



Children and Young Persons (Scotland) Act 1937

1937 CHAPTER 37 1 Edw 8 and 1 Geo 6

PART VII

MISCELLANEOUS AND GENERAL

100 ^{F1}

Textual Amendments

^{F1} Ss. 100, 101(1) repealed by [National Assistance Act 1948 \(c. 29\)](#), s. 62, [Sch. 7 Pt. III](#)

101 Powers, duties and expenses of local authorities, &c.

(1) ^{F2}

(2) Expenses incurred under this Act by an education authority shall be defrayed in like manner as expenses of the authority under [^{F3}the Education (Scotland) Act 1962], . . . ^{F4}

Provided that expenses incurred in respect of a child or young person brought to a poorhouse under this Act shall form part of the establishment charges of the poorhouse.

[^{F5}(2A) Expenses incurred under this Act by a local authority shall be defrayed in like manner as the expenses of that authority under the ^{M1}Social Work (Scotland) Act 1968.]

^{F6}(3)

(4) ^{F7}

(5) ^{F8}

(7) A local authority, an education authority . . . ^{F4} or a committee to whom any powers of any such authority under this Act have been delegated, may by resolution empower

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

the clerk or other officer of the authority to exercise in the name of the authority in any case which appears to him to be one of urgency any powers of the authority or, as the case may be, of the committee with respect to the institution of proceedings under this Act.

(8) ^{F9}

Textual Amendments

- F2** Ss. 100, 101(1) repealed by [National Assistance Act 1948 \(c. 29\)](#), s. 62, **Sch. 7 Pt. III**
- F3** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#), s. 17(2)(a)
- F4** Words repealed by [National Assistance Act 1948 \(c. 29\)](#), s. 62, **Sch. 7 Pt. III**
- F5** S. 101(2A) inserted by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), **Sch. 8 para. 8**
- F6** [S. 101\(3\)](#) repealed (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), **sch. 8 Pt. 1**; [S.S.I. 2013/51](#), art. 2 (with transitional provisions and savings in [S.S.I. 2013/121](#))
- F7** S. 101(4) repealed by [Valuation and Rating \(Scotland\) Act 1956 \(c. 60\)](#), **Sch. 7 Pt. III**
- F8** Ss. 59(1), 60, 61, 65, 66, 68–81, 83–85, 87(6), 88–98, 101(5)(6), 106, 107(2), 109, 111, 112, Schs. 2, 3 repealed by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), s. 95, **Sch. 9 Pt.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**
- F9** S. 101(8) repealed by [Local Government and Miscellaneous Financial Provisions \(Scotland\) Act 1958 \(c. 64\)](#), **Sch. 6 Pt. III**

Marginal Citations

M1 1968 c. 49.

Supplementary Provisions as to Legal Proceedings

102 ^{F10}

Textual Amendments

F10 [S. 102](#) repealed by [Children Act 1948 \(c. 43\)](#), **Sch. 4 Pt. I**

103 ^{F11}

Textual Amendments

F11 Ss. 24, 25, 39–45, 47–55, 57(1)(2), 58, 59(2)–(4), 63, 67, 103, [Sch. 1](#) repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), s. 460, **Sch. 10 Pt. I**

[^{F12}103 Proof of age a defence.

Where a person is charged with an offence under this Act in respect of a person apparently under a specified age, it shall be a defence to prove that the person was actually of or over that age.]

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

Textual Amendments

F12 S. 103 added (1.4.1996) by 1995 c. 40. ss. 5, 7(2), Sch. 4 para. 3(1)(3)

104 Evidence of wages of defendant.

In any proceedings under this Act a copy of an entry in the wages book of any employer of labour, or if no wages book be kept a written statement signed by the employer or by any responsible person in his employ, shall be evidence that the wages therein entered or stated as having been paid to any person, have in fact been so paid.

105 Summary jurisdiction.

- (1) Subject to the provisions of this Act, all orders of a court of summary jurisdiction under this Act shall be made, and all proceedings in relation to any such orders shall be taken, in manner [^{F13}provided by the ^{M2}Criminal Procedure (Scotland) Act 1975].
- (2) Any magistrate who, by virtue of a local Act had jurisdiction before the first day of April nineteen hundred and nine for any of the purposes of the ^{M3}Prevention of Cruelty to Children Act 1904, shall have jurisdiction for the like purposes of Part II of this Act.

Textual Amendments

F13 Words substituted by Criminal Procedure (Scotland) Act 1975 (c. 21), Sch. 9 para. 11

Marginal Citations

M2 1975 c. 21.

M3 1904 c. 15.

Supplementary Provisions as to Secretary of State

106 ^{F14}

Textual Amendments

F14 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

107 †Exchequer grants and expenses of Secretary of State and Scottish Education Department.

- (1) There shall be paid out of money provided by Parliament—
 - (a) ^{F15}
 - (b) any expenses incurred by the Secretary of State . . . ^{F16} in the administration of this Act.
- (2) ^{F17}

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

Textual Amendments

- F15** S. 107(1)(a) repealed by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), s. 95, **Sch. 9 Pt. I**
- F16** Words repealed by [Reorganisation of Offices \(Scotland\) Act 1939 \(c. 20\)](#), **Sch.**
- F17** 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**

Modifications etc. (not altering text)

- C1** Unreliable marginal note.

108 **F18**

Textual Amendments

- F18** S. 108 repealed by [Reorganisation of Offices \(Scotland\) Act 1939 \(c. 20\)](#), **Sch.**

General

109 **F19**

Textual Amendments

- F19** 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.

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

..... **F20**
 “Borstal institution” means an institution established under [**F21**section 31 of the ^{M4}Prisons (Scotland) Act 1952];

F22 ...
 “Child” (except [**F23**in [**F24**Parts III and IV]] of this Act) means a person under the age of fourteen years;

..... **F25**
 “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;

“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;

..... **F26**
 “Justice” ... **F27** includes the sheriff and any such magistrate as aforesaid;

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

F28

“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;

F22

“Local authority” means a ^{F30}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];

“parental responsibilities” has the same meaning as in section 1(3) of the Children (Scotland) Act 1995 and includes the responsibilities which ^{F32}—

- (a) a father would have as a parent but for the operation of section 3(1)(b) of that Act;
- (b) ^{F33}a second female parent would have as a parent but for the operation of section 3(1)(d) of that Act.]]

F26

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

^{F34}“place of safety” has the meaning give by section 93(1) of the Children (Scotland) Act 1995;]

F35

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

F36.

“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;

F37

^{F38}[^{F34}“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;

^{F39}“Training school order” has the same meaning as in the ^{M5}Social 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) F40

(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 . . . ^{F27} 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;
- (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) F41

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

(b) F40

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

- (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

- F20** Definitions repealed by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), s. 95, [Sch. 9 Pt. I](#)
- F21** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#), s. 17(2)(a)
- F22** 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)
- F23** Words substituted by [Education \(Scotland\) Act 1945 \(c. 37\)](#), [Sch. 4](#)
- F24** Words substituted by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), [Sch. 8 para. 10](#)
- F25** Definition repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), s. 460, [Sch. 9 para. 12](#)
- F26** Definitions repealed by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), s. 95, [Sch. 9 Pt. I](#)
- F27** Words repealed by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), s. 95, [Sch. 9 Pt. I](#)
- F28** Definition repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#)
- F29** Definition substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 27 Pt. II para. 81\(a\)](#)
- F30** 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\(1\)\(b\)\(c\)](#)
- F31** 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. 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)
- F32** 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)
- F33** 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)
- F34** 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\(7\)](#)
- F35** Definition repealed by [Police \(Scotland\) Act 1967 \(c. 77\)](#), s. 52, [Sch. 5 Pt. II](#)
- F36** Words repealed by [Reorganisation of Offices \(Scotland\) Act 1939 \(c. 20\)](#), [Sch.](#)
- F37** Definition repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), s. 460, [Sch. 9 para. 12](#)
- F38** Definition added by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), [Sch. 8 para. 10](#)
- F39** Definition inserted by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), [Sch. 8 para. 10](#)
- F40** S. 110(2)(3)(b) repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#)
- F41** S. 110(3)(a)(iv) repealed by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), s. 95, [Sch. 9 Pt. I](#)

Modifications etc. (not altering text)

- C2** 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\(1\)](#)
- C3** 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

- M4** 1952. c. 61.
- M5** 1968 c. 49.

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

111, F42
112.

.....

Textual Amendments

F42 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.

(1) This Act may be cited as the Children and Young Persons (Scotland) Act 1937.

(2) F43

(3) Save as therein otherwise expressly provided, this Act shall extend only to Scotland.

(4) F43

.....

Textual Amendments

F43 S. 113(2)(4), Sch. 4 repealed by Statute Law Revision Act 1950 (c. 6)

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Modifications etc. (not altering text)

C4 Unreliable marginal note.

Changes to legislation:

There are currently no known outstanding effects for the *Children and Young Persons (Scotland) Act 1937*, Part VII.