



# Children and Young Persons Act 1963

## 1963 CHAPTER 37

### PART I

#### CARE AND CONTROL OF CHILDREN AND YOUNG PERSONS

##### Modifications etc. (not altering text)

**C1** Pt. I amended (E.W.) by [Local Authority Social Services Act 1970 \(c. 42\)](#), s. 2(1), [Sch. 1](#)

**1** ..... <sup>F1</sup>

##### Textual Amendments

**F1** Ss. 1, 45–47, 49 repealed (S.) by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), [Sch. 9 Pt. I](#) and (E.W.) (1.4.1981) by [Child Care Act 1980 \(c. 5\)](#), s. 89, [Sch. 6](#)

#### *Children and young persons in need of care, protection or control*

**2** ..... <sup>F2</sup>

##### Textual Amendments

**F2** Ss. 2, 4–15, 22, 23(2)(6)–(8), 24, 25(2), 33, 53(1)(2), 59, 61, [Sch. 1](#), [Sch. 3](#) paras. 10, 16–23, 25–27, 33–36, 44, 46, 48, 49 repealed by [Children and Young Persons Act 1969 \(c. 54\)](#), [Sch. 6](#)

### [<sup>F3</sup>3] **Children and young persons beyond control.**

(1) No child or young person shall be brought before a juvenile court by his parent or guardian on the ground that he is unable to control him; but where the parent or

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guardian of a child or young person has, by notice in writing, requested the local authority within whose area the child or young person resides to bring him before a juvenile court under [<sup>F4</sup>section 1 of the <sup>M1</sup>Children and Young Persons Act 1969] and the local authority refuse to do so or fail to do so within twenty-eight days from the date on which the notice is given the parent or guardian may apply by complaint to a juvenile court for an order directing them to do so.

- (2) Where a complaint has been made under this section for an order against a local authority, the local authority shall make available to the court such information as to the home surroundings, school record, health and character of the child or young person as appears to them likely to assist the court and shall for that purpose make such investigations as may be necessary.
- (3) On the hearing of a complaint under this section the child or young person shall not be present.]

**Textual Amendments**

**F3** S. 3 repealed (*prosp.*) by Children Act 1989 (c. 41, SIF 20),s. 108(2)(4)(6)(7), Sch. 12 para. 19, Sch. 14 para. 27(4), Sch. 15

**F4** Words substituted by Children and Young Persons Act 1969 (c. 54), **Sch. 5 para. 47**

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**Marginal Citations**

**M1** 1969 c. 54.

4—15. .... <sup>F5</sup>

**Textual Amendments**

**F5** Ss. 2, 4—15, 22, 23(2)(6)–(8), 24, 25(2), 33, 53(1)(2), 59, 61, Sch. 1, Sch. 3 paras. 10, 16–23, 25–27, 33–36, 44, 46, 48, 49 repealed by Children and Young Persons Act 1969 (c. 54), **Sch. 6**

*Juvenile courts and proceedings in connection with children and young persons*

**16 Offences committed by children.**

- (1) Section 50 of the; principal Act shall be amended by substituting therein the word “ten” for the word “eight”.
- (2) In any proceedings for an offence committed or alleged to have been committed by a person of or over the age of twenty-one, any offence of which he was found guilty while under the age of fourteen shall be disregarded for the purposes of any evidence relating to his previous convictions; and he shall not be asked, and if asked shall not be required to answer, any question relating to such an offence, notwithstanding that the question would otherwise be admissible under section 1 of the <sup>M2</sup>Criminal Evidence Act 1898.

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**Modifications etc. (not altering text)**

**C2** The text of ss. 16(1), 17(1)(2), 25(1), 31, 32, 34, 35(3), 36, 38(2), 43, 57(1), 64(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M2** 1898 c. 36.

**17 Constitution and place of sitting of juvenile courts.**

- (1) For Schedule 2 to the principal Act (which relates to the constitution of juvenile courts) there shall be substituted Schedule 2 to this Act.
- (2) In section 47(2) of the principal Act (which relates to sittings of juvenile courts) for the words from “subject as hereinafter provided” to “other courts are held” there shall be substituted the words “not sit in a room in which sittings of a court other than a juvenile court are held if a sitting of that other court has been held there within hour before or after the sittings of the juvenile court”.

**Modifications etc. (not altering text)**

**C3** The text of ss. 16(1), 17(1)(2), 25(1), 31, 32, 34, 35(3), 36, 38(2), 43, 57(1), 64(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**18 Jurisdiction of magistrates’ courts in certain cases involving children and young persons.**

Notwithstanding section 46(1) of the principal Act (which restricts the jurisdiction of magistrates’ courts which are not juvenile courts in cases where a child or young person is charged with an offence) a magistrates’ court which is not a juvenile court may hear an information against a child or young person if he is charged—

- (a) with aiding, abetting, causing, procuring, allowing or permitting an offence with which a person who has attained the age of seventeen is charged at the same time; or
- (b) with an offence arising out of circumstances which are the same as or connected with those giving rise to an offence with which a person who has attained the age of seventeen is charged at the same time.

**19** ..... **F6**

**Textual Amendments**

**F6** S. 19, Sch. 3 paras. 28, 51 repealed by Courts Act 1971 (c. 23), Sch. 11 Pt. IV

**20** ..... **F7**

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**Textual Amendments**

**F7** S. 20, Sch. 3 para. 47 repealed by Administration of Justice Act 1964 (c. 42), Sch. 5

**21** ..... **F8**

**Textual Amendments**

**F8** Ss. 21, 64(3), Sch. 3 paras. 1–3, 8, 12, 39, Sch. 5 repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. XI

**22** ..... **F9**

**Textual Amendments**

**F9** Ss. 2, 4–15, 22, 23(2)(6)–(8), 24, 25(2), 33, 53(1)(2), 59, 61, Sch. 1, Sch. 3 paras. 10, 16–23, 25–27, 33–36, 44, 46, 48, 49 repealed by Children and Young Persons Act 1969 (c. 54), Sch. 6

**[<sup>F10</sup>23 Children and young persons detained in places of safety.**

- (1) A court or justice of the peace—
  - (a) ..... **F11**
  - (b) issuing a warrant under section 40 of [<sup>F12</sup>the principal Act] authorising a constable to take a child or young person to a place of safety; or
  - (c) ordering the removal of a child or young person to a place of safety under [<sup>F13</sup>section 12 of the <sup>M3</sup>Foster Children Act 1980] or [<sup>F14</sup>section 34 of the <sup>M4</sup>Adoption Act 1976];

shall specify in the warrant, . . . <sup>F15</sup> or order a period, which shall not exceed twenty-eight days, beyond which the child or young person must not be detained in a place of safety without being brought before a juvenile court; and accordingly the child or young person shall be brought before a juvenile court not later than the end of that period unless he has been released or received into the care of a local authority.
- (2) ..... **F16**
- (3) A child or young person required to be brought before a juvenile court or a justice of the peace under subsection (1) . . . <sup>F15</sup> of this section shall (if not otherwise brought before the court or justice) be brought before the court or justice by the local authority in whose area the place of safety is situated; and the person occupying or in charge of a place of safety not provided by that local authority shall as soon as practicable notify that local authority whenever a child or young person . . . <sup>F15</sup> is taken there as mentioned in subsection (1) . . . <sup>F15</sup> of this section.
- (4) Notwithstanding anything in the preceding provisions of this section, where the person to be brought before a court or justice is under the age of five or cannot be brought before the court or justice by reason of illness or accident, the duty to bring him before the court or justice may be discharged by the making of an application for an order under subsection (5) of this section.

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(5) Where a person is brought before a juvenile court or justice of the peace in pursuance of subsection (3) of this section or an application is made in respect of any person to a juvenile court or justice of the peace in pursuance of subsection (4) thereof, the court or justice may either order him to be released or make an interim order [<sup>F12</sup>within the meaning of the <sup>M5</sup>Children and Young Persons Act 1969.]

(6) ..... <sup>F16</sup>]

**Textual Amendments**

- F10** S. 23 repealed (*prosp.*) by Children Act 1989 (c. 41, SIF 20), s. 108(2)(6)(7), Sch. 14 para. 27(4), Sch. 15
- F11** S. 23(1)(a) repealed by Children and Young Persons Act 1969 (c. 54), **Sch. 6**
- F12** Words substituted by Children and Young Persons Act 1969 (c. 54), **Sch. 5 para. 48**
- F13** Words substituted (1.4.1981) by Foster Children Act 1980 (c. 6), **Sch. 2 Pt. I**
- F14** Words substituted by Adoption Act 1976 (c. 36), s. 74(2), **Sch. 3 para. 8**
- F15** Words repealed by Children and Young Persons Act 1969 (c. 54), **Sch. 6**
- F16** Ss. 2, 4–15, 22, 23(2)(6)–(8), 24, 25(2), 33, 53(1)(2), 59, 61, Sch. 1, Sch. 3 paras. 10, 16–23, 25–27, 33–36, 44, 46, 48, 49 repealed by Children and Young Persons Act 1969 (c. 54), **Sch. 6**

**Marginal Citations**

- M3** 1980 c. 6.
- M4** 1976 c. 36.
- M5** 1969 c. 54.

24 ..... <sup>F17</sup>

**Textual Amendments**

- F17** Ss. 2, 4–15, 22, 23(2)(6)–(8), 24, 25(2), 33, 53(1)(2), 59, 61, Sch. 1, Sch. 3 paras. 10, 16–23, 25–27, 33–36, 44, 46, 48, 49 repealed by Children and Young Persons Act 1969 (c. 54), **Sch. 6**

**25 Attendance at court of parents of child or young person brought before court.**

(1) For section 34 of the principal Act there shall be substituted the following section:—

(1) Where a child or young person is charged with any offence or is for any other reason brought before a court, any person who is a parent or guardian of his may be required to attend at the court before which the case is heard or determined during all the stages of the proceedings, and any such person shall be so required at any stage where the court thinks it desirable, unless the court is satisfied that it would be unreasonable to require his attendance.

(2) Where a child or young person is arrested or taken to a place of safety, such steps shall be taken as may be practicable to inform at least one person whose attendance may be required under this section”.

(2) ..... <sup>F18</sup>

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**Textual Amendments**

**F18** Ss. 2, 4–15, 22, 23(2)(6)–(8), 24, 25(2), 33, 53(1)(2), 59, 61, Sch. 1, Sch. 3 paras. 10, 16–23, 25–27, 33–36, 44, 46, 48, 49 repealed by Children and Young Persons Act 1969 (c. 54), **Sch. 6**

**Modifications etc. (not altering text)**

**C4** The text of ss. 16(1), 17(1)(2), 25(1), 31, 32, 34, 35(3), 36, 38(2), 43, 57(1), 64(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**26 Medical evidence by certificate.**

In any proceedings, other than proceedings for an offence, before a juvenile court, and on any appeal from a decision of a juvenile court in any such proceedings, any document purporting to be a certificate of a fully registered medical practitioner as to any person’s physical or mental condition shall be admissible as evidence of that condition.

**27** ..... <sup>F19</sup>

**Textual Amendments**

**F19** S. 27 repealed by Magistrates' Courts Act 1980 (c. 43), ss. 154(2), 155(7), **Sch. 9**

**28 Form of oath for use in juvenile courts and by children and young persons in other courts.**

(1) Subject to subsection (2) of this section, in relation to any oath administered to and taken by any person before a juvenile court or administered to and taken by any child or young person before any other court, [<sup>F20</sup>section 1 of the <sup>M6</sup>Oaths Act 1978] shall have effect as if the words “I promise before Almighty God” were set out in it instead of the words “I swear by Almighty God that”.

(2) Where in any oath otherwise duly administered and taken either of the forms mentioned in this section is used instead of the other, the oath shall nevertheless be deemed to have been duly administered and taken.

**Textual Amendments**

**F20** Words substituted by Oaths Act 1978 (c. 19), **s. 2**

**Marginal Citations**

**M6** 1978 c. 19.

**29 Provisions as to persons between the ages of 17 and 18.**

(1) Where proceedings in respect of a young person are begun [<sup>F21</sup><sup>F22</sup>under section 1 of the <sup>M7</sup>Children and Young Persons Act 1969 or]for an offence] and he attains the age

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of seventeen before the conclusion of the proceedings, the court may . . . <sup>F23</sup> deal with the case and make any order which it could have made if he had not attained that age.

(2) . . . . . <sup>F24</sup>

**Textual Amendments**

- F21** Words repealed (*prosp.*) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(2)(6)(7), Sch. 14 para. 27(4), Sch. 15
- F22** Words substituted by [Children and Young Persons Act 1969 \(c. 54\)](#), [Sch. 5 para. 49](#)
- F23** Words repealed by [Children and Young Persons Act 1969 \(c. 54\)](#), [Sch. 6](#)
- F24** [S. 29\(2\)](#) repealed by [Children and Young Persons Act 1969 \(c. 54\)](#), Sch. 5 para. 49, [Sch. 6](#)

**Marginal Citations**

- M7** [1969 c. 54](#).

30 . . . . . <sup>F25</sup>

**Textual Amendments**

- F25** [S. 30](#), [Sch. 3 paras. 38, 40](#) repealed (1.4.1981) by [Child Care Act 1980 \(c. 5\)](#), s. 89, [Sch. 6](#)

*Increase of certain penalties*

**31 Increase of penalty for cruelty.**

In section I of the principal Act (cruelty to persons under sixteen) paragraph (b) of subsection (1) (which provides for a fine not exceeding twenty-five pounds on summary conviction) shall be amended, as respects offences committed after the commencement of this Act, by the substitution for the words “twenty-five pounds” of the words “one hundred pounds”.

**Modifications etc. (not altering text)**

- C5** The text of ss. 16(1), 17(1)(2), 25(1), 31, 32, 34, 35(3), 36, 38(2), 43, 57(1), 64(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**32 Increase of penalty for sales of tobacco, etc., to persons under 16.**

Section 7 of the principal Act and section 18 of the principal Scottish Act (which, in subsection (1), prohibit the sale of tobacco and cigarette papers to persons apparently under the age of sixteen and, in subsection (2), enable a court to order measures to be taken to prevent the use by such persons of automatic machines for the sale of tobacco) shall each be amended, as respects offences committed after the commencement of this Act, by substituting—

- (a) in subsection (1) (which provides for fines not exceeding two, five and ten pounds on a first, second or subsequent conviction) for the words

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“two”, “five” and “ten” the words “twenty-five” “fifty” and “one hundred”, respectively; and

- (b) in subsection (2) (which provides for fines not exceeding five pounds for failure to comply with the order of the court and further fines not exceeding one pound for each day during which the offence continues) for the words “five” and “one” the words “fifty” and “ten”, respectively.

**Modifications etc. (not altering text)**

**C6** The text of ss. 16(1), 17(1)(2), 25(1), 31, 32, 34, 35(3), 36, 38(2), 43, 57(1), 64(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**33** ..... **F26**

**Textual Amendments**

**F26** Ss. 2, 4–15, 22, 23(2)(6)–(8), 24, 25(2), 33, 53(1)(2), 59, 61, Sch. 1, Sch. 3 paras. 10, 16–23, 25–27, 33–36, 44, 46, 48, 49 repealed by Children and Young Persons Act 1969 (c. 54), **Sch. 6**

**PART II**

**EMPLOYMENT OF CHILDREN AND YOUNG PERSONS**

**Modifications etc. (not altering text)**

**C7** Pt. II (ss. 34-44): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

*General provisions as to employment*

**34 Hours of employment.**

For paragraph (c) of section 18(1) of the principal Act (which prohibits the employment of children before six o’clock in the morning or after eight o’clock in the evening) and for paragraph (c) of section 28(1) of the principal Scottish Act (which prohibits such employment before six o’clock in the morning or after seven o’clock in the evening or at certain times of the year eight o’clock in the evening) there shall be substituted the following paragraph:—

“(c) before seven o’clock in the morning or after seven o’clock in the evening on any day ; or”.



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**Modifications etc. (not altering text)**

- C8** The text of ss. 16(1), 17(1)(2), 25(1), 31, 32, 34, 35(3), 36, 38(2), 43, 57(1), 64(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**35 Street trading.**

- (1) ..... <sup>F27</sup>
- (2) Nothing in the said section 20 or section 30 of the principal Scottish Act or in any byelaw made under either of those sections shall restrict the engagement or employment of any person in the carrying on in any place of a retail trade or business (within the meaning of the <sup>M8</sup>Shops Act 1950) on any occasion on which it is customary for retail trades or businesses to be carried on in that place.
- (3) At the end of the said section 20 there shall be added the following subsection:—
- “(3) No person under the age of eighteen shall on a Sunday engage or be employed in street trading of a description to which, notwithstanding section 58 of the Shops Act 1950 (which extends certain provisions to any place where a retail trade or business is carried on), those provisions do not extend.”

**Textual Amendments**

- F27** S. 35(1) repealed by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 29(4), **Sch. 7 Pt. III**

**Modifications etc. (not altering text)**

- C9** The “said section 20” means [Children and Young Persons Act 1933 \(c. 12\)](#), s. 20
- C10** The text of ss. 16(1), 17(1)(2), 25(1), 31, 32, 34, 35(3), 36, 38(2), 43, 57(1), 64(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

- M8** 1950 c. 28.

**36 Increase of certain penalties.**

Section 21 of the principal Act and section 31 of the principal Scottish Act (which impose penalties for contraventions of the general provisions of those Acts as to employment) shall each be amended, as respects offences committed after the commencement of this Act, as follows:—

- (a) in subsection (1) (which provides for fines not exceeding five pounds and twenty pounds for first and subsequent offences respectively) for the words “five pounds” there shall be substituted the words “twenty pounds” and for the words “twenty pounds” the words “fifty pounds”; and
- (b) in subsection (3) (which provides for fines of twenty shillings and forty shillings for first and subsequent offences respectively) for the words “twenty shillings” there shall be substituted the words “ten pounds” and for the words “forty shillings” the words “twenty pounds”.

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**Modifications etc. (not altering text)**

- C11** The text of ss. 16(1), 17(1)(2), 25(1), 31, 32, 34, 35(3), 36, 38(2), 43, 57(1), 64(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*Entertainment*

**37 Restriction on persons under 16 taking part in public performances, etc.**

- (1) Subject to the provisions of this section, a child shall not take part in a performance to which this section applies except under the authority of a licence granted by the local authority in whose area he resides or, if he does not reside in Great Britain, by the local authority in whose area the applicant or one of the applicants for the licence resides or has his place of business.
- (2) This section applies to—
- (a) any performance in connection with which a charge is made (whether for admission or otherwise);
  - (b) any performance in licensed premises within the meaning of [<sup>F28</sup>the <sup>M9</sup>Licensing Act 1964] or [<sup>F29</sup>the <sup>M10</sup>Licensing (Scotland) Act 1976] or in premises in respect of which a club is registered under [<sup>F29</sup>the said Act of 1964 or the said Act of 1976];
  - (c) any broadcast performance;
  - [<sup>F30</sup>(d) any performance not falling within paragraph (c) above but included in a programme service (within the meaning of the Broadcasting Act 1990);]
  - [<sup>F31</sup>(e) any performance recorded (by whatever means) with a view to its use in a broadcast or such a service or in a film intended for public exhibition;]
- and a child shall be treated for the purposes of this section as taking part in a performance if he takes the place of a performer in any rehearsal or in any preparation for the recording of the performance.
- (3) A licence under this section shall not be required for any child to take part in a performance to which this section applies if—
- (a) in the six months preceding the performance he has not taken part in other performances to which this section applies on more than three days; or
  - (b) the performance is given under arrangements made by a school (within the meaning of the <sup>M11</sup>Education Act 1944 or the <sup>M12</sup>Education (Scotland) Act 1962) or made by a body of persons approved for the purposes of this section by the Secretary of State or by the local authority in whose area the performance takes place, and no payment in respect of the child's taking part in the performance is made, whether to him or to any other person, except for defraying expenses;

but the Secretary of State may by regulations made by statutory instrument prescribe conditions to be observed with respect to the hours of work, rest or meals of children taking part in performances as mentioned in paragraph (a) of this subsection.

- (4) The power to grant licences under this section shall be exercisable subject to such restrictions and conditions as the Secretary of State may by regulations made by statutory instrument prescribe and a local authority shall not grant a licence for a child

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to take part in a performance or series of performances unless they are satisfied that he is fit to do so, that proper provision has been made to secure his health and kind treatment and that, having regard to such provision (if any) as has been or will be made therefor, his education will not suffer; but if they are so satisfied, in the case of an application duly made for a licence under this section which they have power to grant, they shall not refuse to grant the licence.

- (5) Regulations under this section may make different provision for different circumstances and may prescribe, among the conditions subject to which a licence is to be granted, conditions requiring the approval of a local authority and may provide for that approval to be given subject to conditions imposed by the authority.
- (6) Without prejudice to the generality of the preceding subsection, regulations under this section may prescribe, among the conditions subject to which a licence may be granted, a condition requiring sums earned by the child in respect of whom the licence is granted in taking part in a performance to which the licence relates to be paid into the county court (or, in Scotland, consigned in the sheriff court) or dealt with in a manner approved by the local authority.
- (7) A licence under this section shall specify the times, if any, during which the child in respect of whom it is granted may be absent from school for the purposes authorised by the licence; and for the purposes of the enactments relating to education a child who is so absent during any times so specified shall be deemed to be absent with leave granted by a person authorised in that behalf by the managers, governors or proprietor of the school or, in Scotland, with reasonable excuse.
- (8) Any statutory instrument made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F28** Words substituted by virtue of [Licensing Act 1964 \(c. 26\)](#), [Sch. 14 para. 1](#)
- F29** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#), [s. 17\(2\)\(a\)](#)
- F30** [S. 37\(2\)\(d\)\(e\)](#) substituted by [Cable and Broadcasting Act 1984 \(c. 46, SIF 96\)](#), [s. 57\(1\)](#), [Sch. 5 para. 12](#) (which is repealed by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), [s. 203\(3\)](#), [Sch. 21](#) the repeal being in force subject as mentioned in [art. 3\(3\) of S.I. 1990/2347](#))
- F31** Para. (d) substituted by virtue of [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), [s. 203\(1\)](#), [Sch. 20 para. 6](#)

#### Marginal Citations

- M9** 1964 c. 26.
- M10** 1976 c. 66.
- M11** 1944 c. 31.
- M12** 1962 c. 47.

### 38 †Restriction on licences for performances by children under 13.

- (1) A licence under the preceding section in respect of a child under the age of [<sup>F32</sup>fourteen] shall not be granted unless—
  - (a) the licence is for acting and the application therefor is accompanied by a declaration that the part he is to act cannot be taken except by a child of about his age; or
  - (b) the licence is for dancing in a ballet which does not form part of an entertainment of which anything other than ballet or opera also forms part and

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- the application for the licence is accompanied by a declaration that the part he is to dance cannot be taken except by a child of about his age; or
- (c) the nature of his part in the performance is wholly or mainly musical and either the nature of the performance is also wholly or mainly musical or the performance consists only of opera and ballet.
- (2) On the extension of the compulsory school age (or, in Scotland, school age) to sixteen years, that is to say—
- (a) in England and Wales, on the coming into force of an Order in Council under section 35 of the Education Act 1944 ; and
- (b) in Scotland, on the coming into force of regulations under section 32 of the Education (Scotland) Act 1962;

subsection (1) of this section shall have effect as if for the word “thirteen” there were substituted the word “fourteen”.

#### **Textual Amendments**

**F32** Word substituted (1.9.1972) by virtue of s. 38(2) of this Act and [S.I. 1972/59](#), 444

#### **Modifications etc. (not altering text)**

**C12** Unreliable marginal note.

**C13** The text of ss. 16(1), 17(1)(2), 25(1), 31, 32, 34, 35(3), 36, 38(2), 43, 57(1), 64(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### **39 Supplementary provisions as to licences under section 37.**

- (1) A licence under section 37 of this Act may be varied on the application of the person holding it by the local authority by whom it was granted or by any local authority in whose area the performance or one of the performances to which it relates takes place.
- (2) The local authority by whom such a licence was granted and any local authority in whose area the performance or one of the performances to which it relates takes place, may vary or revoke the licence if any condition subject to which it was granted is not observed or they are not satisfied as to the matters mentioned in subsection (4) of the said section 37, but shall, before doing so, give to the holder of the licence such notice (if any) of their intention as may be practicable in the circumstances.
- (3) Where a local authority grant such a licence authorising a child to take part in a performance in the area of another local authority they shall send to that other authority such particulars as the Secretary of State may by regulations made by statutory instrument prescribe; and where a local authority vary or revoke such a licence which was granted by, or relates to a performance in the area of, another local authority, they shall inform that other authority.
- (4) A local authority proposing to vary or revoke such a licence granted by another local authority shall, if practicable, consult that other authority.
- (5) The holder of such a licence shall keep such records as the Secretary of State may by regulations made by statutory instrument prescribe and shall on request produce them to an officer of the authority who granted the licence, at any time not later than six months after the performance or last performance to which it relates.

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- (6) Where a local authority refuse an application for a licence under section 37 of this Act or revoke or, otherwise than on the application of the holder, vary such a licence they shall state their grounds for doing so in writing to the applicant or, as the case may be, the holder of the licence; and the applicant or holder may appeal to a magistrates' court or, in Scotland, the sheriff, against the refusal, revocation or variation, and against any condition subject to which the licence is granted or any approval is given, not being a condition which the local authority are required to impose.
- (7) Any statutory instrument made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### 40 Offences.

- (1) If any person—
  - (a) causes or procures any child or, being his parent or guardian, allows him, to take part in any performance in contravention of section 37 of this Act; or
  - (b) fails to observe any condition subject to which a licence under that section is granted, or any condition prescribed under subsection (3) of that section; or
  - (c) knowingly or recklessly makes any false statement in or in connection with an application for a licence under that section;he shall be liable on summary conviction to a fine not exceeding [<sup>F33</sup>level 3 on the standard scale]or imprisonment for a term not exceeding three months or both.
- (2) If any person fails to keep or produce any record which he is required to keep or produce under section 39 of this Act, he shall be liable on summary conviction to a fine not exceeding [<sup>F33</sup>level 3 on the standard scale]or imprisonment for a term not exceeding three months or both.
- (3) The court by which the holder or one of the holders of a licence under section 37 of this Act is convicted of an offence under this section may revoke the licence.
- (4) In any proceedings for an offence under this section alleged to have been committed by causing, procuring or allowing a child to take part in a performance without a licence under section 37 of this Act it shall be a defence to prove that the accused believed that the condition specified in paragraph (a) of subsection (3) of that section was satisfied and that he had reasonable grounds for that belief.

#### Textual Amendments

**F33** Words substituted (E.W.S.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38**. 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F**, 289G

#### 41 Licences for training persons between 12 and 16 for performances of a dangerous nature.

- (1) The power to grant licences under section 24 of the principal Act (which relates to the training of [<sup>F34</sup>children]to take part in performances of a dangerous nature) shall be exercisable by the local authority for the area or one of the areas in which the training is to take place instead of by a magistrates' court.
- (2) A licence under the said section 24 or under section 34 of the principal Scottish Act (which makes provision in Scotland similar to that made in England and Wales by

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the said section 24 as amended by subsection (1) of this section) may be revoked or varied by the authority who granted it if any of the conditions embodied therein are not complied with or if it appears to them that the person to whom the licence relates is no longer fit and willing to be trained or that proper provision is no longer being made to secure his health and kind treatment.

- (3) Where an authority refuse an application for such a licence or revoke or vary such a licence they shall state their grounds for doing so in writing to the applicant, or, as the case may be, to the holder of the licence, and the applicant or holder may appeal to a magistrates' court or, in Scotland, to the sheriff, against the refusal, revocation or variation.

#### Textual Amendments

**F34** Word substituted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 29(3), [Sch. 6 para. 7](#)

## 42 Licences for children and young persons performing abroad.

- (1) Section 25 of the principal Act (which prohibits [<sup>F35</sup>children] from going abroad for the purpose of performing for profit except under the authority of a licence granted under that section) and section 26 of that Act (which imposes penalties for contraventions) shall have effect as if the words “singing, playing, performing or being exhibited” included taking part in any such performance as is mentioned in paragraph (c) or (d) of section 37(2) of this Act.
- (2) A licence under the said section 25 may be granted in respect of a person notwithstanding that he is under the age of fourteen if—
- (a) the engagement which he is to fulfil is for acting and the application for the licence is accompanied by a declaration that the part he is to act cannot be taken except by a person of about his age; or
  - (b) the engagement is for dancing in a ballet which does not form part of an entertainment of which anything other than ballet or opera also forms part and the application for the licence is accompanied by a declaration that the part he is to dance cannot be taken except by a child of about his age; or
  - (c) the engagement is for taking part in a performance the nature of which is wholly or mainly musical or which consists only of opera and ballet and the nature of his part in the performance is wholly or mainly musical.

#### Textual Amendments

**F35** Word substituted by [Employment Act 1989 \(c. 38, SIF 43:1\)](#), s. 29(3), [Sch. 6 para. 8](#)

## 43 Extended powers of entry.

For subsection (2) of section 28 of the principal Act and for subsection (2) of section 36 of the principal Scottish Act there shall be substituted the following subsection:—

- “(2) Any authorised officer of the said authority or any constable may—
- (a) at any time enter any place used as a broadcasting studio or film studio or used for the recording of a performance with a view to its use in a broadcast or in a film intended for public exhibition and make

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- inquiries therein as to any children taking part in performances to which section 37 of the Children and Young Persons Act 1963 applies;
- (b) at any time during the currency of a licence granted under the said section 37 or under the provisions of this Part of this Act relating to training for dangerous performances enter any place (whether or not it is such a place as is mentioned in paragraph (a) of this subsection) where the person to whom the licence relates is authorised by the licence to take part in a performance or to be trained, and may make inquiries therein with respect to that person.”

**Modifications etc. (not altering text)**

- C14** The text of ss. 16(1), 17(1)(2), 25(1), 31, 32, 34, 35(3), 36, 38(2), 43, 57(1), 64(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*Construction of Part II*

**44 Construction of Part II.**

- (1) This Part of this Act, in its application to England and Wales, and, as regards section 42, in its application elsewhere, shall be construed, and Part II of the principal Act shall have effect, as if this Part were included in that Part.
- (2) This Part of this Act, except section 42, shall, in its application to Scotland, be construed as if it were included in Part III of the principal Scottish Act and as if references to a local authority were references to an education authority; and the said Part III shall have effect as if this Part of this Act (except section 42) were included in it.

**PART III**

MISCELLANEOUS AND GENERAL

**Modifications etc. (not altering text)**

- C15** Pt. III (except s. 56) amended (E.W.) by [Local Authority Social Services Act 1970 \(c. 42\)](#), s. 2(1), [Sch. 1](#)

45— ..... F36  
47.

**Textual Amendments**

- F36** Ss. 1, 45–47, 49 repealed (S.) by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), [Sch. 9 Pt. I](#) and (E.W.) (1.4.1981) by [Child Care Act 1980 \(c. 5\)](#), s. 89, [Sch. 6](#)

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48 ..... F37

**Textual Amendments**  
**F37** S. 48 repealed by (S.) Social Work (Scotland) Act 1968 (c. 49), **Sch. 9 Pt. I** and (E.W.) Children Act 1975 (c. 72), **Sch. 4 Pt. V**

49 ..... F38

**Textual Amendments**  
**F38** Ss. 1, 45–47, 49 repealed (S.) by Social Work (Scotland) Act 1968 (c. 49), **Sch. 9 Pt. I** and (E.W.) (1.4.1981) by Child Care Act 1980 (c. 5), s. 89, **Sch. 6**

50 ..... F39

**Textual Amendments**  
**F39** S. 50 repealed by (S.) Social Work (Scotland) Act 1968 (c. 49), **Sch. 9 Pt. I** and (E.W.) Guardianship of Minors Act 1971 (c. 3), **Sch. 2**

51, 52. .... F40

**Textual Amendments**  
**F40** Ss. 51, 52 repealed by Social Work (Scotland) Act 1968 (c. 49), **Sch. 9 Pts. I, II**

*Children and young persons escaping to other parts of British Islands*

**53 Arrest in one part of British Islands of children or young persons escaping in other part.**

(1) ..... F41

[<sup>F42</sup>(3) Every person who is authorised by the managers of a training school within the meaning of the <sup>M13</sup>Children and Young Persons Act (Northern Ireland) 1950 to arrest a person under their care and bring him back to his school shall, for the purpose of acting on that authority, have all the powers, protection and privileges—

- (a) in Great Britain or the Isle of Man, of a constable;
- (b) in Jersey, of a member of the police;
- (c) in any other part of the Channel Islands, of 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.]



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**Textual Amendments**

- F41** Ss. 2, 4–15, 22, 23(2)(6)–(8), 24, 25(2), 33, 53(1)(2), 59, 61, Sch. 1, Sch. 3 paras. 10, 16–23, 25–27, 33–36, 44, 46, 48, 49 repealed by Children and Young Persons Act 1969 (c. 54), **Sch. 6**
- F42** S. 53(3) repealed (*prosp.*) by Children Act 1989 (c. 41, SIF 20), s. 108(2)(6)(7), Sch. 14 para. 27(4), Sch. 15

**Marginal Citations**

- M13** 1950 c. 5 (N.I.)

*Amendment of Adoption Act 1958*

**54** ..... <sup>F43</sup>

**Textual Amendments**

- F43** S. 54 repealed by Children Act 1975 (c. 72), **Sch. 4 Pt. III**

<sup>F44</sup>**55** **Emigration with consent of Secretary of State.**

Section 52 of the <sup>M14</sup>Adoption Act 1958 (which, subject to exceptions, requires the authority of a provisional adoption order for the taking or sending abroad for adoption of infants who are British subjects) shall not apply in the case of any infant emigrating under the authority of the Secretary of State given under . . . <sup>F45</sup> section 17 of the <sup>M15</sup>Children Act 1948 [<sup>F46</sup>or section 23 of the <sup>M16</sup>Social Work (Scotland) Act 1968] . . . <sup>F47</sup>

**Textual Amendments**

- F44** s. 55 repealed (E.W.) (1.4.1981) by Child Care Act 1980 (c. 5), s. 89, **Sch. 6**
- F45** Words repealed by Social Work (Scotland) Act 1968 (c. 49), **Sch. 8 para. 68** and Children and Young Persons Act 1969 (c. 54), **Sch. 6**
- F46** Words inserted by Social Work (Scotland) Act 1968 (c. 49), **Sch. 8 para. 68**
- F47** Words repealed by Children and Young Persons Act 1969 (c. 54), **Sch. 6**

**Marginal Citations**

- M14** 1958 c. 5 (7 & 8 Eliz. 2).
- M15** 1948 c. 43.
- M16** 1968 c. 49.

*Miscellaneous*

**56** **Prosecution of offences under Part I or Part II of principal Act.**

- (1) Without prejudice to section 98 of the principal Act (which authorises a local education authority to institute proceedings for an offence under Part I or Part II of that Act) any such proceedings may be instituted by the council of a county or county borough,

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whether or not the council are the local education authority, and may, where the council are the local education authority, be instituted by them otherwise than in that capacity.

- (2) So much of subsection (5) of section 85 of the Local Government Act 1933 and [<sup>F48</sup>subsection (1) of section 3 of the <sup>M17</sup>Local Authority Social Services Act 1970] as restricts the matters that may be referred to or dealt with by committees established under [<sup>F48</sup>the said section 85 and section 2 of the said Act of 1970] respectively shall not apply in relation to any functions exercisable by a council in pursuance of this section.

#### Textual Amendments

**F48** Words substituted by [Local Authority Social Services Act 1970 \(c. 42\)](#), [Sch. 2 para. 10](#)

#### Marginal Citations

**M17** [1970 c. 42](#).

### 57 Newspaper and broadcast reports of proceedings involving children.

- (1) In section 39 of the principal Act and in section 46 of the principal Scottish Act (which empower a court to prohibit the publication in newspapers of pictures or matter leading to the identification of children and young persons concerned in certain proceedings) the words “which arise out of any offence against, or any conduct contrary to, decency or morality” shall be omitted and for the word “against” in paragraph (a) there shall be substituted the words “by or against”.
- <sup>F49</sup>(2) Section 49 of the principal Act and section 54 of the principal Scottish Act (which restrict newspaper reports of proceedings in juvenile courts) shall, with the necessary modifications, apply in relation to any proceedings on appeal from a juvenile court (including an appeal by case stated or, in Scotland, stated case) as they apply in relation to proceedings in a juvenile court.
- [<sup>F50</sup>(3) [<sup>F51</sup>Sections 39 and 49 of the principal Act] shall extend to Scotland and the said [<sup>F51</sup>section 46] 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 [<sup>F51</sup>section 46] shall not include a court in England or Wales.]
- (4) The said sections 39 and 49 and the said sections 46 . . . <sup>F52</sup> shall, with the necessary modifications, apply in relation to sound and television broadcasts as they apply in relation to newspapers.

#### Textual Amendments

**F49** [S. 57\(2\)](#) repealed (S.) by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), [Sch. 10 Pt. I](#)

**F50** [S. 57\(3\)](#) substituted by [Children and Young Persons Act 1969 \(c. 54\)](#), [Sch. 5 para. 53](#)

**F51** Words substituted by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), [Sch. 9 para. 45](#)

**F52** Words repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), [Sch. 10 Pt. I](#)

#### Modifications etc. (not altering text)

**C16** The “said section 46” means [Children and Young Persons \(Scotland\) Act 1937 \(c. 37\)](#), [s. 46](#)

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**C17** The text of ss. 16(1), 17(1)(2), 25(1), 31, 32, 34, 35(3), 36, 38(2), 43, 57(1), 64(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**58** ..... F53

**Textual Amendments**

**F53** S. 58 repealed (S.) by Social Work (Scotland) Act 1968 (c. 49), **Sch. 9 Pt. I** and (E.W.) by Child Care Act 1980 (c. 5), s. 89, **Sch. 6**

**59** ..... F54

**Textual Amendments**

**F54** Ss. 2, 4–15, 22, 23(2)(6)–(8), 24, 25(2), 33, 53(1)(2), 59, 61, Sch. 1, Sch. 3 paras. 10, 16–23, 25–27, 33–36, 44, 46, 48, 49 repealed by Children and Young Persons Act 1969 (c. 54), **Sch. 6**

*Supplementary provisions*

**60** **Expenses.**

There shall be paid out of moneys provided by Parliament any expenses incurred by the Secretary of State under this Act and any increase attributable to this Act in the moneys so payable under any other enactment.

**61** ..... F55

**Textual Amendments**

**F55** Ss. 2, 4–15, 22, 23(2)(6)–(8), 24, 25(2), 33, 53(1)(2), 59, 61, Sch. 1, Sch. 3 paras. 10, 16–23, 25–27, 33–36, 44, 46, 48, 49 repealed by Children and Young Persons Act 1969 (c. 54), **Sch. 6**

**62** ..... F56

**Textual Amendments**

**F56** S. 62, **Sch. 4** repealed by Statute Law (Repeals) Act 1977 (c. 18), **Sch. 1 Pt. VII**

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### 63 Interpretation.

- (1) In this Act “the principal Act” means the <sup>M18</sup>Children and Young Persons Act 1933 and “the principal Scottish Act” means the <sup>M19</sup>Children and Young Persons (Scotland) Act 1937.
- [<sup>F57</sup>(1A) The local authorities for the purposes of Parts I and III of this Act shall be the councils of counties (other than metropolitan counties), of metropolitan districts and of London boroughs and the Common Council of the City of London.]
- (2) References in this Act to any enactment are references thereto as amended and include references thereto as applied, by any other enactment including, except where the context otherwise requires, any enactment contained in this Act.

#### Textual Amendments

**F57** S. 63(1A) inserted (1.4.1981) by [Child Care Act 1980 \(c. 5\)](#), s. 89, [Sch. 5 para. 18](#)

#### Marginal Citations

**M18** 1933 c. 12.

**M19** 1937 c. 37.

### 64 †Amendments, transitional provisions, and repeals.

- (1) The enactments mentioned in Schedule 3 to this Act shall have effect subject to the amendments specified therein.
- (2) This Act shall have effect subject to the transitional provisions contained in Schedule 4 to this Act.
- (3) ..... <sup>F58</sup>

#### Textual Amendments

**F58** Ss. 21, 64(3), Sch. 3 paras. 1–3, 8, 12, 39, Sch. 5 repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. XI](#)

#### Modifications etc. (not altering text)

**C18** Unreliable marginal note.

**C19** The text of ss. 16(1), 17(1)(2), 25(1), 31, 32, 34, 35(3), 36, 38(2), 43, 57(1), 64(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### 65 Citation, construction, commencement and extent.

- (1) This Act may be cited as the Children and Young Persons Act 1963.
- (2) This Act and the Children and Young Persons Acts 1933 to 1956 may be cited as the Children and Young Persons Acts 1933 to 1963, and this Act and the Children and Young Persons (Scotland) Acts 1937 and 1956 may be cited as the Children and Young Persons (Scotland) Acts 1937 to 1963.

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- (3) This Act, except in so far as it amends any Act not construed as one with the principal Act or the principal Scottish Act, shall be construed, in its application to England and Wales, as one with the principal Act and, in its application to Scotland, as one with the principal Scottish Act.
- (4) The following provisions of this Act do not extend to Scotland, that is to say, Part I except sections 1, 10 and 32, sections 56 and 61, and Schedules 1 and 2 and Schedule 4 except paragraph 3.
- (5) <sup>F59</sup> sections 42 . . . <sup>F59</sup> of this Act, paragraphs 7, 8, . . . <sup>F59</sup> and 50 of Schedule 3, and so much of Schedule 5 as relates to section 25 and section 26 of the principal Act, extend to Northern Ireland.
- (6) This Act shall come into operation on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be so appointed for different purposes; and any reference in any provision of this Act to the commencement of this Act shall be construed as a reference to the time at which that provision comes into operation.

**Textual Amendments**

**F59** Words repealed by [Children and Young Persons Act 1969 \(c. 54\)](#), [Sch. 6](#)

**Modifications etc. (not altering text)**

**C20** Power of appointment conferred by s. 65(6) fully exercised: [S.I. 1963/1561](#), 2056, 1968/1727

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

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