



Children and Young Persons (Scotland) Act 1937

1937 CHAPTER 37 1 Edw 8 and 1 Geo 6

PART VII **S**

MISCELLANEOUS AND GENERAL

General

109 ^{F1} **S**

Textual Amendments

F1 Ss. 59(1), 60, 61, 65, 66, 68–81, 83–85, 87(6), 88–98, 101(5)(6), 106, 107(2), 109, 111, 112, Schs. 2, 3 repealed by Social Work (Scotland) Act 1968 (c. 49), s. 95, **Sch. 9 Pt. I**

110 **Interpretation.** **S**

(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is say:—

..... ^{F2}

“Borstal institution” means an institution established under [^{F3}section 31 of the ^{M1}Prisons (Scotland) Act 1952];

^{F4}
...

“Child” (except [^{F5}in [^{F6}Parts III and IV]] of this Act) means a person under the age of fourteen years;

..... ^{F7}

“Court of summary jurisdiction” means the sheriff or any two or more justices of the peace or any magistrate or magistrates by whatever name called officiating under the provisions of any general or local police Act;

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“Guardian,” in relation to a child or young person, includes any person who, in the opinion of the court having cognizance of any case in relation to the child or young person or in which the child or young person is concerned, has for the time being the charge of or control over the child or young person;

F8

“Justice” . . . F9 includes the sheriff and any such magistrate as aforesaid;

F10

“Legal guardian” in relation to a child or young person means a person appointed, according to law, to be his guardian by deed or will, or by order of a court of competent jurisdiction;

F4

[F11“Local authority” means a [F12council constituted under section 2 of the Local Government etc. (Scotland) Act 1994]];

[F13“parental responsibilities” has the same meaning as in section 1(3) of the Children (Scotland) Act 1995 and includes the responsibilities which [F14 —]

(a) a father would have as a parent but for the operation of section 3(1)(b) of that Act;

(b) [F15a second female parent would have as a parent but for the operation of section 3(1)(d) of that Act.]]

F8

“Passage” includes common close, or common stair, or common passage;

[F16“place of safety” has the meaning give by section 93(1) of the Children (Scotland) Act 1995;]

F17

“Prescribed” means prescribed by regulations made by the Secretary of State . . .

F18.

“Public place” includes any public park, garden, sea beach or railway station, and any ground to which the public for the time being have or are permitted to have access, whether on payment or otherwise;

F19

[F20[F16“residential establishment” has the meaning given by the said section 93(1);]]

“Street” includes any highway and any public bridge, road, lane, footway, square, court, alley or passage whether a thoroughfare or not;

[F21“Training school order” has the same meaning as in the M2Social Work (Scotland) Act 1968];

“Young person” means a person who has attained the age of fourteen years and is under the age of seventeen years.

(2) F22

(3) (a) For the purpose of any provision of this Act referring to a court acting for any place—

(i) a court entitled to exercise jurisdiction in any place shall be deemed to be a court acting for that place;

(ii) the sheriff court, and the justice of the peace court for any county . . . F9 shall each be deemed to be a court acting for the same place as the burgh or police court of any burgh situated in that county or area, as the case may be;

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(iii) the sheriff court for any county shall be deemed to be a court acting for the same place as the justice of the peace court for that county;

(iv) F23

and save as aforesaid no court shall be deemed to be a court acting for the same place as any other court.

(b) F22

(4) References in this Act to findings of guilty and findings that an offence has been committed shall be construed as including references to pleas of guilty and admissions that an offence has been committed.

(5) References in this Act to any enactment or to any provision in any enactment shall, unless the context otherwise requires, be construed as references to that enactment or provision as amended by any subsequent enactment including this Act.

Textual Amendments

- F2 Definitions repealed by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), s. 95, [Sch. 9 Pt. I](#)
- F3 Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#), s. 17(2)(a)
- F4 Words in s. 110 repealed (1.9.2009 at 5.00 a.m.) by [The Licensing \(Scotland\) Act 2005 \(Consequential Provisions\) Order 2009 \(S.S.I. 2009/248\)](#), art. 1(1), [sch. 2](#) (with art. 3)
- F5 Words substituted by [Education \(Scotland\) Act 1945 \(c. 37\)](#), [Sch. 4](#)
- F6 Words substituted by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), [Sch. 8 para. 10](#)
- F7 Definition repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), s. 460, [Sch. 9 para. 12](#)
- F8 Definitions repealed by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), s. 95, [Sch. 9 Pt. I](#)
- F9 Words repealed by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), s. 95, [Sch. 9 Pt. I](#)
- F10 Definition repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#)
- F11 Definition substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 27 Pt. II para. 81\(a\)](#)
- F12 Words in s. 110(1) substituted (1.4.1996) by 1994 c. 39, s. 180(1), [Sch. 13 para. 21](#); S.I. 1996/323, [art. 4\(1\)\(b\)\(c\)](#)
- F13 Definition of “parental responsibilities” inserted (1.11.1996 subject to arts. 4, 7 of the commencing S.I.) by 1995 c. 36, s. 105(4), [Sch. 4 para. 7\(6\)\(a\)](#) (with s. 103(1)); S.I. 1996/2203, art. 3(3), [Sch.](#)
- F14 Words in s. 110(1) renumbered as paragraph (a) (6.4.2009 for specified purposes, 1.9.2009 in so far as not already in force) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), [Sch. 6 para. 41\(a\)](#); S.I. 2009/479, art. 6(1)(e) (with art. 7, [Sch.](#)); S.I. 2009/479, art. 6(2) (with art. 7, [Sch.](#)) (as amended (1.9.2009) by S.I. 2009/2232, art. 3)
- F15 Words in s. 110(1) inserted (6.4.2009 for specified purposes, 1.9.2009 in so far as not already in force) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), [Sch. 6 para. 41\(b\)](#); S.I. 2009/479, [art. 6\(1\)\(e\)](#) (with art. 7, [Sch.](#)); S.I. 2009/479, art. 6(2) (with art. 7, [Sch.](#)) (as amended (1.9.2009) by S.I. 2009/2232, art. 3)
- F16 Definition of “place of safety” and “residential establishment” substituted (1.4.1997) by 1995 c. 36, s. 105(4), [Sch. 4 para. 7\(6\)\(b\)\(c\)](#) (with s. 103(1)); S.I. 1996/3201, [art. 3\(7\)](#)
- F17 Definition repealed by [Police \(Scotland\) Act 1967 \(c. 77\)](#), s. 52, [Sch. 5 Pt. II](#)
- F18 Words repealed by [Reorganisation of Offices \(Scotland\) Act 1939 \(c. 20\)](#), [Sch.](#)
- F19 Definition repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), s. 460, [Sch. 9 para. 12](#)
- F20 Definition added by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), [Sch. 8 para. 10](#)
- F21 Definition inserted by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), [Sch. 8 para. 10](#)
- F22 S. 110(2)(3)(b) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#)
- F23 S. 110(3)(a)(iv) repealed by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), s. 95, [Sch. 9 Pt. I](#)

Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons (Scotland) Act 1937, Cross Heading: General. (See end of Document for details)

Modifications etc. (not altering text)

- C1** Jurisdiction of justice of the peace courts, burgh courts and police courts now exercisable by district courts: [District Courts \(Scotland\) Act 1975 \(c. 20\)](#), **ss. 1(1), 3(1)**
- C2** Reference to sheriff court for a county to be construed as reference to sheriff court of a sheriffdom: [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\)](#), **Sch. 1 para. 1**

Marginal Citations

- M1** 1952. c. 61.
- M2** 1968 c. 49.

111, ^{F24} **S**
112.

Textual Amendments

F24 Ss. 59(1), 60, 61, 65, 66, 68–81, 83–85, 87(6), 88–98, 101(5)(6), 106, 107(2), 109, 111, 112, Schs. 2, 3 repealed by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), s. 95, **Sch. 9 Pt. I**

113 †**Short title, commencement, extent and repeals.** **S**

- (1) This Act may be cited as the Children and Young Persons (Scotland) Act 1937.
- (2) ^{F25}
- (3) Save as therein otherwise expressly provided, this Act shall extend only to Scotland.
- (4) ^{F25}

Textual Amendments

F25 S. 113(2)(4), Sch. 4 repealed by [Statute Law Revision Act 1950 \(c. 6\)](#)

Modifications etc. (not altering text)

- C3** Unreliable marginal note.

Changes to legislation:

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