireland) 1968 [^{F4}(but not deemed by virtue of Schedule 8 to the Children (Northern Ireland) Order 1995 to be the subject of a care order within the meaning of that Order)],

is absent from premises at which he is required by. . . ^{F5} the relevant Northern Ireland authority to live, or as the case may be is absent from the home, remand home, special reception centre or training school, at a time when he is not permitted by. . . ^{F5} the relevant Northern Ireland authority to be absent from it, he may be arrested by a constable anywhere in the United Kingdom or the Channel Islands without a warrant and shall if so arrested be conducted, at the expense of the authority. . . ^{F5}, to the premises or other place aforesaid or such other premises as the authority. . . ^{F5} may direct.

[^{F6}(1A) If a child or young person is absent, without the consent of the responsible person—

- (a) from a place of safety to which he has been taken under section 16(3) of this Act; or
- (b) from local authority accommodation—
 - (i) in which he is required to live under section 12AA of this Act; or

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 Children and Young Persons Act 1969, Section 32. (See end of Document for details)*

(ii) to which he has been remanded under [F7 section 16(3A)] [F8 of this Act;
 or

(iii) to which he has been remanded or committed under section 23(1) of
 this Act]

he may be arrested by a constable anywhere in the United Kingdom or
 Channel Islands without a warrant.

(1B) A person so arrested shall be conducted to—

- (a) the place of safety;
- (b) the local authority accommodation; or
- (c) such other place as the responsible person may direct, at the responsible
 person's expense.

(1C) In this section “the responsible person” means the person who made the arrangements
 under section 16(3) of this Act or, as the case may be, the authority designated under
 section 12AA [F9, 16(3B)] or 23 of this Act.]

(2) If a magistrates' court is satisfied by information on oath that there are reasonable
 grounds for believing that a person specified in the information can produce a person
 who is absent as mentioned in subsection (1) [F10 or (1A)] of this section, the court
 may issue a summons directed to the person so specified and requiring him to attend
 and produce the absent person before the court; and a person who without reasonable
 excuse fails to comply with any such requirement shall, without prejudice to any
 liability apart from this subsection, be guilty of an offence and liable on summary
 conviction to a fine of an amount not exceeding [F11 level 3 on the standard scale].

In the application of this subsection to Northern Ireland, “magistrates court” means
 a magistrates' court within the meaning of the [F12M2 Magistrates' Courts (Northern
 Ireland) Order 1981].

[F13(2A) Without prejudice to its powers under subsection (2) of this section, a magistrates'
 court (within the meaning of that subsection) may, if it is satisfied by information on
 oath that there are reasonable grounds for believing that a person who is absent as
 mentioned in subsection (1) or [F14(1A)(a) or (b)(i) or (ii)] of this section is in premises
 specified in the information, issue a search warrant authorising a constable to search
 the premises for that person.

(2B) A court shall not issue a summons or search warrant under subsection (2) or (2A)
 of this section in any case where the person who is absent is a person to whom
 subsection (1A) of this section applies, unless the information referred to in the said
 subsection (2) or (2A) is given by the [F15 responsible person].]

(3) A person who knowingly compels, persuades, incites or assists another person to
 become or continue to be absent as mentioned in subsection (1) [F16 or (1A)] of this
 section shall be guilty of an offence and liable on summary conviction to imprisonment
 for a term not exceeding six months or a fine of an amount not exceeding [F17 level 5
 on the standard scale] or both.

(4) The reference to a constable in [F18 subsections (1),(1A) and (2A)] of this section
 includes a reference to a person who is a constable under the law of any part of the
 United Kingdom, to a member of the police in Jersey and to an officer of police within
 the meaning of section 43 of the Larceny (Guernsey) Law 1958 or any corresponding
 law for the time being in force, and in [F18 subsection (1)] “the relevant Northern Ireland
 authority” means in the case of a person committed to the care of a fit person, the fit

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person, and in the case of a person sent to a remand home, special reception centre or training school, the person in charge of that home or centre or the managers of that school.

- (5) Nothing in this section authorises the arrest in Northern Ireland of, or the taking there of any proceedings in respect of, such a person as is mentioned in paragraph (d) of subsection (1) of this section.

Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland and Northern Ireland only

Textual Amendments

- F1** S. 32(1)(a) repealed by Child Care Act 1980 (c. 5, SIF 20), ss. 89, 90(1), **Sch. 6**
- F2** S. 32(1)(b) repealed by Children Act 1975 (c. 72, SIF 49:9, 10), **s. 68(1)(2)**
- F3** S. 32(1)(c) repealed by Child Care Act 1980 (c. 5, SIF 20), ss. 89, 90(1), **Sch. 6**
- F4** Words in s. 32(1)(d) inserted (4.11.1996) by S.I. 1995/756, **art. 7(4)**; S.R. (N.I.) 1996/297, art.3
- F5** Words repealed by Child Care Act 1980 (c. 5, SIF 20), **ss. 89, 90(1)** Sch. 6
- F6** S. 32(1A)–(1C) substituted (14.10.1991) for subsection (1A) (which was inserted by Children Act 1975 (c. 72, SIF 49:9, 10) s. 68(1)(3)) by Children Act 1989 (c. 41, SIF 20), s. 108(4)(6), **Sch. 12 para. 27(1)**, (with Sch. 14 paras. 1(1), 30); S.I. 1991/828, **art. 3(2)**
- F7** Words in s. 32(1A)(ii) substituted (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 116, **Sch. 16 para. 5(2)**; S.I. 1991/1883, art. 3, **Sch.**
- F8** Words in s. 32(1A)(b) substituted (E.W.) (5.9.1995) by 1995 c. 16, **s. 2(2)(a)**; S.I. 1995/2021, **art. 2**
- F9** Words in s. 32(1C) inserted (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 116, **Sch. 16 para. 5(3)**; S.I. 1991/1883, art. 3, **Sch.**
- F10** Words inserted by Children Act 1975 (c. 72, SIF 49:9, 10), **s. 68(1)(4)**
- F11** Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38, 46** and S.I. 1984/703 (N.I. 3), **art. 6**
- F12** Words substituted by S.I. 1981/1675 (N.I. 26), **Sch. 6 para. 17**
- F13** S. 32(2A)(2B) inserted by Children Act 1975 (c. 72, SIF 49:9, 10), **s. 68(1)(5)**
- F14** Words in s. 32(2A) substituted (E.W.) (5.9.1995) by 1995 c. 16, **s. 2(2)(b)**; S.I. 1995/2021, **art. 2**
- F15** Words in s. 32(2B) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4)(6), **Sch. 12 para. 27(2)**, (with Sch. 14 paras. 1(1), 30); S.I. 1991/828, **art. 3(2)**
- F16** Words inserted by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), **Sch. 2 para. 16**
- F17** Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38, 46**, Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F, 289G** (as inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 54**) and S.I. 1984/703 (N.I. 3), **art. 6**
- F18** Words substituted by Children Act 1975 (c. 72, SIF 49:9, 10), **s. 68(1)(7)**

Modifications etc. (not altering text)

- C1** S. 32(3) excluded (14.10.1991) by Children Act 1989 (c. 41, SIF 20), **s. 51(5)–(7)**, (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
S. 32(3) restricted (4.11.1996) by S.I. 1995/755, **art. 70(6)(7)(d)**; S.R. (N.I.) 1996/297, art. 2(2)

Marginal Citations

- M1** 1968 c. 34. (N.I.)
M2 S.I. 1981/1675 (N.I. 26).

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32 Detention of absentees. **S+N.I.**

(1) If any of the following persons, that is to say—

- (a) ^{F19}
- (b) ^{F20}
- (c) ^{F21}

(d) a person sent to a remand home, special reception centre or training school or committed to the care of a fit person under the ^{M3}Children and Young Persons Act (Northern Ireland) 1968 [^{F22}(but not deemed by virtue of Schedule 8 to the Children (Northern Ireland) Order 1995 to be the subject of a care order within the meaning of that Order)],

is absent from premises at which he is required by. . . ^{F23} the relevant Northern Ireland authority to live, or as the case may be is absent from the home, remand home, special reception centre or training school, at a time when he is not permitted by. . . ^{F23} the relevant Northern Ireland authority to be absent from it, he may be arrested by a constable anywhere in the United Kingdom or the Channel Islands without a warrant and shall if so arrested be conducted, at the expense of the authority. . . ^{F23}, to the premises or other place aforesaid or such other premises as the authority. . . ^{F23} may direct.

[^{F24}(1A) If a child or young person is absent, without the consent of the responsible person—

- (a) from a place of safety to which he has been taken under section 16(3) of this Act; or
- (b) from local authority accommodation—
 - (i) in which he is required to live under section 12AA of this Act; or
 - (ii) to which he has been remanded under [^{F25}section 16(3A) or 23(1)] of this Act,

he may be arrested by a constable anywhere in the United Kingdom or Channel Islands without a warrant.

(1B) A person so arrested shall be conducted to—

- (a) the place of safety;
- (b) the local authority accommodation; or
- (c) such other place as the responsible person may direct, at the responsible person's expense.

(1C) In this section “the responsible person” means the person who made the arrangements under section 16(3) of this Act or, as the case may be, the authority designated under section 12AA [^{F26}, 16(3B)] or 23 of this Act.]

(2) If a magistrates' court is satisfied by information on oath that there are reasonable grounds for believing that a person specified in the information can produce a person who is absent as mentioned in subsection (1) [^{F27}or (1A)] of this section, the court may issue a summons directed to the person so specified and requiring him to attend and produce the absent person before the court; and a person who without reasonable excuse fails to comply with any such requirement shall, without prejudice to any liability apart from this subsection, be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding [^{F28}level 3 on the standard scale].

In the application of this subsection to Northern Ireland, “magistrates court” means a magistrates' court within the meaning of the [^{F29M4}Magistrates' Courts (Northern Ireland) Order 1981].

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- [^{F30}(2A) Without prejudice to its powers under subsection (2) of this section, a magistrates' court (within the meaning of that subsection) may, if it is satisfied by information on oath that there are reasonable grounds for believing that a person who is absent as mentioned in subsection (1) or (1A) of this section is in premises specified in the information, issue a search warrant authorising a constable to search the premises for that person.
- (2B) A court shall not issue a summons or search warrant under subsection (2) or (2A) of this section in any case where the person who is absent is a person to whom subsection (1A) of this section applies, unless the information referred to in the said subsection (2) or (2A) is given by the [^{F31}responsible person].]
- (3) A person who knowingly compels, persuades, incites or assists another person to become or continue to be absent as mentioned in subsection (1) [^{F32}or (1A)] of this section shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or a fine of an amount not exceeding [^{F33}level 5 on the standard scale] or both.
- (4) The reference to a constable in [^{F34}subsections (1),(1A) and (2A)] of this section includes a reference to a person who is a constable under the law of any part of the United Kingdom, to a member of the police in Jersey and to an officer of police within the meaning of section 43 of the Larceny (Guernsey) Law 1958 or any corresponding law for the time being in force, and in [^{F34}subsection (1)]“the relevant Northern Ireland authority” means in the case of a person committed to the care of a fit person, the fit person, and in the case of a person sent to a remand home, special reception centre or training school, the person in charge of that home or centre or the managers of that school.
- (5) Nothing in this section authorises the arrest in Northern Ireland of, or the taking there of any proceedings in respect of, such a person as is mentioned in paragraph (d) of subsection (1) of this section.

Extent Information

- E2** This version of this provision extends to Scotland and Northern Ireland only; a separate version has been created for England and Wales only.

Textual Amendments

- F19** S. 32(1)(a) repealed by Child Care Act 1980 (c. 5, SIF 20), ss. 89, 90(1), **Sch. 6**
- F20** S. 32(1)(b) repealed by Children Act 1975 (c. 72, SIF 49:9, 10), s. **68(1)(2)**
- F21** S. 32(1)(c) repealed by Child Care Act 1980 (c. 5, SIF 20), ss. 89, 90(1), **Sch. 6**
- F22** Words in s. 32(1)(d) inserted (4.11.1996) by S.I. 1995/756, **art. 7(4)**; S.R. (N.I.) 1996/297, art.3
- F23** Words repealed by Child Care Act 1980 (c. 5, SIF 20), **ss. 89, 90(1)** Sch. 6
- F24** S. 32(1A)–(1C) substituted (14.10.1991) for subsection (1A) (which was inserted by Children Act 1975 (c. 72, SIF 49:9, 10) s. 68(1)(3)) by Children Act 1989 (c. 41, SIF 20), s. 108(4)(6), **Sch. 12 para. 27(1)**, (with Sch. 14 paras. 1(1), 30); S.I. 1991/828, **art. 3(2)**
- F25** Words in s. 32(1A)(ii) substituted (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 116, **Sch. 16 para. 5(2)**; S.I. 1991/1883, art. 3, **Sch.**
- F26** Words in s. 32(1C) inserted (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 116, **Sch. 16 para. 5(3)**; S.I. 1991/1883, art. 3, **Sch.**
- F27** Words inserted by Children Act 1975 (c. 72, SIF 49:9, 10), s. **68(1)(4)**
- F28** Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38, 46** and S.I. 1984/703 (N.I. 3), **art. 6**

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- F29** Words substituted by S.I. 1981/1675 (N.I. 26), **Sch. 6 para. 17**
- F30** S. 32(2A)(2B) inserted by Children Act 1975 (c. 72, SIF 49:9, 10), **s. 68(1)(5)**
- F31** Words in s. 32(2B) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4)(6), **Sch. 12 para. 27(2)**, (with Sch. 14 paras. 1(1), 30); S.I. 1991/828, **art. 3(2)**
- F32** Words inserted by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), **Sch. 2 para. 16**
- F33** Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38, 46**, Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F, 289G** (as inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 54**) and S.I. 1984/703 (N.I. 3), **art. 6**
- F34** Words substituted by Children Act 1975 (c. 72, SIF 49:9, 10), **s. 68(1)(7)**

Modifications etc. (not altering text)

- C2** S. 32(3) excluded (14.10.1991) by Children Act 1989 (c. 41, SIF 20), **s. 51(5)–(7)**, (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- S. 32(3) restricted (4.11.1996) by S.I. 1995/755, **art. 70(6)(7)(d)**; S.R. (N.I.) 1996/297, art. 2(2)
- S. 32(3) restricted (S.) (12.12.1996 for certain purposes and 1.4.1997 for all remaining purposes) by 1995 c. 36, **s. 38(4)(b)** (with ss. 90, 103(1)); S.I. 1996/3201, **arts. 3(1)(7)**

Marginal Citations

- M3** 1968 c. 34. (N.I.)
- M4** S.I. 1981/1675 (N.I. 26).

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