



# Children Act 1975

## 1975 CHAPTER 72

### PART III

#### CARE

##### *Absence from care and children in need of secure accommodation*

#### **67 Recovery of children in care of local authorities**

- (1) This section applies to a child—
- (a) who is in the care of a local authority under section 1 of the Children Act 1948 ; and
  - (b) with respect to whom there is in force a resolution under section 2 of that Act; and
  - (c) who—
    - (i) has run away from accommodation provided for him by the local authority under Part II of the said Act; or
    - (ii) has been taken away from such accommodation contrary to section 3(8) of the said Act; or
    - (iii) has not been returned to the local authority as required by a notice served under section 49 of the Children and Young Persons Act 1963 on a person under whose charge and control the child was, in accordance with section 13(2) of the said Act of 1948, allowed to be.
- (2) If a justice of the peace is satisfied by information on oath that there are reasonable grounds for believing that a person specified in the information can produce the child to whom this-section applies, he may issue a summons directed to the person so specified and requiring him to attend and produce the child before a magistrates' court acting for the same petty sessions area as the justice.
- (3) Without prejudice to the powers under subsection (2) above, if a justice of the peace is satisfied by information on oath that there are reasonable grounds for believing that a child to whom this section applies is in premises specified in the information, he may

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issue a search warrant authorising a person named in the warrant, being an officer of the local authority in whose care the child is, to search the premises for the child; and if the child is found, he shall be placed in such accommodation as the local authority may provide for him under Part II of the Children Act 1948.

- (4) A person who, without reasonable excuse, fails to comply with a summons under subsection (2) shall, without prejudice to any liability apart from this subsection, be guilty of an offence and liable on summary conviction to a fine not exceeding £100.

## **68 Extension of powers under section 32 of Children and Young Persons Act 1969**

- (1) Section 32 of the Children and Young Persons Act 1969 (detention of absentees) shall have effect subject to the following provisions of this section.

- (2) In subsection (1) of the said section 32, paragraph (b) shall cease to have effect.

- (3) After subsection (1) of the said section 32, there is inserted the following subsection:—

“(1A) If a child or young person is absent from a place of safety to which he has been taken in pursuance of section 2(5), 16(3) or 28 of this Act without the consent of—

- (a) the person who made the arrangements for his detention in the place of safety in pursuance of the said section 2(5) or 16(3), or
- (b) the person on whose application an authorisation relating to the child or young person has been issued under the said section 28,

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 to the place of safety at the expense of the person referred to in paragraph (a) or (b) (as the case may be) of this subsection.”.

- (4) In subsection (2) of the said section 32, after the words " subsection (1) " there are inserted the words " or (1A) " , and for the words " twenty pounds " there is substituted the word " £100 " .

- (5) After the said subsection (2), the following subsections are inserted—

“(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 person referred to in subsection (1A)(a) or (b) (as the case may be) of this section.”.

- (6) In subsection (3) of the said section 32, for the words " one hundred pounds " there is substituted the word " £400 " .

- (7) In subsection (4) of the said section 32, for the words " subsection (1) " there are substituted the words " subsections (1), (1A) and (2A) " , and for the words " that subsection " there are substituted the words " subsection (1). " .

## **69 Certificates of unruly character**

The court shall not certify under section 22(5) or section 23(2) or (3) of the Children and Young Persons Act 1969 (committals to remand centres or prison) that a child is of so unruly a character that he cannot safely be committed to the care of a local authority unless the conditions prescribed by order made by the Secretary of State are satisfied in relation to that child. In this section, " court" includes a justice.

## **70 Children of unruly character in Scotland**

The following provisions of the Criminal Procedure (Scotland) Act 1975 (which relate to children of unruly character) shall be amended in the manner specified in paragraphs (a) to (c) below—

- (a) in sections 23(1)(b), 24(1), 297(1) and 329(1)(b) of the said Act of 1975 the following words are added at the end—

“; but the court shall not so certify a child unless such conditions as the Secretary of State may by order made by statutory instrument prescribe are satisfied in relation to the child.”;

- (b) in sections 23(3) and 329(3) of the said Act of 1975 the following words are added at the end—

“; but a commitment shall not be so revoked unless such conditions as the Secretary of State may by order made by statutory instrument prescribe are satisfied in relation to the said person.”;

- (c) in sections 24(2) and 297(2) of the said Act of 1975 the following words are added at the end—

“; but a commitment shall not be so revoked unless such conditions as the Secretary of State may by order made by statutory instrument prescribe are satisfied in relation to the child.”.

## **71 Grants in respect of secure accommodation for children in England and Wales**

The following section is inserted after section 64 of the Children and Young Persons Act 1969—

### **“64A Grants in respect of secure accommodation.**

- (1) The Secretary of State may make to local authorities out of moneys provided by Parliament grants of such amount and subject to such conditions as he may with the consent of the Treasury determine in respect of expenditure incurred by the authorities in providing secure accommodation in community homes other than assisted community homes.
- (2) The Secretary of State may with the consent of the Treasury require the local authority to repay the grant, in whole or in part, if the secure accommodation in respect of which the grant was made (including such accommodation in a controlled community home) ceases to be used as such.
- (3) In this section " secure accommodation" means accommodation provided for the purposes of restricting the liberty of children in a community home.”.

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## **72 Grants in respect of secure accommodation for children in Scotland**

The following section is inserted after section 59 of the Social Work (Scotland) Act 1968—

### **“59A Grants in respect of secure accommodation for children.**

- (1) The Secretary of State may make to a local authority grants of such amount and subject to such conditions as he may with the consent of the Treasury determine in respect of expenditure incurred by the authority in—
  - (a) providing;
  - (b) joining with another local authority in providing; or
  - (c) contributing by way of grant under section 10(3) of this Act to the provision by a voluntary organisation of, secure accommodation in residential establishments.
- (2) The conditions subject to which grants are made under subsection (1) of this section may include conditions for securing the repayment in whole or in part of such grants.
- (3) In this section " secure accommodation" means accommodation provided for the purpose of restricting the liberty of children.”.