Changes to legislation: Children and Young Persons Act 1963 is up to date with all changes known to be in force on or before 15 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

F1F1SCHEDULE 1

Textual Amendments

F1 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4–15, 22, 23(2)(6)–(8), 24, 25(2), 33, 53(1)(2), 59, 61, Sch. 1, Sch. 3 paras. 10, 16–23, 25–27, 33–36, 44, 46, 48, 49 repealed by Children and Young Persons Act 1969 (c. 54), **Sch. 6**

F1

SCHEDULE 2

section 17.

CONSTITUTION OF JUVENILE COURTS

Modifications etc. (not altering text)

C1 The text of Sch. 2, Sch. 3 paras. 4, 5, 6(1)(2), 7, 9, 13, 14(1)(2), 15, 29(2), 30, 31, 32, 42, 43, 45, 50(1) (2)(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

PART I

OUTSIDE METROPOLITAN AREA

Juvenile court panels

- 1 The following provisions of this Part of this Schedule shall have effect as respects any area outside the metropolitan stipendiary court area and the City of London.
- 2 A justice shall not be qualified to sit as a member of a juvenile court unless he is a member of a juvenile court panel, that is to say, a panel of justices specially qualified to deal with juvenile cases.
- 3 Subject to the following provisions of this Part of this Schedule, a juvenile court panel shall be formed for every petty sessions area.

Combined juvenile court panels

- 4 A magistrates' courts committee may make recommendations to the Secretary of State—
 - (a) for the formation of a combined juvenile court panel for two or more petty sessions areas, or
 - (b) for the dissolution of any such combined juvenile court panel,
 - if the committee's area comprises at least one of the petty sessions areas concerned.
- 5 It shall be the duty of the magistrates' courts committee for any area, if directed to do so by the Secretary of State, to review the functioning of juvenile courts in their area and on completion of the review to submit to the Secretary of State either

Status: Point in time view as at 01/04/1996. Changes to legislation: Children and Young Persons Act 1963 is up to date with all changes known to be in force on or before 15 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

a report making such recommendations as are mentioned in paragraph 4 of this Schedule or a report giving reasons for making no such recommendations.

- Subject to the provisions of this Schedule—
 - (a) where a magistrates' courts committee make such recommendations to the Secretary of State, he may make an order giving effect to them subject to any modifications he thinks fit; and
 - (b) where a magistrates' courts committee fail to comply within six months with a direction of the Secretary of State under the preceding paragraph, or the Secretary of State is dissatisfied with the report submitted in pursuance of such a direction, he may make such order as he thinks fit for the purposes mentioned in paragraph 4 of this Schedule.

Effect of order establishing combined panel

7 Where a combined juvenile court panel is formed for any petty sessions areas any justice who is a member of the panel may exercise in relation to each of the areas any jurisdiction exercisable by him as a member of a juvenile court.

Restrictions on formation of combined panels

- 8 No order under this Schedule shall provide for the formation of a combined juvenile court panel for an area which includes—
 - (a) a county or part of a county and the whole or part of another county ; or
 - (b) two county boroughs.
- 9 An order under this Schedule providing for the formation of a combined juvenile court panel for an area which comprises a borough having a separate magistrates' courts committee shall not be made except with the consent of every magistrates' courts committee the whole or part of whose area is included in the area for which the combined panel is formed.

Consultations and notices

- 10 A magistrates' courts committee, before submitting recommendations for an order under this Schedule, shall consult and, when submitting any such recommendations, shall give notice to—
 - (a) the justices acting for any petty sessions area concerned which is within the committee's area (except where the committee's area is a borough); and
 - (b) any other magistrates' courts committee the whole or part of whose area is concerned;

and shall also consult the said justices before commenting on any recommendations on which they are consulted under this paragraph by another magistrates' courts committee.

- 11 Where the Secretary of State proposes to make an order under this Schedule in a case where either no recommendations have been made to him or the proposed order departs from the recommendations made to him, he shall send a copy of the proposed order to the magistrates' courts committee for any area the whole or part of which is concerned and to the justices acting for any petty sessions area concerned.
- 12 Where notice of recommendations or a copy of a proposed order is required to be sent under the preceding paragraphs to any justices or committee, the Secretary of

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State shall, before making an order, consider any representations made to him by the justices or committee, or by any juvenile court panel concerned, within one month from the time the notice was given or the copy of the proposed order was sent.

PART II

METROPOLITAN AREA

- 13 The following provisions of this Part of this Schedule shall have effect as respects the metropolitan stipendiary court area and the City of London (in this Part of this Schedule referred to as the metropolitan area).
- 14 Juvenile courts shall be constituted for the whole of the metropolitan area but shall sit for such divisions and in such places as the Secretary of State may by order specify, without prejudice, however, to their jurisdiction' with respect to the whole area.
- 15 Subject to the following provisions of this Schedule—
 - (a) each juvenile court shall consist of a chairman and two other members and shall have both a man and a woman among its members ;
 - (b) the chairman shall be a person nominated by the Secretary of State to act as chairman of juvenile courts for the metropolitan area and shall be either a metropolitan stipendiary magistrate or a justice of the peace for the county of London selected, in such manner as may be provided by an order of the Secretary of State, from a panel of such justices from time to time nominated by him; and
 - (c) the other members shall be justices so selected from that panel.
- 16 If at any time, by reason of illness or other emergency, no person nominated under paragraph 15(b) of this Schedule is available to act as chairman of a juvenile court, any metropolitan stipendiary magistrate or, with the consent of the Secretary of State, any justice of the peace selected as aforesaid from the said panel, may act temporarily as chairman.
- 17 Where it appears to the chairman that a juvenile court cannot, without adjournment, be fully constituted, and that an adjournment would not be in the interests of justice, the chairman may sit with one other member (whether a man or a woman) or, if a metropolitan stipendiary magistrate, may sit alone.
- 18 The Secretary of State, in nominating any persons under this Part of this Schedule, shall have regard to the previous experience of the persons available and their special qualifications for dealing with juvenile cases ; and every such nomination shall be for a specified period and shall be revocable by the Secretary of State.
- 19 The enactments relating to the provision of land and buildings required for the purposes of metropolitan magistrates' courts shall extend and be deemed always to have extended to the provision of land and buildings required for the purposes of juvenile courts constituted for the metropolitan area.

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PART III

GENERAL

- 20 An order of the Secretary of State under this Schedule shall be made by statutory instrument and may be revoked or varied by a subsequent order thereunder.
- 21 Any such order may contain supplementary, incidental and consequential provisions.

SCHEDULE 3

Section 64.

MINOR AND CONSEQUENTIAL AMENDMENTS

The Principal Act

1-3

F2 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

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For subsection (3) of section 18 there shall be substituted the following subsection:

- "(3) Nothing in this section, or in any byelaw made under this section, shall prevent a child from taking part in a performance—
 - (a) under the authority of a licence granted under this Part of this Act; or
 - (b) in a case where by virtue of section 37(3) of the Children and Young Persons Act 1963 no licence that section is required for him to take part in the performance."

Modifications etc. (not altering text)

- C2 The text of Sch. 2, Sch. 3 paras. 4, 5, 6(1)(2), 7, 9, 13, 14(1)(2), 15, 29(2), 30, 31, 32, 42, 43, 45, 50(1) (2)(3) 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.
- 5 In section 23, for the words "public performance" there shall be substituted the words "performance to which section 37 of the Children and Young Persons Act 1963 applies and".

Modifications etc. (not altering text)

- C3 The text of Sch. 2, Sch. 3 paras. 4, 5, 6(1)(2), 7, 9, 13, 14(1)(2), 15, 29(2), 30, 31, 32, 42, 43, 45, 50(1) (2)(3) 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.
- 6 (1) In subsection (2) of section 24 for the words "petty sessional court" there shall be substituted the words "local authority".

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(2) In subsection (4) of that section for the word "court", in both places where it occurs, there shall be substituted the word "authority".

Modifications etc. (not altering text)

- C4 The text of Sch. 2, Sch. 3 paras. 4, 5, 6(1)(2), 7, 9, 13, 14(1)(2), 15, 29(2), 30, 31, 32, 42, 43, 45, 50(1) (2)(3) 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.
 - In the proviso to section 25(1), for the words "Great Britain and Ireland" there shall he substituted the words "the United Kingdom".

Modifications etc. (not altering text)

C5 The text of Sch. 2, Sch. 3 paras. 4, 5, 6(1)(2), 7, 9, 13, 14(1)(2), 15, 29(2), 30, 31, 32, 42, 43, 45, 50(1) (2)(3) 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.

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7

Textual Amendments

F3 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

9

In section 28(1) for the words "an entertainment or performance" there shall be substituted the words "a performance".

F3

Modifications etc. (not altering text)

C6 The text of Sch. 2, Sch. 3 paras. 4, 5, 6(1)(2), 7, 9, 13, 14(1)(2), 15, 29(2), 30, 31, 32, 42, 43, 45, 50(1) (2)(3) 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.

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Textual Amendments

F4 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**

^{F5}11

Textual Amendments

- F5 Sch. 3 para. 11 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), Sch.15 (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, art. 3(2)
- 12 ^{F6}

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Textual Amendments

- F6 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
- 13 In section 53(4), for the words "shall return" there shall be substituted the words "may be arrested without warrant by any constable and taken"; and the words from "and if he fails" to the end of the section shall be omitted.

Modifications etc. (not altering text)

- C7 The text of Sch. 2, Sch. 3 paras. 4, 5, 6(1)(2), 7, 9, 13, 14(1)(2), 15, 29(2), 30, 31, 32, 42, 43, 45, 50(1) (2)(3) 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.
- 14 (1) In subsection (1) of section 56, for the words "if it thinks fit" there shall be substituted the words "and, if it is not a juvenile court, shall unless satisfied that it would be undesirable to do so".
 - (2) For subsection (2) of that section there shall be substituted the following subsection:

"(2) Where any case is so remitted—

- (a) the offender shall have the same right of appeal against any order of the court to which the case is remitted as if he had been found guilty by that court, but shall have no right of appeal against the order of remission and
- (b) any appeal against the finding of guilt shall, if the finding was made by a juvenile or other magistrates' court, be made to the court of quarter sessions having jurisdiction to hear an appeal under paragraph (a) of this subsection."

Modifications etc. (not altering text)

- C8 The text of Sch. 2, Sch. 3 paras. 4, 5, 6(1)(2), 7, 9, 13, 14(1)(2), 15, 29(2), 30, 31, 32, 42, 43, 45, 50(1) (2)(3) 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.
- 15 In section 58, for the words "for the detention of the person to whom it relates" there shall be substituted the words "for his detention in that approved school or in such other approved school as the Secretary of State may from time to time determine".

Modifications etc. (not altering text)

C9 The text of Sch. 2, Sch. 3 paras. 4, 5, 6(1)(2), 7, 9, 13, 14(1)(2), 15, 29(2), 30, 31, 32, 42, 43, 45, 50(1) (2)(3) 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.

16—23.

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F7 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

24^{F8}

Textual Amendments

F8 Sch. 3 para. 24 repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), Sch. I Pt. XIII

25—27. **F**9

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**

28 F10

Textual Amendments

F10 S. 19, Sch. 3 paras. 28, 51 repealed by Courts Act 1971 (c. 23), Sch. 11 Pt. IV

The principal Scottish Act

29 (1).....^{F11}

- (2) For subsection (3) of that section there shall be substituted the following subsection:
 - "(3) Nothing in this section or in any byelaw made under this section shall prevent a child from taking part in a performance—
 - (a) under the authority of a licence granted under this Part of this Act; or
 - (b) in a case where by virtue of section 37(3) of the Children and Young Persons Act 1963 no licence under that section is required for him to take part in the performance."

Textual Amendments

F11 Sch. 3 para. 29(1) repealed by Children Act 1972 (c. 44), Sch.

Modifications etc. (not altering text)

- **C10** The text of Sch. 2, Sch. 3 paras. 4, 5, 6(1)(2), 7, 9, 13, 14(1)(2), 15, 29(2), 30, 31, 32, 42, 43, 45, 50(1) (2)(3) 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.
- 30 In section 33, for the words "public performance" there shall be substituted the words "performance to which section 37 of the Children and Young Persons Act 1963 applies and".

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Modifications etc. (not altering text)

- C11 The text of Sch. 2, Sch. 3 paras. 4, 5, 6(1)(2), 7, 9, 13, 14(1)(2), 15, 29(2), 30, 31, 32, 42, 43, 45, 50(1) (2)(3) 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.
- 31 In section 36(1), for the words "an entertainment or performance" there shall be substituted the words "a performance".

Modifications etc. (not altering text)

- C12 The text of Sch. 2, Sch. 3 paras. 4, 5, 6(1)(2), 7, 9, 13, 14(1)(2), 15, 29(2), 30, 31, 32, 42, 43, 45, 50(1) (2)(3) 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 In section 38(3), for the words "The said provisions" there shall be substituted the words "The provisions of this Part of this Act relating to employment".

Modifications etc. (not altering text)

C13 The text of Sch. 2, Sch. 3 paras. 4, 5, 6(1)(2), 7, 9, 13, 14(1)(2), 15, 29(2), 30, 31, 32, 42, 43, 45, 50(1) (2)(3) 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—36. F12

Textual Amendments

F12 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**

37 F13

Textual Amendments

F13 Sch. 3 para. 37 repealed by Statute Law Revision Act 1965 (c. 55)

The Children Act 1948

38 F14

Textual Amendments

F14 S. 30, Sch. 3 paras. 38, 40 repealed (1.4.1981) by Child Care Act 1980 (c. 5), s. 89, Sch. 6

39

F15

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F16

Textual Amendments

F16 S. 30, Sch. 3 paras. 38, 40 repealed (1.4.1981) by Child Care Act 1980 (c. 5), s. 89, Sch. 6

Textual Amendments

F17 Sch. 3 para. 41 repealed by Local Authority Social Services Act 1970 (c. 42), Sch. 3

42 ^{F18}

Textual Amendments

F18 Sch. 3 paras. 42, 43 and 45 repealed (5.11.1993) by 1993 (c. 50), s. 1(1), Sch. 1 Pt. VIII

43 F19

F19

Textual Amendments

F19 Sch. 3 paras. 42, 43 and 45 repealed (5.11.1993) by 1993, c. 50, s. 1(1), Sch. 1 Pt. VIII

44

F20

Textual Amendments

F20 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

The Criminal Justice (Scotland) Act 1949

^{F21}45

Textual Amendments

F21 Sch. 3 paras. 42, 43 and 45 repealed (5.11.1993) by 1993, c. 50, s. 1(1), Sch. 1 Pt. VIII

46 F22

Changes to legislation: Children and Young Persons Act 1963 is up to date with all changes known to be in force on or before 15 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments F22 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

F23

47

Textual Amendments

F23 S. 20, Sch. 3 para. 47 repealed by Administration of Justice Act 1964 (c. 42), Sch. 5

48, 49. F²⁴

Textual Amendments

F24 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**

the Criminal Justice Act 1961

- 50 (1) In subsection (1) of section 29, after the words "or remand home" there shall be inserted the words "special reception centre or other place of safety".
 - (2) In subsection (2) of that section, after the words "taken back to the prison or other institution" there shall be added the words "or place".
 - (3) At the end of the section there shall be added the following subsection:—
 - "(3) In this section "special reception centre" has the same meaning as in the Children and Young Persons Act 1933 and "place of safety" has—
 - (a) in relation to England and Wales, the same meaning as in that Act ; and
 - (b) in relation to Scotland, the same meaning as in the Children and Young Persons (Scotland) Act 1937; and
 - (c) in relation to Northern Ireland, the same meaning as in the Children and Young Persons Act (Northern Ireland) 1950."

Modifications etc. (not altering text)

C14 The text of Sch. 2, Sch. 3 paras. 4, 5, 6(1)(2), 7, 9, 13, 14(1)(2), 15, 29(2), 30, 31, 32, 42, 43, 45, 50(1) (2)(3) 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.

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F25

Textual Amendments

F25 S. 19, Sch. 3 paras. 28, 51 repealed by Courts Act 1971 (c. 23), Sch. 11 Pt. IV

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F26F26SCHEDULE 4

Textual Amendments

F26 S. 62, Sch. 4 repealed by Statute Law (Repeals) Act 1977 (c. 18), Sch. 1 Pt. VII

F26

F27F27SCHEDULE 5

 F27
 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

F27

Status:

Point in time view as at 01/04/1996.

Changes to legislation:

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