



# Children and Young Persons Act 1969

## 1969 CHAPTER 54

### PART I **U.K.**

#### CARE AND OTHER TREATMENT OF JUVENILES THROUGH COURT PROCEEDINGS

*[<sup>F1</sup> Care of children and young persons through juvenile courts]*

#### Textual Amendments

**F1** Ss. 1–3 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

**F2**<sup>1</sup> ..... **E+W**

#### Textual Amendments

**F2** Ss. 1–3 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

**F3**<sup>2</sup> ..... **E+W**

#### Textual Amendments

**F3** Ss. 1–3 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

**F4**<sup>3</sup> ..... **E+W**

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*Changes to legislation: Children and Young Persons Act 1969 is up to date with all changes known to be in force on or before 25 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**

**F4** Ss. 1–3 repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(6)(7), [Sch.15](#), (Sch. 14 paras. 1(1), 27(4)); [S.I. 1991/828](#), [art. 3\(2\)](#)

*Consequential changes in criminal proceedings etc.*

PROSPECTIVE

**F5**4 ..... **E+W**

**Textual Amendments**

**F5** S. 4 repealed (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), ss. 72, 101(2), [Sch 13](#); [S.I. 1992/333](#), [art. 2\(2\)](#), [Sch.2](#)

**5 Restrictions on criminal proceedings for offences by young persons. **E+W****

- F6**(1) .....
- F6**(2) .....
- F6**(3) .....
- F6**(4) .....
- F6**(5) .....
- F6**(6) .....
- F6**(7) .....

(8) It shall be the duty of a person who decides to lay an information in respect of an offence in a case where he has reason to believe that the alleged offender is a young person to give notice of the decision to the appropriate local authority unless he is himself that authority.

(9) In this section—

“the appropriate local authority”, in relation to a young person, means the local authority for the area in which it appears to the informant in question that the young person resides or, if the young person appears to the informant not to reside in the area of a local authority, the local authority in whose area it is alleged that the relevant offence or one of the relevant offences was committed; and

**F7** . . .

and **F7** . . .; but nothing in this section shall be construed as preventing any council or other body from acting by an agent for the purposes of this section.

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**Textual Amendments**

- F6** S. 5(1)-(7) repealed (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), ss. 72, 101(2), [Sch. 13](#); S.I. 1992/333, art. 2(2), [Sch.2](#)
- F7** Definitions in s. 5(9) repealed (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), ss. 72, 101(2), [Sch. 13](#); S.I. 1992/333, art. 2(2), [Sch.2](#)

**6** ..... **F8** **E+W**

**Textual Amendments**

- F8** S. 6 repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154(2), [Sch. 9](#)

**7** **Alterations in treatment of young offenders etc.** **E+W**

- (1) ..... **F9**
- (2) ..... **F10**
- (3) ..... **F11**

(5) An order sending a person to an approved school shall not be made after such day as the Secretary of State may by order specify for the purposes of this subsection.

<sup>X1</sup>(6) Sections 54 and 57 of the Act of 1933 (which among other things enables a child or young person found guilty of an offence to be sent to a remand home or committed to the care of a fit person) shall cease to have effect.

- F12**(7) .....
- F13**(7A) .....
- F14**(7B) .....
- F14**(7C) .....
- F12**(8) .....
- F12**(8A) .....
- F12**(8B) .....
- F12**(9) .....

**Editorial Information**

- X1** The text of s. 7(6) 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.

**Textual Amendments**

- F9** S. 7(1) repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 16](#)
- F10** S. 7(2) repealed by [Powers of Criminal Courts Act 1973 \(c. 62, SIF 39:1\)](#), [Sch. 6](#)
- F11** S. 7(3)(4) repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 16](#)

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- F12** S. 7(7)-(9) repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)
- F13** S. 7(7A) (which was inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 23(b)**) 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)**
- F14** S. 7(7B)(7C) (which were inserted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s.108(4)(6), Sch. 12 para. 21 (with **Sch. 14 para. 1(1)**; S.I. 1991/828, **art. 3(2)**) repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), **Sch. 13**; S.I. 1992/333, art. 2(2), **Sch. 2**

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

- C1** 31.12.1970 specified for purposes of s. 7(5) by S.I. 1970/1499, **art. 2**

<sup>F15</sup>7A ..... **E+W**

**Textual Amendments**

- F15** S. 7A 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)**

<sup>F16</sup>8 ..... **E+W**

**Textual Amendments**

- F16** S. 8 repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 72, 101(2), **Sch. 13**; S.I. 1992/333, art. 2(2), **Sch.2**

**9 Investigations by local authorities. **E+W****

- (1) Where a local authority or a local education authority bring <sup>F17</sup>... proceedings for an offence alleged to have been committed by a young person or are notified that any such proceedings are being brought, it shall be the duty of the authority, unless they are of opinion that it is unnecessary to do so, to make such investigations and provide the court before which the proceedings are heard with such information relating to the home surroundings, school record, health and character of the person in respect of whom the proceedings are brought as appear to the authority likely to assist the court.
- (2) If the court mentioned in subsection (1) of this section requests the authority aforesaid to make investigations and provide information or to make further investigations and provide further information 4 relating to the matters aforesaid, it shall be the duty of the authority to comply with the request.

**Textual Amendments**

- F17** Words in s. 9(1) 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)**

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## 10 Further limitations on publication of particulars of children and young persons etc. **E+W+S**

- <sup>F18</sup>(1) .....
- <sup>F18</sup>(2) .....
- (3) ..... <sup>F19</sup>

### Textual Amendments

- F18** S. 10(1)(2) repealed (3.2.1995) by 1994 c. 33, s. 168(3), **Sch.11**; S.I. 1995/127, art. 2(1), **Sch.1** Appendix C
- F19** S. 10(3) repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154(2), **Sch. 9**

### *Supervision*

- <sup>F20</sup>**11** ..... **E+W**

### Textual Amendments

- F20** S. 11 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

- <sup>F21</sup>**11A** ..... **E+W**

### Textual Amendments

- F21** S. 11A (which was inserted by Children Act 1975 (c. 72, SIF 49:9), **Sch. 3 para. 68**) 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)**

- <sup>F22</sup>**12** ..... **E+W**

### Textual Amendments

- F22** S. 12 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

- <sup>F23</sup>**12A** ..... **E+W**

### Textual Amendments

- F23** S. 12A repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

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F24 **12AA** ..... **E+W**

**Textual Amendments**

**F24** S. 12AA repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2) and subject to amendment (2.4.2001) by 1999 c. 22, s. 24, Sch. 4 paras. 4, 5 (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 3(a)(ii)**

F25 **12B** ..... **E+W**

**Textual Amendments**

**F25** S. 12B repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F26 **12C** ..... **E+W**

**Textual Amendments**

**F26** S. 12C repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F27 **12D** ..... **E+W**

**Textual Amendments**

**F27** S. 12D repealed (30.9.1998) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 18, **Sch.10**; S.I. 1998/2327, **art.2(1)(y)(aa)(2)(h)(3)(k)**

F28 **13** ..... **E+W**

**Textual Amendments**

**F28** S. 13 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F29 **14** ..... **E+W**

**Textual Amendments**

**F29** S. 14 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F30 **14A** ..... **E+W**

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**Textual Amendments**

**F30** S. 14A (which was inserted by [Health and Social Services and Social Security Adjudications Act 1983](#) (c. 41, SIF 113:3), [Sch. 2 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\(2\)](#)

**F31** **15** ..... **E+W**

**Textual Amendments**

**F31** S. 15 repealed (25.8.2000) by [2000 c. 6](#), ss. 165(4), 168(1), [Sch. 12 Pt. I](#) (with Sch. 11 paras. 1, 2)

**F32** **16** ..... **E+W**

**Textual Amendments**

**F32** S. 16 repealed (25.8.2000) by [2000 c. 6](#), ss. 165(4), 168(1), [Sch. 12 Pt. I](#) (with Sch. 11 paras. 1, 2)

**F33** **16A** ..... **E+W**

**Textual Amendments**

**F33** S. 16A repealed (25.8.2000) by [2000 c. 6](#), ss. 165(4), 168(1), [Sch. 12 Pt. I](#) (with Sch. 11 paras. 1, 2)

**F34** **16B** ..... **E+W**

**Textual Amendments**

**F34** S. 16B repealed (25.8.2000) by [2000 c. 6](#), ss. 165(4), 168(1), [Sch. 12 Pt. I](#) (with Sch. 11 paras. 1, 2)

**F35** **17** ..... **E+W**

**Textual Amendments**

**F35** S. 17 repealed (25.8.2000) by [2000 c. 6](#), ss. 165(4), 168(1), [Sch. 12 Pt. I](#) (with Sch. 11 paras. 1, 2)

**F36** **18** ..... **E+W**

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**Textual Amendments**

**F36** S. 18 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2) and subject to amendment (1.4.2001) by 1999 c. 22, s. 90, **Sch. 13 para. 63(a)** (with s. 107, Sch. 14 para 7(2)); S.I. 2001/916, **art. 2(a)(ii)**

<sup>F37</sup> **19** ..... **E+W**

**Textual Amendments**

**F37** S. 19 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2) and subject to amendment (1.4.2001) by 1999 c. 22, s. 90, **Sch. 13 para. 63(b)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**

*Committal to care of local authorities*

<sup>F38</sup> **20** ..... **E+W**

**Textual Amendments**

**F38** Ss. 20–22 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)**

<sup>F39</sup> **20A** ..... **E+W**

**Textual Amendments**

**F39** S. 20A (inserted) by Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 22** 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)**

<sup>F40</sup> **21** ..... **E+W**

**Textual Amendments**

**F40** Ss. 20–22 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)**

<sup>F41</sup> **21A** ..... **E+W**



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**Textual Amendments**

**F41** S. 21A 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\(2\)](#)

<sup>F42</sup>**22** ..... **E+W**

**Textual Amendments**

**F42** Ss. 20–22 repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(6)(7), [Sch. 14 para. 27\(4\)](#), [Sch.15](#), (with Sch. 14 paras. 1(1), 27(4)); [S.I. 1991/828](#), [art. 3\(2\)](#)

<sup>F43</sup>**23** **Remands and committals to local authority accommodation.** **E+W**

- (1) Where—
- (a) a court remands a child or young person charged with or convicted of one or more offences or commits him for trial or sentence; and
  - (b) he is not released on bail,

the remand or committal shall be to local authority accommodation; and in the following provisions of this section [<sup>F44</sup>(except subsection (1A))] , any reference (however expressed) to a remand shall be construed as including a reference to a committal.

<sup>F45</sup>(1A) [ Where a court remands a child or young person in connection with extradition proceedings and he is not released on bail the remand shall be to local authority accommodation.]

- (2) A court remanding a person to local authority accommodation shall designate the local authority who are to receive him; and that authority shall be—
- (a) in the case of a person who is being looked after by a local authority, that authority; and
  - (b) in any other case, the local authority in whose area it appears to the court that he resides or the offence or one of the offences was committed.

(3) Where a person is remanded to local authority accommodation, it shall be lawful for any person acting on behalf of the designated authority to detain him.

(4) [<sup>F46</sup>Subject to subsections (5) [<sup>F47</sup>, (5ZA)] and (5A) below,] a court remanding a person to local authority accommodation may, after consultation with the designated authority, require that authority to comply with a security requirement, that is to say, a requirement that the person in question be placed and kept in secure accommodation.

(5) A court shall not impose a security requirement [<sup>F48</sup>in relation to a person remanded in accordance with subsection (1) above] except in respect of [<sup>F49</sup>a child who has attained the age of twelve, or a young person, who (in either case) is of a prescribed description], and then only if—

- (a) he is charged with or has been convicted of a violent or sexual offence, or an offence punishable in the case of an adult with imprisonment for a term of fourteen years or more; or

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- [<sup>F50</sup>(b) he is charged with or has been convicted of one or more imprisonable offences which, together with any other imprisonable offences of which he has been convicted in any proceedings—
- (i) amount, or
  - (ii) would, if he were convicted of the offences with which he is charged, amount,
- to a recent history of repeatedly committing imprisonable offences while remanded on bail or to local authority accommodation,

and (in either case) the condition set out in subsection (5AA) below is satisfied.]

[<sup>F51</sup>(5ZA) A court shall not impose a security requirement in relation to a person remanded in accordance with subsection (1A) above unless—

- (a) he has attained the age of twelve and is of a prescribed description;
- (b) one or both of the conditions set out in subsection (5ZB) below is satisfied; and
- (c) the condition set out in subsection (5AA) below is satisfied.

(5ZB) The conditions mentioned in subsection (5ZA)(b) above are—

- (a) that the conduct constituting the offence to which the extradition proceedings relate would if committed in the United Kingdom constitute an offence punishable in the case of an adult with imprisonment for a term of fourteen years or more;
- (b) that the person has previously absconded from the extradition proceedings or from proceedings in the United Kingdom or the requesting territory which relate to the conduct constituting the offence to which the extradition proceedings relate.

(5ZC) For the purposes of subsection (5ZB) above a person has absconded from proceedings if in relation to those proceedings—

- (a) he has been released subject to a requirement to surrender to custody at a particular time and he has failed to surrender to custody at that time, or
- (b) he has surrendered into the custody of a court and he has at any time absented himself from the court without its leave.]

[<sup>F52</sup>(5AA) The condition mentioned in [<sup>F53</sup>subsections (5) and (5ZA)] above is that the court is of the opinion, after considering all the options for the remand of the person, that only remanding him to local authority accommodation with a security requirement would be adequate—

- (a) to protect the public from serious harm from him; or
- (b) to prevent the commission by him of imprisonable offences.]

[<sup>F54</sup>(5A) A court shall not impose a security requirement in respect of a child or young person who is not legally represented in the court unless—

[ he was granted a right to representation funded by the Legal Services Commission as part of the Criminal Defence Service but the right was withdrawn because of his conduct [<sup>F56</sup>or because it appeared that his financial resources were such that he was not eligible to be granted such a right] ; ]

[<sup>F57</sup>(aa) he applied for such representation and the application was refused because it appeared that his financial resources were such that he was not eligible to be granted a right to it; or]

- (b) having been informed of his right to apply for [<sup>F58</sup>such representation] and had the opportunity to do so, he refused or failed to apply.]

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- (6) Where a court imposes a security requirement in respect of a person, it shall be its duty—
- (a) to state in open court that it is of such opinion as is mentioned in subsection [F59(5AA)] above; and
  - (b) to explain to him in open court and in ordinary language why it is of that opinion;
- and a magistrates' court shall cause a reason stated by it under paragraph (b) above to be specified in the warrant of commitment and to be entered in the register.
- (7) [F60Subject to section 23AA below,]A court remanding a person to local authority accommodation without imposing a security requirement may, after consultation with the designated authority, require that person to comply with
- [F61(a) any such conditions as could be imposed under section 3(6) of the Bail Act 1976 (c. 63) if he were then being granted bail; and
  - (b) any conditions imposed for the purpose of securing the electronic monitoring of his compliance with any other condition imposed under this subsection.]
- [F62(7A) Where a person is remanded to local authority accommodation and a security requirement is imposed in respect of him—
- (a) the designated local authority may, with the consent of the Secretary of State, arrange for the person to be detained, for the whole or any part of the period of the remand or committal, in a secure training centre; and
  - (b) his detention there pursuant to the arrangements shall be lawful.
- (7B) Arrangements under subsection (7A) above may include provision for payments to be made by the authority to the Secretary of State.]
- (8) Where a court imposes on a person any such conditions as are mentioned in subsection (7) above, it shall be its duty to explain to him in open court and in ordinary language why it is imposing those conditions; and a magistrates' court shall cause a reason stated by it under this subsection to be specified in the warrant of commitment and to be entered in the register.
- (9) A court remanding a person to local authority accommodation without imposing a security requirement may, after consultation with the designated authority, impose on that authority requirements—
- (a) for securing compliance with any conditions imposed on that person under subsection (7) above; or
  - (b) stipulating that he shall not be placed with a named person.
- (10) Where a person is remanded to local authority accommodation, a relevant court—
- (a) may, on the application of the designated authority, impose on that person any such conditions as could be imposed under subsection (7) above if the court were then remanding him to such accommodation; and
  - (b) where it does so, may impose on that authority any requirements for securing compliance with the conditions so imposed.
- (11) Where a person is remanded to local authority accommodation, a relevant court may, on the application of the designated authority or that person, vary or revoke any conditions or requirements imposed under subsection (7), (9) or (10) above.
- (12) In this section—

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[<sup>F63</sup>“children’s home” has the same meaning as in the Care Standards Act 2000;]

“court” and “magistrates’ court” include a justice;

[<sup>F64</sup>“extradition proceedings” means proceedings under the Extradition Act 2003;]

“imprisonable offence” means an offence punishable in the case of an adult with imprisonment;

[<sup>F65</sup>“prescribed description” means a description prescribed by reference to age or sex or both by an order of the Secretary of State;]

[<sup>F66</sup>“relevant court”—

(a) in relation to a person remanded to local authority accommodation under subsection (1) above, means the court by which he was so remanded, or any magistrates’ court having jurisdiction in the place where he is for the time being;

(b) in relation to a person remanded to local authority accommodation under subsection (1A) above, means the court by which he was so remanded.]

[<sup>F64</sup>“requesting territory” means the territory to which a person’s extradition is sought in extradition proceedings;]

“secure accommodation” means accommodation which is provided in a [<sup>F67</sup>children’s home in respect of which a person is registered under Part II of the Care Standards Act 2000] for the purpose of restricting liberty, and is approved for that purpose by the Secretary of State;

[<sup>F68</sup>“sexual offence” means an offence specified in Part 2 of Schedule 15 to the Criminal Justice Act 2003;

“violent offence” means murder or an offence specified in Part 1 of Schedule 15 to the Criminal Justice Act 2003;]

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

[<sup>F69</sup>but, for the purposes of the definition of “secure accommodation”, “local authority accommodation” includes any accommodation falling within section 61(2) of the <sup>M1</sup>Criminal Justice Act 1991 [<sup>F70</sup>or the National Assembly for Wales].]

(13) In this section—

(a) any reference to a person who is being looked after by a local authority shall be construed in accordance with section 22 of the Children Act 1989;

(b) any reference to consultation shall be construed as a reference to such consultation (if any) as is reasonably practicable in all the circumstances of the case; and

(c) any reference, in relation to a person charged with or convicted of a violent or sexual offence, to protecting the public from serious harm from him shall be construed as a reference to protecting members of the public from death or serious personal injury, whether physical or psychological, occasioned by further such offences committed by him.

(14) This section has effect subject to—

<sup>F71</sup>(a) .....

(b) section 128(7) of that Act (remands to the custody of a constable for periods of not more than three days),

but section 128(7) shall have effect in relation to a child or young person as if for the reference to three clear days there were substituted a reference to twenty-four hours.

*Status: Point in time view as at 01/04/2010. This version of this Act contains provisions that are prospective.*

*Changes to legislation: Children and Young Persons Act 1969 is up to date with all changes known to be in force on or before 25 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

- F43** S. 23 substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53\), s. 60\(1\)](#) (subject to transitional provisions and savings in [ss. 62, 101\(1\)](#), [Sch. 12 para. 15](#)); [S.I. 1992/333, art. 2\(5\)](#), [Sch. 3](#)
- F44** Words in s. 23(1) inserted (1.1.2004) by [Extradition Act 2003 \(c. 41\), ss. 201\(2\), 221](#); [S.I. 2003/3103, art. 2](#) (with [arts. 34](#)) (as amended (18.12.2003) by [S.I. 2003/3312, art. 2](#))
- F45** S. 23(1A) inserted (1.1.2004) by [Extradition Act 2003 \(c. 41\), ss. 201\(3\), 221](#); [S.I. 2003/3103, art. 2](#) (with [arts. 34](#)) (as amended (18.12.2003) by [S.I. 2003/3312, art. 2](#))
- F46** Words in s. 23(4) substituted (30.9.1998 for certain purposes and otherwise 1.6.1999) by [1998 c. 37, s. 97\(1\)](#); [S.I. 1998/2327, art. 2\(1\)\(t\)](#); [S.I. 1999/1279, art. 2\(g\)\(i\)](#)
- F47** Word in s. 23(4) inserted (1.1.2004) by [Extradition Act 2003 \(c. 41\), ss. 201\(4\), 221](#); [S.I. 2003/3103, art. 2](#) (with [arts. 34](#)) (as amended (18.12.2003) by [S.I. 2003/3312, art. 2](#))
- F48** Words in s. 23(5) inserted (1.1.2004) by [Extradition Act 2003 \(c. 41\), ss. 201\(5\), 221](#); [S.I. 2003/3103, art. 2](#) (with [arts. 34](#)) (as amended (18.12.2003) by [S.I. 2003/3312, art. 2](#))
- F49** Words in s. 23(5) substituted (30.9.1998 for certain purposes and otherwise 1.6.1999) by [1998 c. 37, s. 97\(2\)](#); [S.I. 1998/2327, art. 2\(1\)\(t\)](#); [S.I. 1999/1279, art. 2\(g\)\(i\)](#)
- F50** Words in s. 23(5)(b) substituted (22.4.2002 for certain purposes and 16.9.2006 otherwise) by [Criminal Justice and Police Act 2001 \(c. 16\), s. 130](#); [S.I. 2002/1097, art. 2, Sch.](#)
- F51** S. 23(5ZA)-(5ZC) inserted (1.1.2004) by [Extradition Act 2003 \(c. 41\), ss. 201\(6\), 221](#); [S.I. 2003/3103, art. 2](#) (with [arts. 34](#)) (as amended (18.12.2003) by [S.I. 2003/3312, art. 2](#))
- F52** S. 23(5AA) inserted (22.4.2002 for certain purposes and 16.9.2002 otherwise) by [Criminal Justice and Police Act 2001 \(c. 16\), s. 130](#); [S.I. 2002/1097, art. 2, Sch.](#)
- F53** Words in s. 23(5AA) substituted (1.1.2004) by [Extradition Act 2003 \(c. 41\), ss. 201\(7\), 221](#); [S.I. 2003/3103, art. 2](#) (with [arts. 34](#)) (as amended (18.12.2003) by [S.I. 2003/3312, art. 2](#))
- F54** S. 23(5A) inserted (30.9.1998 for certain purposes and otherwise 1.6.1999) by [1998 c. 37, s. 97\(3\)](#); [S.I. 1998/2327, art. 2\(1\)\(t\)](#); [S.I. 1999/1279, art. 2\(g\)\(i\)](#)
- F55** S. 23(5A)(a) substituted (2.4.2001) by [1999 c. 22, s. 24, Sch. 4 paras. 4, 6\(a\)](#) (with [s. 107, Sch. 14 para. 7\(2\)](#)); [S.I. 2001/916, art. 3\(a\)\(ii\)](#) (with [Sch. 2 para. 2](#))
- F56** Words in s. 23(5A) inserted (2.10.2006) by [Criminal Defence Service Act 2006 \(c. 9\), s. 4\(2\)\(a\)\(3\)\(a\)5\(2\)](#); [S.I. 2006/2491, art. 2](#)
- F57** S. 23(5A)(aa) substituted for word (2.10.2006) by [Criminal Defence Service Act 2006 \(c. 9\), s. 4\(2\)\(a\)\(3\)\(b\)5\(2\)](#); [S.I. 2006/2491, art. 2](#)
- F58** Words in s. 23(5A)(b) substituted (2.4.2001) by [1999 c. 22, s. 24, Sch. 4 paras. 4, 6\(b\)](#) (with [s. 107, Sch. 14 para. 7\(2\)](#)); [S.I. 2001/916, art. 3\(a\)\(ii\)](#) (with [Sch. 2 para. 2](#))
- F59** Words in s. 23(6)(a) substituted (22.4.2002 for certain purposes and 16.9.2002 otherwise) by [Criminal Justice and Police Act 2001 \(c.16\), s. 130\(4\)](#); [S.I. 2002/1097, art. 2, Sch.](#)
- F60** Words in s. 23(7) inserted (1.3.2002) by [Criminal Justice and Police Act 2001 \(c.16\), s. 132\(1\)\(a\)](#); [S.I. 2002/344, art.2](#) (with transitional provisions in [art. 4](#))
- F61** Words in s. 23(7) substituted (1.3.2002) by [Criminal Justice and Police Act 2001 \(c.16\), s. 132\(1\)\(b\)](#); [S.I. 2002/344, art. 2](#) (with transitional provisions in [art. 4](#))
- F62** S. 23(7A)(7B) inserted (1.12.2001) by [2001 c. 16, s. 133\(1\)](#); [S.I. 2001/3736, art. 2\(d\)](#)
- F63** Words in s. 23(12) inserted (1.4.2002) by [Care Standards Act 2000 \(c. 14\), s. 116, Sch. 4 para. 3](#); [S.I. 2001/4150, art. 3\(3\)\(a\)](#); [S.I. 2002/920, {art. 3\(3\)\(d\)}](#) (subject to [Schs. 1-3](#))
- F64** Words in s. 23(12) inserted (1.1.2004) by [Extradition Act 2003 \(c. 41\), ss. 201\(9\), 221](#); [S.I. 2003/3103, art. 2](#) (with [arts. 34](#)) (as amended (18.12.2003) by [S.I. 2003/3312, art. 2](#))
- F65** Definition in s. 23(12) inserted (30.9.1998 for certain purposes and otherwise 1.6.1999) by [1998 c. 37, s. 97\(4\)](#); [S.I. 1998/2327, art. 2\(1\)\(t\)](#); [S.I. 1999/1279, art. 2\(g\)\(i\)](#)
- F66** Words in s. 23(12) substituted (1.1.2004) by [Extradition Act 2003 \(c. 41\), ss. 201\(8\), 221](#); [S.I. 2003/3103, art. 2](#) (with [arts. 34](#)) (as amended (18.12.2003) by [S.I. 2003/3312, art. 2](#))
- F67** Words in s. 23(12) substituted (1.4.2002) by [Care Standards Act 2000 \(c. 14\), s. 116, Sch. 4 para. 3](#); [S.I. 2001/4150, art. 3\(3\)\(a\)](#); [S.I. 2002/920, art. 3\(3\)\(d\)](#) (subject to [Schs. 1-3](#))

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- F68** Words in s. 23(12) substituted (4.4.2005) by **Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 32 para. 15**; S.I. 2005/950, art. 2(1), Sch. 1 para. 42(9) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))
- F69** Words in the definition of "secure accommodation" in s. 23(12) inserted (30.5.1995) by 1994 c. 33, s. 19(1); S.I. 1995/1378, art. 2  
 Words at the end of s. 23(12) inserted (30.5.1995) by 1994 c. 33, s. 19(1); S.I. 1995/1378, art. 2
- F70** Words in s. 23(12) inserted (1.4.2002) by **Care Standards Act 2000 (c. 14), s. 116, Sch. 4 para. 3**; S.I. 2001/4150, art. 3(3)(a); S.I. 2002/920, art. 3(3)(d) (subject to arts. 1-3)
- F71** S. 23(14)(a) repealed (30.9.1998) by 1998 c. 37, s. 120(2), **Sch. 10**; S.I. 1998/2327, art. 2(1)(aa)(3) (k).

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

- C2** S. 23 modified (1.6.1999) by 1998 c. 37, s. 98; S.I. 1999/1279, art. 2(g)(i) (and, as so modified, amended (2.4.2001) by 1999 c. 22, s. 24, Sch. 4 paras. 4, 7; S.I. 2001/916, art. 3(a)(ii) (with Sch. 2 para. 2) and (1.4.2001 in respect of Sch. 7 Pt. I and otherwise *prosp.*) by 2000 c. 43, ss. 74, 75, Sch. 7 Pt. I para. 4(1)(2), Pt. II para. 39, **Sch. 8**); S.I. 2001/919, art. 2(f)(i) and (2.10.2006) by 2006 c. 9, ss. 4(2)(b)(3), 5(2); S.I. 2006/2491, art. 2

#### Marginal Citations

- M1** 1991 c. 53.

### [<sup>F72</sup>23A Liability to arrest for breaking conditions of remand. **E+W**

- (1) A person who has been remanded or committed to local authority accommodation and in respect of whom conditions under subsection (7) or (10) of section 23 of this Act have been imposed may be arrested without warrant by a constable if the constable has reasonable grounds for suspecting that that person has broken any of those conditions.
- (2) A person arrested under subsection (1) above—
  - (a) shall, except where he was arrested within 24 hours of the time appointed for him to appear before the court in pursuance of the remand or committal, be brought as soon as practicable and in any event within 24 hours after his arrest before a justice of the peace<sup>F73</sup> ...; and
  - (b) in the said excepted case shall be brought before the court before which he was to have appeared.

In reckoning for the purposes of this subsection any period of 24 hours, no account shall be taken of Christmas Day, Good Friday or any Sunday.
- (3) A justice of the peace before whom a person is brought under subsection (2) above—
  - (a) if of the opinion that that person has broken any condition imposed on him under subsection (7) or (10) of section 23 of this Act shall remand him; and that section shall apply as if he was then charged with or convicted of the offence for which he had been remanded or committed;
  - (b) if not of that opinion shall remand him to the place to which he had been remanded or committed at the time of his arrest subject to the same conditions as those which had been imposed on him at that time.]

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#### Textual Amendments

- F72** S. 23A inserted (3.2.1995) by 1994 c. 33, s.23; S.I. 1995/127, art. 2(1), **Sch.1** (with transitional savings in art. 2(2), **Sch.2** para. 1)
- F73** Words in s. 23A(2)(a) repealed (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8** para. 136, **Sch. 10**; S.I. 2005/910, art. 3(y)

#### [<sup>F74</sup>**23B** Report by local authority in certain cases where person remanded on bail **E**

**+W**

- (1) Subsection (2) below applies where a court remands a person aged 10 or 11 on bail and either—
  - (a) the person is charged with or has been convicted of a serious offence, or
  - (b) in the opinion of the court the person is a persistent offender.
- (2) The court may order a local authority to make an oral or written report specifying where the person is likely to be placed or maintained if he is further remanded to local authority accommodation.
- (3) An order under subsection (2) above must designate the local authority which is to make the report; and that authority must be the local authority which the court would have designated under section 23(2) of this Act if the person had been remanded to local authority accommodation.
- (4) An order under subsection (2) above must specify the period within which the local authority must comply with the order.
- (5) The maximum period that may be so specified is seven working days.
- (6) If the Secretary of State by order so provides, subsection (2) above also applies where—
  - (a) a court remands on bail any person who has attained the age of 12 and is under the age of 17,
  - (b) the requirement in section 23AA(3) of this Act is fulfilled, and
  - (c) in a case where he is remanded after conviction, the court is satisfied that the behaviour which constituted the offence was due, to a significant extent, to the circumstances in which the offender was living.
- (7) In this section—

“serious offence” means an offence punishable in the case of an adult with imprisonment for a term of two years or more.

“working day” means any day other than—
  - (a) a Saturday or a Sunday,
  - (b) Christmas day or Good Friday, or
  - (c) a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971.]

#### Textual Amendments

- F74** S. 23B inserted (31.7.2004) by Anti-social Behaviour Act 2003 (c. 38), ss. 90, 93; S.I. 2004/1502, art. 3

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**[<sup>F75</sup>23AA Electronic monitoring of conditions of remand E+W**

- (1) A court shall not impose a condition on a person under section 23(7)(b) above (an “electronic monitoring condition”) unless each of the following requirements is fulfilled.
- (2) The first requirement is that the person has attained the age of twelve years.
- (3) The second requirement is that—
  - (a) the person is charged with or has been convicted of a violent or sexual offence, or an offence punishable in the case of an adult with imprisonment for a term of fourteen years or more; or
  - (b) he is charged with or has been convicted of one or more imprisonable offences which, together with any other imprisonable offences of which he has been convicted in any proceedings—
    - (i) amount, or
    - (ii) would, if he were convicted of the offences with which he is charged, amount,
 

to a recent history of repeatedly committing imprisonable offences while remanded on bail or to local authority accommodation.
- (4) The third requirement is that the court—
  - <sup>F76</sup>(a) .....
  - (b) is satisfied that the necessary provision can be made under [<sup>F77</sup>arrangements currently available in each local justice area which is a relevant area] .
- (5) The fourth requirement is that a youth offending team has informed the court that in its opinion the imposition of such a condition will be suitable in the person’s case.
- (6) Where a court imposes an electronic monitoring condition, the condition shall include provision for making a person responsible for the monitoring; and a person who is made so responsible shall be of a description specified in an order made by the Secretary of State.
- (7) The Secretary of State may make rules for regulating—
  - (a) the electronic monitoring of compliance with conditions imposed under section 23(7)(a) above; and
  - (b) without prejudice to the generality of paragraph (a) above, the functions of persons made responsible for securing the electronic monitoring of compliance with such conditions.
- (8) [<sup>F78</sup>Subsections (4) to (7) of section 3AC] of the Bail Act 1976 (c. 63) (provision about rules and orders under that section) shall apply in relation to this section as they apply in relation to that section.
- (9) For the purposes of this section a [<sup>F79</sup>local justice area] is a relevant area in relation to a proposed electronic monitoring condition if the court considers that it will not be practicable to secure the electronic monitoring in question unless electronic monitoring arrangements are available in that area.]

**Textual Amendments**

**F75** S. 23AA inserted (1.3.2002) by [Criminal Justice and Police Act 2001 \(c. 16\)](#), s. 132(b); [S.I. 2002/344](#), [art. 2](#) (with transitional provisions in [art. 4](#))



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**Changes to legislation:** Children and Young Persons Act 1969 is up to date with all changes known to be in force on or before 25 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)

- F76** S. 23AA(4)(a) repealed (3.11.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 26 para. 5(2)(a), **Sch. 28 Pt. 4**; S.I. 2008/2712, art. 2, Sch. paras. 18(a), 19(3)(a)
- F77** Words in s. 23AA(4)(b) substituted (3.11.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 26 para. 5(2)(b)**; S.I. 2008/2712, art. 2, Sch. para. 18(a)
- F78** Words in s. 23AA(8) substituted (3.11.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 26 para. 5(3)**; S.I. 2008/2712, art. 2, Sch. para. 18(a)
- F79** Words in s. 23AA(9) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 135**; S.I. 2005/910, art. 3(y)

**24** ..... <sup>F80</sup> **E+W**

**Textual Amendments**

- F80** Ss. 24, 27 repealed by Child Care Act 1980 (c. 5), SIF 20), s. 89, Sch. 6

*Transfer*

<sup>F81</sup>**25** **Transfers between England or Wales and Northern Ireland.** **E+W**

**Extent Information**

- E1** This version of this provision extends to E.W. only; a separate version has been created for N.I. only

**Textual Amendments**

- F81** S. 25 repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 4 para. 15, **Sch. 28 Pt. 1** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)(u)

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

- C3** Ss. 25, 26: power to amend conferred (14.10.1991) by Children Act 1989 (c. 41, SIF 20), **s. 101(5)(a)**, (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**

<sup>F81</sup>**25** **Transfers between England or Wales and Northern Ireland.** **N.I.**

**Extent Information**

- E4** This version of this provision extends to N.I. only; a separate version has been created for E.W. only

**Textual Amendments**

- F81** S. 25 repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 4 para. 15, **Sch. 28 Pt. 1** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)(u)

*Status: Point in time view as at 01/04/2010. This version of this Act contains provisions that are prospective.*

*Changes to legislation: Children and Young Persons Act 1969 is up to date with all changes known to be in force on or before 25 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)*

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

- C9** Ss. 25, 26: power to amend conferred (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), **s. 101(5)(a)**, (with Sch. 14 para. 1(1)); [S.I. 1991/828](#), **art. 3(2)**

**26 Transfers between England or Wales and the Channel Islands or Isle of Man. U.K.**

- (1) The Secretary of State may by order designate for the purposes of this section an order of any description which—
- (a) a court in the Isle of Man or any of the Channel Islands is authorised to make by the law for the time being in force in that country; and
  - (b) provides for the committal to the care of a public authority of a person who has not attained the age of eighteen; and
  - (c) appears to the Secretary of State to be of the same nature as a care order other than an interim order [<sup>F82</sup> or as a [<sup>F83</sup> youth rehabilitation order imposing a local authority residence requirement]] ;

and in this section “relevant order” means an order of a description for the time being so designated and “the relevant authority”, in relation to a relevant order, means the authority in the Isle of Man or any of the Channel Islands to whose care the person to whom the order relates is, under the law of that country, committed by the order [<sup>F84</sup> and “care order” means an order made under section 31 of the Children Act 1989].

- (2) The Secretary of State may authorise a local authority to receive into their care any person named in the authorisation who is the subject of a relevant order; and while such an authorisation is in force in respect of any person he shall, subject to the following subsection [<sup>F85</sup> be deemed to be the subject of a care order placing the child in the care of a named local authority or, where the relevant order was made as a criminal disposal in criminal proceedings, a [<sup>F86</sup> youth rehabilitation order imposing a local authority residence requirement] with a requirement that the child be accommodated by a designated local authority].
- (4) An authorisation given to a local authority under this section shall cease to have effect when—
- (a) the local authority is informed by the Secretary of State that he has revoked it; or
  - (b) the relevant order to which the authorisation relates ceases to have effect by the effluxion of time under the law of the place where the order was made or the local authority is informed by the relevant authority that the order has been discharged under that law; or
  - (c) the person to whom the relevant order relates is again received into the care of the relevant authority;

and if a local authority having by virtue of this section the care of a person to whom a relevant order relates is requested by the relevant authority to make arrangements for him to be received again into the care of the relevant authority, it shall be the duty of the local authority to comply with the request.

**Extent Information**

- E2** S. 26 extends to England, Wales, the Channel Islands and the Isle of Man only

*Status: Point in time view as at 01/04/2010. This version of this Act contains provisions that are prospective.*

*Changes to legislation: Children and Young Persons Act 1969 is up to date with all changes known to be in force on or before 25 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**

- F82** Words in s. 26(1)(c) inserted (14.10.1991) by S.I. 1991/2032, **reg. 8(2)(a)**.
- F83** Words in s. 26(1)(c) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 16(2)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)
- F84** Words in s. 26(1) inserted (14.10.1991) by S.I. 1991/2032, **reg. 8(2)(a)**.
- F85** Words in s. 26(2) substituted (14.10.1991) for words to the end of subsection (3) by S.I. 1991/2032, **reg. 8(2)(b)**.
- F86** Words in s. 26(2) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 16(3)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)

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

- C4** Ss. 25, 26: power to amend conferred (14.10.1991) by Children Act 1989 (c. 41, SIF 20), **s. 101(5)(a)**, (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**

27 ..... <sup>F87</sup> **E+W**

**Textual Amendments**

- F87** Ss. 24, 27 repealed by Child Care Act 1980 (c. 5), SIF 20), s. 89, Sch. 6 (s. 27(4) expressed to be 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), 36(3)(a)); S.I. 1991/828, **art. 3(2)**)

*Detention*

<sup>F88</sup>28 ..... **E+W**

**Textual Amendments**

- F88** S. 28 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)(6)); S.I. 1991/828, **art. 3(2)**

[<sup>F89</sup>29 **Recognisance on release of arrested child or young person.** **E+W**

[ A child or young person arrested in pursuance of a warrant shall not be released <sup>F90</sup>(1)] unless. . . <sup>F91</sup>his parent or guardian (with or without sureties) enters into a recognisance for such amount as the custody officer at the police station where he is detained considers will secure his attendance at the hearing of the charge; and the recognisance entered into in pursuance of this section may, if the custody officer thinks fit, be conditioned for the attendance of the parent or guardian at the hearing in addition to the child or young person.

<sup>F92</sup>[(2) In this section “young person” means a person who has attained the age of fourteen and is under the age of seventeen years.]

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**Textual Amendments**

- F89** S. 29 substituted by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 121(1), **Sch. 6 para. 19(b)**
- F90** S. 29 renumbered as subsection (1) (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), ss. 68, 101(1), **Sch. 8, para. 4(1)**, **Sch. 12, para. 22(1)**; S.I. 1992/333, art. 2(2), **Sch.2**
- F91** Words repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170, **Sch. 15 para. 36**, **Sch. 16**
- F92** S. 29(2) inserted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), ss. 68, 101(1), **Sch. 8, para. 4(1)**, **Sch. 12, para. 22(1)**; S.I. 1992/333, art. 2(2), **Sch.2**

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

- C5** S. 29 excluded by [Prevention of Terrorism \(Temporary Provisions\) Act 1984 \(c. 8, SIF 39:2\)](#), **s. 12(6)**

**30 Detention of young offenders in community homes. E+W**

- (1) The power to give directions under [<sup>F93</sup>section 92 of the Powers of Criminal Courts (Sentencing) Act 2000] (under which young offenders convicted on indictment of certain grave crimes may be detained in accordance with directions given by the Secretary of State) shall include power to direct detention by a local authority specified in the directions in a home so specified which is a community home provided by the authority or a controlled community home for the management, equipment and maintenance of which the authority are responsible; but a person shall not be liable to be detained in the manner provided by this section after he attains the age of nineteen.
- (2) It shall be duty of a local authority specified in directions given in pursuance of this section to detain the person to whom the directions relate in the home specified in the directions subject to and in accordance with such instructions relating to him as the Secretary of State may give to the authority from time to time; and the authority shall be entitled to recover from the Secretary of State any expenses reasonably incurred by them in discharging that duty.

**Textual Amendments**

- F93** Words in s. 30(1) substituted (25.8.2000) by [2000 c. 6, ss. 165\(1\), 168\(1\)](#), **Sch. 9 para. 40**

**31** ..... <sup>F94</sup> E+W

**Textual Amendments**

- F94** S. 31 repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **Sch. 16**

**32 Detention of absentees. E+W**

- (1) If any of the following persons, that is to say—
  - (a) ..... <sup>F95</sup>
  - (b) ..... <sup>F96</sup>
  - (c) ..... <sup>F97</sup>

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- (d) a person sent to a remand home, special reception centre or training school or committed to the care of a fit person under the <sup>M2</sup>Children and Young Persons Act (Northern Ireland) 1968 [<sup>F98</sup>(but not deemed by virtue of Schedule 8 to the Children (Northern Ireland) Order 1995 to be the subject of a care order within the meaning of that Order)],

is absent from premises at which he is required by. . . <sup>F99</sup> the relevant Northern Ireland authority to live, or as the case may be is absent from the home, remand home, special reception centre or training school, at a time when he is not permitted by. . . <sup>F99</sup> the relevant Northern Ireland authority to be absent from it, he may be arrested by a constable anywhere in the United Kingdom or the Channel Islands without a warrant and shall if so arrested be conducted, at the expense of the authority. . . <sup>F99</sup> to the premises or other place aforesaid or such other premises as the authority. . . <sup>F99</sup> may direct.

[<sup>F100</sup>(1A) If a child or young person is absent, without the consent of the responsible person—

- (a) from a place of safety to which he has been taken under [<sup>F101</sup>paragraph 4(1)(a) of Schedule 1 or paragraph 6(4)(a) of Schedule 8 to the Powers of Criminal Courts (Sentencing) Act 2000 or][<sup>F102</sup>paragraph 21(2) of Schedule 2 to the Criminal Justice and Immigration Act 2008] ; or

[<sup>F103</sup>(aa) from a place of safety to which he has been taken under paragraph 9(3) of the Schedule to the Street Offences Act 1959; or]

[<sup>F104</sup>(b) from local authority accommodation—

- (i) in which he is required to live by virtue of a youth rehabilitation order imposing a local authority residence requirement (within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008); or

- (ii) to which he has been remanded under [<sup>F105</sup>paragraph 4 of Schedule 1 or paragraph 6 of Schedule 8 to the Powers of Criminal Courts (Sentencing) Act 2000 or] paragraph 21 of Schedule 2 to that Act; or

[<sup>F106</sup>(ia) to which he has been remanded under paragraph 10 of the Schedule to the Street Offences Act 1959; or]

- (iii) to which he has been remanded or committed under section 23(1) of this Act,]

(1B) A person so arrested shall be conducted to—

- (a) the place of safety;  
(b) the local authority accommodation; or  
(c) such other place as the responsible person may direct, at the responsible person's expense.

[<sup>F107</sup>(1C) In this section “the responsible person” means, as the case may be—

- (a) the person who made the arrangements under [<sup>F108</sup>paragraph 4(1)(a) of Schedule 1 or paragraph 6(4)(a) of Schedule 8 to the Powers of Criminal Courts (Sentencing) Act 2000 or] paragraph 21(2) of Schedule 2 to the Criminal Justice and Immigration Act 2008;

[<sup>F109</sup>(aa) the person who made the arrangements under paragraph 9(3) of the Schedule to the Street Offences Act 1959;]

- (b) the authority specified under paragraph 17(5) of Schedule 1 to [<sup>F110</sup>the Criminal Justice and Immigration Act 2008] ;

- (c) the authority designated under [<sup>F111</sup>paragraph 4(6) of Schedule 1 or paragraph 6(8) of Schedule 8 to the Powers of Criminal Courts (Sentencing) Act 2000 or] paragraph 21(10) of Schedule 2 to that Act; <sup>F112</sup>...

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- [<sup>F113</sup>(ca) the authority designated under paragraph 10(5) of the Schedule to the Street Offences Act 1959; or]
- (d) the authority designated under section 23 of this Act.]
- [ If a child or young person—
- <sup>F114</sup>(1D) (a) is required to reside with a local authority foster parent by virtue of a youth rehabilitation order with fostering, and
- (b) is absent, without the consent of the responsible officer (within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008), from the place in which he is required to reside,
- he may be arrested by a constable anywhere in the United Kingdom without a warrant.
- (1E) A person so arrested shall be conducted to—
- (a) the place where he is required to reside, or
- (b) such other place as the local authority specified under paragraph 18(3) of Schedule 1 to the Criminal Justice and Immigration Act 2008 may direct, at that local authority's expense.]
- (2) If a magistrates' court is satisfied by information on oath that there are reasonable grounds for believing that a person specified in the information can produce a person who is absent as mentioned in subsection (1) [<sup>F115</sup>, (1A) or (1D)] of this section, the court may issue a summons directed to the person so specified and requiring him to attend and produce the absent person before the court; and a person who without reasonable excuse fails to comply with any such requirement shall, without prejudice to any liability apart from this subsection, be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding [<sup>F116</sup>level 3 on the standard scale].
- In the application of this subsection to Northern Ireland, “magistrates court” means a magistrates’ court within the meaning of the <sup>M3</sup>[<sup>F117</sup>Magistrates’ Courts (Northern Ireland) Order 1981].
- [ Without prejudice to its powers under subsection (2) of this section, a magistrates’
- <sup>F118</sup>(2A) court (within the meaning of that subsection) may, if it is satisfied by information on oath that there are reasonable grounds for believing that a person who is absent as [<sup>F119</sup>mentioned in subsection (1), [<sup>F120</sup>(1A)(a), (aa) or (b)(i), (ii) or (iia)] or (1D) of this section is in premises] specified in the information, issue a search warrant authorising a constable to search the premises for that person.
- (2B) A court shall not issue a summons or search warrant under subsection (2) or (2A) of this section in any case where the person who is absent is a person to whom subsection (1A) [<sup>F121</sup>or (1D)] of this section applies, unless the information referred to in the said subsection (2) or (2A) is given by the [<sup>F122</sup>responsible person][<sup>F123</sup>or the responsible officer, as the case may be.]]
- (3) A person who knowingly compels, persuades, incites or assists another person to become or continue to be absent as mentioned in subsection (1) [<sup>F124</sup>, (1A) or (1D)] of this section shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or a fine of an amount not exceeding [<sup>F125</sup>level 5 on the standard scale] or both.
- (4) The reference to a constable in [<sup>F126</sup>subsections (1),(1A) [<sup>F127</sup>, (1D)] and (2A)] of this section includes a reference to a person who is a constable under the law of any part of the United Kingdom, to a member of the police in Jersey and to an officer of

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police within the meaning of section 43 of the Larceny (Guernsey) Law 1958 or any corresponding law for the time being in force, and in [F126 subsection (1)] “the relevant Northern Ireland authority” means in the case of a person committed to the care of a fit person, the fit person, and in the case of a person sent to a remand home, special reception centre or training school, the person in charge of that home or centre or the managers of that school.

- (5) Nothing in this section authorises the arrest in Northern Ireland of, or the taking there of any proceedings in respect of, such a person as is mentioned in paragraph (d) of subsection (1) of this section.]

### Extent Information

- E3** This version of this provision extends to England and Wales only; a separate version has been created for Scotland and Northern Ireland only

### Textual Amendments

- F95** S. 32(1)(a) repealed by **Child Care Act 1980 (c. 5, SIF 20)**, ss. 89, 90(1), **Sch. 6**
- F96** S. 32(1)(b) repealed by **Children Act 1975 (c. 72, SIF 49:9, 10)**, s. **68(1)(2)**
- F97** S. 32(1)(c) repealed by **Child Care Act 1980 (c. 5, SIF 20)**, ss. 89, 90(1), **Sch. 6**
- F98** Words in s. 32(1)(d) inserted (4.11.1996) by **S.I. 1995/756, art. 7(4)**; **S.R. (N.I.) 1996/297**, art. 3
- F99** Words repealed by **Child Care Act 1980 (c. 5, SIF 20)**, ss. **89**, 90(1) **Sch. 6**
- F100** S. 32(1A)–(1C) substituted (14.10.1991) for subsection (1A) (which was inserted by **Children Act 1975 (c. 72, SIF 49:9, 10)** s. 68(1)(3) ) by **Children Act 1989 (c. 41, SIF 20)**, s. 108(4)(6), **Sch. 12 para. 27(1)**, (with **Sch. 14 paras. 1(1), 30**); **S.I. 1991/828, art. 3(2)**
- F101** Words in s. 32(1A)(a) inserted (30.11.2009) by **Criminal Justice and Immigration Act 2008 (c. 4)**, s. 153(7), **Sch. 4 para. 101(2)(a)** (with **Sch. 27 paras. 1, 5**); **S.I. 2009/3074, art. 2(p)(xv)**
- F102** Words in s. 32(1A)(a) substituted (30.11.2009) by **Criminal Justice and Immigration Act 2008 (c. 4)**, s. 153(7), **Sch. 4 para. 17(2)(a)** (with **Sch. 27 paras. 1, 5**); **S.I. 2009/3074, art. 2(p)(iii)**
- F103** S. 32(1A)(aa) inserted (1.4.2010) by **Policing and Crime Act 2009 (c. 26)**, s. 116(1), **Sch. 7 para. 18(2)(a)**; **S.I. 2010/507, art. 5(v)**
- F104** S. 32(1A)(b) substituted (30.11.2009) by **Criminal Justice and Immigration Act 2008 (c. 4)**, s. 153(7), **Sch. 4 para. 17(2)(b)** (with **Sch. 27 paras. 1, 5**); **S.I. 2009/3074, art. 2(p)(iii)**
- F105** Words in s. 32(1A)(b)(ii) inserted (30.11.2009) by **Criminal Justice and Immigration Act 2008 (c. 4)**, s. 153(7), **Sch. 4 para. 101(2)(b)** (with **Sch. 27 paras. 1, 5**); **S.I. 2009/3074, art. 2(p)(xv)**
- F106** S. 32(1A)(b)(ia) inserted (1.4.2010) by **Policing and Crime Act 2009 (c. 26)**, s. 116(1), **Sch. 7 para. 18(2)(b)**; **S.I. 2010/507, art. 5(v)**
- F107** S. 32(1C) substituted (30.11.2009) by **Criminal Justice and Immigration Act 2008 (c. 4)**, s. 153(7), **Sch. 4 para. 17(3)** (with **Sch. 27 paras. 1, 5**); **S.I. 2009/3074, art. 2(p)(iii)**
- F108** Words in s. 32(1C)(a) inserted (30.11.2009) by **Criminal Justice and Immigration Act 2008 (c. 4)**, s. 153(7), **Sch. 4 para. 101(3)(a)** (with **Sch. 27 paras. 1, 5**); **S.I. 2009/3074, art. 2(p)(xv)**
- F109** S. 32(1C)(aa) inserted (1.4.2010) by **Policing and Crime Act 2009 (c. 26)**, s. 116(1), **Sch. 7 para. 18(3)(a)**; **S.I. 2010/507, art. 5(v)**
- F110** Words in s. 32(1C)(b) substituted (1.4.2010) by **Policing and Crime Act 2009 (c. 26)**, s. 116(1), **Sch. 7 para. 18(3)(b)**; **S.I. 2010/507, art. 5(v)**
- F111** Words in s. 32(1C)(c) inserted (30.11.2009) by **Criminal Justice and Immigration Act 2008 (c. 4)**, s. 153(7), **Sch. 4 para. 101(3)(b)** (with **Sch. 27 paras. 1, 5**); **S.I. 2009/3074, art. 2(p)(xv)**
- F112** Word in s. 32(1C)(c) repealed (1.4.2010) by **Policing and Crime Act 2009 (c. 26)**, s. 116(1), **Sch. 7 para. 18(3)(c)**, **Sch. 8 Pt. 2**; **S.I. 2010/507, art. 5(v)(x)**
- F113** S. 32(1C)(ca) inserted (1.4.2010) by **Policing and Crime Act 2009 (c. 26)**, s. 116(1), **Sch. 7 para. 18(3)(c)**; **S.I. 2010/507, art. 5(v)**
- F114** S. 32(1D)(1E) inserted (30.11.2009) by **Criminal Justice and Immigration Act 2008 (c. 4)**, s. 153(7), **Sch. 4 para. 17(4)** (with **Sch. 27 paras. 1, 5**); **S.I. 2009/3074, art. 2(p)(iii)**

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- F115** Words in s. 32(2) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 17(5)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)
- F116** Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38, 46** and S.I. 1984/703 (N.I. 3), **art. 6**
- F117** Words substituted by S.I. 1981/1675 (N.I. 26), **Sch. 6 para. 17**
- F118** S. 32(2A)(2B) inserted by Children Act 1975 (c. 72, SIF 49:9, 10), **s. 68(1)(5)**
- F119** Words in s. 32(2A) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 17(6)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)
- F120** Words in s. 32(2A) substituted (1.4.2010) by Policing and Crime Act 2009 (c. 26), s. 116(1), **Sch. 7 para. 18(4)**; S.I. 2010/507, art. 5(v)
- F121** Words in s. 32(2B) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 17(7)(a)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)
- F122** Words in s. 32(2B) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4)(6), **Sch. 12 para. 27(2)**, (with Sch. 14 paras. 1(1), 30); S.I. 1991/828, **art. 3(2)**
- F123** Words in s. 32(2B) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 17(7)(b)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)
- F124** Words in s. 32(3) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 17(8)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)
- F125** Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38, 46**, Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F, 289G** (as inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 54**) and S.I. 1984/703 (N.I. 3), **art. 6**
- F126** Words substituted by Children Act 1975 (c. 72, SIF 49:9, 10), **s. 68(1)(7)**
- F127** Word in s. 32(4) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 17(9)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)

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

- C6** S. 32(3) excluded (14.10.1991) by Children Act 1989 (c. 41, SIF 20), **s. 51(5)–(7)**, (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- S. 32(3) restricted (4.11.1996) by S.I. 1995/755, **art. 70(6)(7)(d)**; S.R. (N.I.) 1996/297, art. 2(2)

#### Marginal Citations

- M2** 1968 c. 34. (N.I.)
- M3** S.I. 1981/1675 (N.I. 26).

### [<sup>F100</sup>32 Detention of absentees. **S+N.I.**

(1) If any of the following persons, that is to say—

- (a) ..... **F186**
- (b) ..... **F187**
- (c) ..... **F188**
- (d) a person sent to a remand home, special reception centre or training school or committed to the care of a fit person under the <sup>M19</sup>Children and Young Persons Act (Northern Ireland) 1968 [<sup>F189</sup>(but not deemed by virtue of Schedule 8 to the Children (Northern Ireland) Order 1995 to be the subject of a care order within the meaning of that Order)],

is absent from premises at which he is required by. . . <sup>F190</sup> the relevant Northern Ireland authority to live, or as the case may be is absent from the home, remand home, special reception centre or training school, at a time when he is not permitted by. . . <sup>F190</sup> the relevant Northern Ireland authority to be absent from it, he may be arrested by a constable anywhere in the United Kingdom or the Channel Islands without a warrant and shall if so arrested be conducted, at the expense of the authority. . . <sup>F190</sup>, to the



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premises or other place aforesaid or such other premises as the authority. . . <sup>F190</sup> may direct.

<sup>F191</sup>(1A) [ If a child or young person is absent, without the consent of the responsible person—  
(a) from a place of safety to which he has been taken under [<sup>F101</sup>paragraph 4(1)(a) of Schedule 1 or paragraph 6(4)(a) of Schedule 8 to the Powers of Criminal Courts (Sentencing) Act 2000 or][<sup>F102</sup>paragraph 21(2) of Schedule 2 to the Criminal Justice and Immigration Act 2008] ; or

[<sup>F103</sup>(aa) from a place of safety to which he has been taken under paragraph 9(3) of the Schedule to the Street Offences Act 1959; or]

[<sup>F104</sup>(b) from local authority accommodation—

(i) in which he is required to live by virtue of a youth rehabilitation order imposing a local authority residence requirement (within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008); or

(ii) to which he has been remanded under [<sup>F105</sup>paragraph 4 of Schedule 1 or paragraph 6 of Schedule 8 to the Powers of Criminal Courts (Sentencing) Act 2000 or] paragraph 21 of Schedule 2 to that Act; or

[<sup>F106</sup>(ia) to which he has been remanded under paragraph 10 of the Schedule to the Street Offences Act 1959; or]

(iii) to which he has been remanded or committed under section 23(1) of this Act.]

(1B) A person so arrested shall be conducted to—

(a) the place of safety;

(b) the local authority accommodation; or

(c) such other place as the responsible person may direct, at the responsible person's expense.

[<sup>F107</sup>(1C) In this section “the responsible person” means, as the case may be—

(a) the person who made the arrangements under [<sup>F108</sup>paragraph 4(1)(a) of Schedule 1 or paragraph 6(4)(a) of Schedule 8 to the Powers of Criminal Courts (Sentencing) Act 2000 or] paragraph 21(2) of Schedule 2 to the Criminal Justice and Immigration Act 2008;

[<sup>F109</sup>(aa) the person who made the arrangements under paragraph 9(3) of the Schedule to the Street Offences Act 1959;]

(b) the authority specified under paragraph 17(5) of Schedule 1 to [<sup>F110</sup>the Criminal Justice and Immigration Act 2008] ;

(c) the authority designated under [<sup>F111</sup>paragraph 4(6) of Schedule 1 or paragraph 6(8) of Schedule 8 to the Powers of Criminal Courts (Sentencing) Act 2000 or] paragraph 21(10) of Schedule 2 to that Act; <sup>F112</sup>...

[<sup>F113</sup>(ca) the authority designated under paragraph 10(5) of the Schedule to the Street Offences Act 1959; or]

(d) the authority designated under section 23 of this Act.]

[ If a child or young person—

<sup>F114</sup>(1D) (a) is required to reside with a local authority foster parent by virtue of a youth rehabilitation order with fostering, and

(b) is absent, without the consent of the responsible officer (within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008), from the place in which he is required to reside,

he may be arrested by a constable anywhere in the United Kingdom without a warrant.

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- (1E) A person so arrested shall be conducted to—
- (a) the place where he is required to reside, or
  - (b) such other place as the local authority specified under paragraph 18(3) of Schedule 1 to the Criminal Justice and Immigration Act 2008 may direct, at that local authority's expense.]

- (2) If a magistrates' court is satisfied by information on oath that there are reasonable grounds for believing that a person specified in the information can produce a person who is absent as mentioned in subsection (1) [F115, (1A) or (1D)] of this section, the court may issue a summons directed to the person so specified and requiring him to attend and produce the absent person before the court; and a person who without reasonable excuse fails to comply with any such requirement shall, without prejudice to any liability apart from this subsection, be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding [F192]level 3 on the standard scale].

In the application of this subsection to Northern Ireland, “magistrates court” means a magistrates' court within the meaning of the M20 [F193]Magistrates' Courts (Northern Ireland) Order 1981].

- [ Without prejudice to its powers under subsection (2) of this section, a magistrates' F194(2A) court (within the meaning of that subsection) may, if it is satisfied by information on oath that there are reasonable grounds for believing that a person who is absent as [F119]mentioned in subsection (1), [F120](1A)(a), (aa) or (b)(i), (ii) or (iia)] or (1D) of this section is in premises] specified in the information, issue a search warrant authorising a constable to search the premises for that person.

- (2B) A court shall not issue a summons or search warrant under subsection (2) or (2A) of this section in any case where the person who is absent is a person to whom subsection (1A) [F121]or (1D)] of this section applies, unless the information referred to in the said subsection (2) or (2A) is given by the [F195]responsible person][F123]or the responsible officer, as the case may be.]]
- (3) A person who knowingly compels, persuades, incites or assists another person to become or continue to be absent as mentioned in subsection (1) [F124, (1A) or (1D)] of this section shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or a fine of an amount not exceeding [F196]level 5 on the standard scale] or both.
- (4) The reference to a constable in [F197]subsections (1),(1A) [F127, (1D)] and (2A)] of this section includes a reference to a person who is a constable under the law of any part of the United Kingdom, to a member of the police in Jersey and to 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, and in [F197]subsection (1)]“the relevant Northern Ireland authority” means in the case of a person committed to the care of a fit person, the fit person, and in the case of a person sent to a remand home, special reception centre or training school, the person in charge of that home or centre or the managers of that school.
- (5) Nothing in this section authorises the arrest in Northern Ireland of, or the taking there of any proceedings in respect of, such a person as is mentioned in paragraph (d) of subsection (1) of this section.]]

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## Extent Information

- E5** This version of this provision extends to Scotland and Northern Ireland only; a separate version has been created for England and Wales only.

## Textual Amendments

- F100** S. 32(1A)–(1C) substituted (14.10.1991) for subsection (1A) (which was inserted by Children Act 1975 (c. 72, SIF 49:9, 10) s. 68(1)(3) ) by Children Act 1989 (c. 41, SIF 20), s. 108(4)(6), **Sch. 12 para. 27(1)**, (with Sch. 14 paras. 1(1), 30); S.I. 1991/828, **art. 3(2)**
- F101** Words in s. 32(1A)(a) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 101(2)(a)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(xv)
- F102** Words in s. 32(1A)(a) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 17(2)(a)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)
- F103** S. 32(1A)(aa) inserted (1.4.2010) by Policing and Crime Act 2009 (c. 26), s. 116(1), **Sch. 7 para. 18(2)(a)**; S.I. 2010/507, art. 5(v)
- F104** S. 32(1A)(b) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 17(2)(b)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)
- F105** Words in s. 32(1A)(b)(ii) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 101(2)(b)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(xv)
- F106** S. 32(1A)(b)(ia) inserted (1.4.2010) by Policing and Crime Act 2009 (c. 26), s. 116(1), **Sch. 7 para. 18(2)(b)**; S.I. 2010/507, art. 5(v)
- F107** S. 32(1C) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 17(3)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)
- F108** Words in s. 32(1C)(a) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 101(3)(a)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(xv)
- F109** S. 32(1C)(aa) inserted (1.4.2010) by Policing and Crime Act 2009 (c. 26), s. 116(1), **Sch. 7 para. 18(3)(a)**; S.I. 2010/507, art. 5(v)
- F110** Words in s. 32(1C)(b) substituted (1.4.2010) by Policing and Crime Act 2009 (c. 26), s. 116(1), **Sch. 7 para. 18(3)(b)**; S.I. 2010/507, art. 5(v)
- F111** Words in s. 32(1C)(c) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 101(3)(b)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(xv)
- F112** Word in s. 32(1C)(c) repealed (1.4.2010) by Policing and Crime Act 2009 (c. 26), s. 116(1), Sch. 7 para. 18(3)(c), **Sch. 8 Pt. 2**; S.I. 2010/507, art. 5(v)(x)
- F113** S. 32(1C)(ca) inserted (1.4.2010) by Policing and Crime Act 2009 (c. 26), s. 116(1), **Sch. 7 para. 18(3)(c)**; S.I. 2010/507, art. 5(v)
- F114** S. 32(1D)(1E) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 17(4)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)
- F115** Words in s. 32(2) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 17(5)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)
- F119** Words in s. 32(2A) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 17(6)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)
- F120** Words in s. 32(2A) substituted (1.4.2010) by Policing and Crime Act 2009 (c. 26), s. 116(1), **Sch. 7 para. 18(4)**; S.I. 2010/507, art. 5(v)
- F121** Words in s. 32(2B) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 17(7)(a)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)
- F123** Words in s. 32(2B) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 17(7)(b)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)
- F124** Words in s. 32(3) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 17(8)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)
- F127** Word in s. 32(4) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 17(9)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)
- F186** S. 32(1)(a) repealed by Child Care Act 1980 (c. 5, SIF 20), ss. 89, 90(1), **Sch. 6**

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- F187** S. 32(1)(b) repealed by [Children Act 1975 \(c. 72, SIF 49:9, 10\)](#), **s. 68(1)(2)**
- F188** S. 32(1)(c) repealed by [Child Care Act 1980 \(c. 5, SIF 20\)](#), ss. 89, 90(1), **Sch. 6**
- F189** Words in s. 32(1)(d) inserted (4.11.1996) by [S.I. 1995/756](#), **art. 7(4)**; S.R. (N.I.) 1996/297, art. 3
- F190** Words repealed by [Child Care Act 1980 \(c. 5, SIF 20\)](#), **ss. 89, 90(1)** Sch. 6
- F191** S. 32(1A)–(1C) substituted (14.10.1991) for subsection (1A) (which was inserted by [Children Act 1975 \(c. 72, SIF 49:9, 10\)](#) s. 68(1)(3) ) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(4)(6), **Sch. 12 para. 27(1)**, (with Sch. 14 paras. 1(1), 30); [S.I. 1991/828](#), **art. 3(2)**
- F192** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46** and [S.I. 1984/703 \(N.I. 3\)](#), **art. 6**
- F193** Words substituted by [S.I. 1981/1675 \(N.I. 26\)](#), **Sch. 6 para. 17**
- F194** S. 32(2A)(2B) inserted by [Children Act 1975 \(c. 72, SIF 49:9, 10\)](#), **s. 68(1)(5)**
- F195** Words in s. 32(2B) substituted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(4)(6), **Sch. 12 para. 27(2)**, (with Sch. 14 paras. 1(1), 30); [S.I. 1991/828](#), **art. 3(2)**
- F196** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**, [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G** (as inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 54**) and [S.I. 1984/703 \(N.I. 3\)](#), **art. 6**
- F197** Words substituted by [Children Act 1975 \(c. 72, SIF 49:9, 10\)](#), **s. 68(1)(7)**

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

- C10** S. 32(3) excluded (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), **s. 51(5)–(7)**, (with Sch. 14 para. 1(1)); [S.I. 1991/828](#), **art. 3(2)**  
 S. 32(3) restricted (4.11.1996) by [S.I. 1995/755](#), **art. 70(6)(7)(d)**; S.R. (N.I.) 1996/297, art. 2(2)  
 S. 32(3) restricted (S.) (12.12.1996 for certain purposes and 1.4.1997 for all remaining purposes) by [1995 c. 36](#), **s. 38(4)(b)** (with ss. 90, 103(1)); [S.I. 1996/3201](#), **arts. 3(1)(7)**

**Marginal Citations**

- M19** [1968 c. 34](#). (N.I.)
- M20** [S.I. 1981/1675 \(N.I. 26\)](#).

*Conflict of interest between parent and child or young person*

<sup>F128</sup>**32A** ..... **E+W**

**Textual Amendments**

- F128** Ss. 32A-32C repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(6)(7), **Sch.15**, (with Sch. 14 para. 1(1), 27(4)); [S.I. 1991/828](#), **art. 3(2)**

<sup>F129</sup>**32B** ..... **E+W**

**Textual Amendments**

- F129** Ss. 32A-32C 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)**

<sup>F130</sup>**32C** ..... **E+W**

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**Textual Amendments**

**F130** Ss. 32A-32C 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)**

**33** ..... <sup>F131</sup> **E+W**

**Textual Amendments**

**F131** S. 33 repealed by Legal Aid Act 1974 (c. 4, SIF 77:1), **Sch. 5 Pt. I**

*Transitional modifications of Part I for persons of specified ages*

**34 Transitional modifications of Part I for persons of specified ages. **E+W****

- (1) The Secretary of State may by order provide—
  - <sup>F132</sup>(a) .....
  - (b) .....
  - (c) that any reference to a young person in section 5(8), <sup>F133</sup> . . . 9(1), 23(1) or 29(1) of this Act shall be construed as including a child who has attained such age as may be so specified;
  - (d) ..... <sup>F134</sup>
  - (e) that [<sup>F135</sup>section 23(4) to (6)] of this Act shall have effect as if the references to a young person excluded a young person who has not attained such age as may be so specified;
  - (f) ..... <sup>F136</sup>
- (2) In the case of a person who has not attained [<sup>F137</sup>the age of eighteen] but has attained such lower age as the Secretary of State may by order specify, no proceedings <sup>F138</sup> . . . for an offence shall be begun in any court unless the person proposing to begin the proceedings has, in addition to any notice falling to be given by him to a local authority in pursuance of section <sup>F138</sup> . . . 5(8) of this Act, given notice of the proceedings to [<sup>F139</sup>an officer of a local probation board][<sup>F140</sup>, or an officer of a provider of probation services, acting in the area] for which the court acts; <sup>F138</sup> . . .
- (3) In the case of a person who has attained such age as the Secretary of State may by order specify, an authority shall, without prejudice to subsection (2) of section 9 of this Act, not be required by virtue of subsection (1) of that section to make investigations or provide information which it does not already possess with respect to his home surroundings if, by direction of the justices or [<sup>F141</sup>local probation board] acting for [<sup>F142</sup>, or a provider of probation services operating in,] any relevant area, arrangements are in force for information with respect to his home surroundings to be furnished to the court in question by [<sup>F139</sup>an officer of a local probation board][<sup>F143</sup>or an officer of a provider of probation services].
- (4) Except in relation to section 13(2) of this Act, references to a child in subsection (1) of this section do not include references to a person under the age of ten.
- (5) ..... <sup>F144</sup>

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- (6) Without prejudice to the generality of section 69(4) of this Act, an order under this section may specify different ages for the purposes of different provisions of this Act specified in the order.
- (7) A draft of any order proposed to be made under this section shall be laid before Parliament and, in the case of an order of which the effect is that the reference to a child in section 4 of this Act includes a child who has attained an age of more than twelve, shall not be made unless the draft has been approved by a resolution of each House of Parliament.

**Textual Amendments**

**F132** S. 34(1)(a) repealed (30.9.1998) by 1998 c. 37, s. 120(2), **Sch. 10**; S.I. 1998/2327, **art. 2(1)(aa)**.

**F133** Words in s. 34(c) repealed (30.9.1998) by 1998 c. 37, ss. 106, 120(2), Sch. 7 para. 8, **Sch. 10**; S.I. 1998/2327, **art. 2(1)(w)(aa)(3)(k)**.

**F134** S. 34(1)(d) repealed by **Criminal Justice Act 1982** (c. 48, SIF 39:1), **Sch. 16**

**F135** Words in s. 34(1)(e) substituted (14.10.1991) by **Children Act 1989** (c. 41, SIF 20), s. 108(4)(6), **Sch. 12 para. 28(b)**, (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**

**F136** S. 34(1)(f) repealed by **Criminal Justice Act 1988** (c. 33, SIF 39:1), s. 170(2), **Sch. 16**

**F137** Words in s. 34(2) substituted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 9**; S.I. 1995/127, art. 2(1), **Sch. 1** Appendix A

**F138** Words in s. 34(2) 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)**

**F139** Words in s. 34(2)(3) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. I para. 4(2)**; S.I. 2001/919, **art. 2(f)(i)**

**F140** Words in s. 34(2) substituted (1.4.2008) by **The Offender Management Act 2007 (Consequential Amendments) Order 2008** (S.I. 2008/912), art. 1, **Sch. 1 para. 3(2)(a)**

**F141** Words in s. 34(3) substituted (1.4.2001) by virtue of 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 40**; S.I. 2001/919, **art. 2(f)(ii)**

**F142** Words in s. 34(3) inserted (1.4.2008) by **The Offender Management Act 2007 (Consequential Amendments) Order 2008** (S.I. 2008/912), art. 1, **Sch. 1 para. 3(2)(b)(i)**

**F143** Words in s. 34(3) inserted (1.4.2008) by **The Offender Management Act 2007 (Consequential Amendments) Order 2008** (S.I. 2008/912), art. 1, **Sch. 1 para. 3(2)(b)(ii)**

**F144** S. 34(5) repealed by **Criminal Law Act 1977** (c. 45, SIF 39:1), **Sch. 13**

**PART II** **E+W+S**

ACCOMMODATION ETC. FOR CHILDREN IN CARE, AND FOSTER CHILDREN

*Community homes*

35— ..... <sup>F145</sup> **E+W**  
 45.

**Textual Amendments**

**F145** Ss. 35–45, 47–50 repealed by **Child Care Act 1980** (c. 5, SIF 20), s. 89, **Sch. 6**

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**46 Discontinuance of approved schools etc. on establishment of community homes.**

**E+W**

- (1) If in the case of any approved school, [<sup>F146</sup>or remand home within the meaning of the <sup>M4</sup>Criminal Justice Act 1948 or approved probation hostel <sup>F147</sup>. . . (hereafter in this section referred to as an “approved institution”) it appears to the Secretary of State that in consequence of the establishment of community homes for a planning area the institution as such is no longer required, he may by order provide that it shall cease to be an approved institution on a date specified in the order.
- (2) The provisions of Schedule 3 to this Act shall have effect in relation to institutions which are, or by virtue of this section have ceased to be, approved institutions.]

**Textual Amendments**

**F146** Words substituted by Powers of Criminal Courts Act 1973 (c. 62, SIF 39:1), **Sch. 5 para. 36**

**F147** Words in s. 46(1) repealed (1.4.2001) by 2000 c. 43, ss. 74, 75, Sch. 7 Pt. II para. 41, **Sch. 8: S.I. 2001/919, art. 2(f)(ii)(g)**

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

**C7** S. 46 amended by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), **Sch. 2 para. 17**

**Marginal Citations**

**M4** 1948 c. 58(39:1).

47— ..... <sup>F148</sup> **E+W**  
50.

**Textual Amendments**

**F148** Ss. 35–45, 47–50 repealed by Child Care Act 1980 (c. 5, SIF 20), s. 89, **Sch. 6**

51 ..... <sup>F149</sup> **E+W**

**Textual Amendments**

**F149** Ss. 51, 52(1)–(3) repealed by Foster Children Act 1980 (c. 6, SIF 20), **Sch. 3**

**52** **E+W**

- (1) ..... <sup>F150</sup>
- <sup>X2</sup>(4) Section 37 of the <sup>M5</sup> Adoption Act 1958 (which defines “ protected child” for the purposes of Part IV of that Act) shall have effect subject to the following modifications:—
- (a) in paragraph (a) of subsection (1) (which refers to arrangements for placing a child in the care of a person who is not a parent, guardian or relative of his)

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after the words “ relative of his” there shall be inserted the words “ but who proposes to adopt him” ;

- (b) in subsection (1) (which among other matters excludes a foster child from the definition of “ a protected child”) the words “ but is not a foster child within the meaning of Part I of the Children Act 1958” shall be omitted ; and
- (c) in subsection (2) (which excludes certain children from the definition of protected child, including children only temporarily in the care and possession of a person under such arrangements as are referred to in subsection (1)(a) of that section) the words from “ by reason” to “ that subsection, nor” shall be omitted.

(5) ..... F151

**Editorial Information**

**X2** The text of s. 52(4) 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**

**F150** Ss. 51, 52(1)–(3) repealed by [Foster Children Act 1980 \(c. 6, SIF 20\)](#), **Sch. 3**

**F151** Ss. 52(5), 53–55 repealed by [Foster Children Act 1980 \(c. 6, SIF 20\)](#), **Sch. 3**

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**Marginal Citations**

**M5** 1958 c. 5. (7 & 8 Eliz. 2.)

53— ..... F152 **E+W**  
 55.

**Textual Amendments**

**F152** Ss. 52(5), 53–55 repealed by [Foster Children Act 1980 \(c. 6, SIF 20\)](#), **Sch. 3**

56, 57. .... F153 **E+W+S**

**Textual Amendments**

**F153** Ss. 56, 57 repealed by (E.W.) [Foster Children Act 1980 \(c. 6, SIF 20\)](#), **Sch. 3** and (S.) [Foster Children \(Scotland\) Act 1984 \(c. 56, SIF 20\)](#), **Sch. 3**

Words "49 and the said sections" in s. 57(4) expressed to be repealed (3.2.1995) by [1994 c. 33, s. 168\(3\)](#), **Sch.11**; S.I. 1995/127, art. 2(1), **Sch.1** Appendix C

58, 59. .... F154 **E+W**

**Textual Amendments**

**F154** Ss. 58, 59 repealed by [Child Care Act 1980 \(c. 5, SIF 20\)](#), s. 89, **Sch. 6**



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## PART III U.K.

### MISCELLANEOUS AND GENERAL

60 ..... <sup>F155</sup> E+W

#### Textual Amendments

**F155** S. 60 repealed by Extradition Act 1989 (c. 33, SIF 48), s. 37(1), Sch. 2

61 ..... <sup>F156</sup> E+W

#### Textual Amendments

**F156** S. 61 repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154(2), Sch. 9

62— ..... <sup>F157</sup> E+W  
64A.

#### Textual Amendments

**F157** Ss. 62–64A, 65(1) repealed by Child Care Act 1980 (c. 5, SIF 20), s. 89, Sch. 6

### *Financial provisions*

65 **Grants to voluntary organisations etc.** E+W

(1) ..... <sup>F158</sup>

(2) ..... <sup>F159</sup>

(3) Where an order has been made under section 46 of this Act in relation to an approved institution within the meaning of that section and no [<sup>F160</sup>part of the premises occupied by the institution forms part of a controlled or assisted community home.]

(4) No grant shall be made under subsection (3) of this section in respect of a liability relating to an institution unless it appears to the Secretary of State that, on or within a reasonable time after the date specified in the order referred to in that subsection, the premises of the institution are to be used for a purpose which is of benefit to children; and any grant made under that subsection shall be subject to such conditions as the Secretary of State may with the approval of the Treasury determine, including conditions with respect to the repayment in whole or in part of the grant, either by the person to whom the grant was made or by some other person who, before the grant was made, consented to accept the liability.

(5) Any sums received by the Secretary of State by virtue of any such condition as is referred to in subsection (4) of this section shall be paid into the Consolidated Fund.

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**Textual Amendments**  
**F158** Ss. 62–64A, 65(1) repealed by Child Care Act 1980 (c. 5, SIF 20), s. 89, **Sch. 6**  
**F159** S. 65(2) repealed by Children Act 1975 (c. 72, SIF 49:9, 10), **Sch. 4 Pt. X**  
**F160** Words substituted by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), **Sch. 2 para. 18**

**66 Increase of rate support grants. E+W**

- (1) The power to make an order under [F161section 4(1) of the M6Local Government Act 1974] increasing the amounts fixed by a rate support grant order for a particular year shall be exercisable, in accordance with subsection (2) of this section, in relation to any rate support grant order made before the date of the coming into operation of any provision of this Act (in this section referred to as “the relevant provision”) for a grant period ending after that date.
- (2) Without prejudice to [F161subsection (6) of the said section 4] (which empowers an order under subsection (1) of that section to vary the matters prescribed by a rate support grant order), an order under subsection (1) of that section made by virtue of this section may be made for such year or years comprised in the grant period concerned as may be specified in the order and in respect of the year or each of the years so specified shall increase the amounts fixed by the relevant rate support grant order as the aggregate amounts of the rate support grants and any elements of the grants for that year to such extent and in such a manner as may appear to [F162the Secretary of State] to be appropriate, having regard to any additional expenditure incurred or likely to be incurred by local authorities in consequence of the coming into operation of the relevant provision.
- (3) In this section “grant period” means the period for which a rate support grant order is made.
- (4) There shall be defrayed out of moneys provided by Parliament any increase in rate support grants attributable to this Act.

**Textual Amendments**  
**F161** Words substituted by virtue of Interpretation Act 1978 (c. 30, SIF 115:1), s. 17(2)(a)  
**F162** Words substituted by virtue of S.I. 1970/1681, arts. 2(1), 6(3)

**Marginal Citations**  
**M6** 1974 c. 7(81:1).

**67 Administrative expenses. E+W**

Any administrative expenses of the Secretary of State under this Act shall be defrayed out of moneys provided by Parliament.

*Supplemental*

**68** ..... **F163 E+W**

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#### Textual Amendments

**F163** S. 68 repealed by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), [Sch. 30](#)

### 69 Orders and regulations etc. **U.K.**

- (1) Any power conferred on the Secretary of State by this Act to make an order or regulations, except an order under section 25, . . . <sup>F164</sup> or paragraph 23 or 24 of Schedule 4, shall be exercisable by statutory instrument; and any statutory instrument made in pursuance of this subsection, except an instrument containing only regulations under paragraph 8(2) of Schedule 3 or an order under section 1(6), 26, 46, , <sup>F164</sup> 72(2) or 73(2), or paragraph 11(2) of Schedule 3, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) A statutory instrument containing regulations under subsection (4) of section 5 or an order under section 34 of this Act shall not be subject to annulment as aforesaid, but no such regulations or order shall be included in a statutory instrument containing provisions which do not require approval in pursuance of the said subsection (4) or, as the case may be, to which subsection (7) of the said section 34 does not apply.
- (3) An order made or directions given by the Secretary of State under any provision of this Act, except an order under section 7(5), may be revoked or varied by a subsequent order or subsequent directions under that provision.
- (4) Any order or regulations made by the Secretary of State under this Act may—
  - (a) make different provision for different circumstances;
  - (b) provide for exemptions from any provisions of the order or regulations; and
  - (c) contain such incidental and supplemental provisions as the Secretary of State considers expedient for the purposes of the order or regulations.

[<sup>F165</sup>(4A) Nothing in this section applies to an order under section 23AA.]

(5) . . . . .

#### Textual Amendments

**F164** Words repealed by [Child Care Act 1980 \(c. 5, SIF 20\)](#), s. 89, [Sch. 6](#)

**F165** [S. 69\(4A\)](#) inserted (1.3.2002) by [Criminal Justice and Police Act 2001 \(c. 16\)](#), s. [132\(3\)](#); S.I. 2002/344 {art. 2}

### 70 Interpretation and ancillary provisions. **U.K.**

- (1) In this Act, unless the contrary intention appears, the following expressions have the following meanings:—
  - “the <sup>M7</sup>Act of 1933” means the Children and Young Persons Act 1933;
  - “the <sup>M8</sup>Act of 1963” means the Children and Young Persons Act 1963;
  - “approved school order”, “guardian” and “place of safety” have the same meanings as in the Act of 1933;
  - . . . . .<sup>F166</sup>
  - “child”, except in Part II (including Schedule 3) and sections 27, 63, 64 and 65 of this Act, means a person under the age of fourteen, and in that Part

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(including that Schedule) and those sections means a person under the age of eighteen and a person who has attained the age of eighteen and is the subject of a care order;

..... F167  
F166

“local authority” [F168 except in relation to proceedings under section 1 of this Act instituted by a local education authority, means the council of a non-metropolitan county or of a [F169 county borough,] metropolitan district] or London borough or the Common Council of the City of London;

[F170 “local authority accommodation” means accommodation provided by or on behalf of a local authority (within the meaning of the Children Act 1989)]

[F171 “local authority residence requirement” has the same meaning as in Part 1 of the Criminal Justice and Immigration Act 2008;]

[F172 “local probation board” means a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000;]

“petty sessions area” F173 . . . , in relation to a [F174 youth court]constituted for the metropolitan area within the meaning of Part II of Schedule 2 to the Act of 1963, F173 . . . means such a division of that area as is mentioned in paragraph 14 of that Schedule;

..... F167  
“police officer” means a member of a police force;

..... F167

“reside” means habitually reside, and cognate expressions shall be construed accordingly F175 . . . ;

F176  
..... F167

F177 [“young person” means a person who has attained the age of fourteen and is under the age of eighteen years;]

[F178 “youth offending team” means a team established under section 39 of the Crime and Disorder Act 1998.]

[F179 “youth rehabilitation order” and “youth rehabilitation order with fostering” have the same meanings as in Part 1 of the Criminal Justice and Immigration Act 2008 (see section 1 of that Act);]

and it is hereby declared that, in the expression “care or control”, “care” includes protection and guidance and “control” includes discipline.

[F180] In the case of a child or young person—

(1A) (a) whose father and mother were not married to each other at the time of his birth, and

(b) with respect to whom a residence order is in force in favour of the father, any reference in this Act to the parent of the child or young person includes (unless the contrary intention appears) a reference to the father.

F180 (1B) In subsection (1A) of this section, the reference to a child or young person whose father and mother were not married to each other at the time of his birth shall be construed in accordance with section 1 of the M9 Family Law Reform Act 1987 and “residence order” has the meaning given by section 8(1) of the M10 Children Act 1989.]

(2) .....

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- (3) In section 99(1) of the Act of 1933 (under which the age which a court presumes or declares to be the age of a person brought before it is deemed to be his true age for the purposes of that Act) the references to that Act shall be construed as including references to this Act.
- (4) Subject to the following subsection, any reference in this Act to any enactment is a reference to it as amended, and includes a reference to it as applied, by or under any other enactment including this Act.
- (5) Any reference in this Act to an enactment of the Parliament of Northern Ireland shall be construed as a reference to that enactment as amended by any Act of that Parliament, whether passed before or after this Act, and to any enactment of that Parliament for the time being in force which re-enacts the said enactment with or without modifications.]

#### Textual Amendments

- F166** Definitions in s. 70(1) 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\(2\)](#)
- F167** Definitions repealed by [Child Care Act 1980 \(c. 5, SIF 20\)](#), s. 89, [Sch. 6](#)
- F168** Words substituted by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), [Sch. 23 para. 16](#)
- F169** Words in the definition of “local authority” in s. 70(1) inserted (1.4.1996) by 1994 c. 19, s. 22(4), [Sch. 10 para. 6](#) (with s. 54(7), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); S.I. 1996/396, [art. 3](#), [Sch. 1](#)
- F170** Definition in s. 70(1) inserted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(4)(6), [Sch. 12 para. 29\(a\)](#), (with Sch. 14 para. 1(1)); S.I. 1991/828, [art. 3\(2\)](#)
- F171** Words in s. 70(1) inserted (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 4 para. 18\(b\)](#) (with [Sch. 27 paras. 1, 5](#)); S.I. 2009/3074, [art. 2\(p\)\(iii\)](#)
- F172** S. 70(1): Definition of “local probation board” inserted (1.4.2001) by 2000 c. 43, s. 74, [Sch. 7 Pt. II para. 42](#); S.I. 2001/919, [art. 2\(f\)\(ii\)](#)
- F173** S. 70(1): words in definition of “petty sessions area” repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), [Sch. 15 Pt. V\(1\)](#) (with s. 107, [Sch. 14 paras. 7\(2\), 36\(9\)](#))
- F174** Words in s. 70(1) substituted (1.10.1992) by [Criminal Justice Act \(c. 53, SIF 39:1\)](#), s. 100, Sch. 11, para. 40(2)(g); S.I. 1992/333, [art. 2\(2\)](#), [Sch. 2](#)
- F175** S. 70(1): Words in definition of “reside” repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), [Sch. 12 Pt. I](#) (with [Sch. 11 paras. 1, 2](#))
- F176** Words in s. 70(1) repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 4 para. 18\(a\)](#), [Sch. 28 Pt. 1](#) (with [Sch. 27 paras. 1, 5](#)); S.I. 2009/3074, [art. 2\(p\)\(iii\)\(u\)](#)
- F177** Definition in s. 70(1) of “young person” substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), ss. 68, 101(1), [Sch. 8, para. 4\(2\)](#), [Sch. 12, para. 22\(1\)](#); S.I. 1992/333, [art. 2\(2\)](#), [Sch. 2](#)
- F178** Definition in s. 70(1) inserted (30.9.1998 for specified areas and otherwise 1.4.2000) by 1998 c. 37, s. 119, [Sch. 8 para. 23](#); S.I. 1998/2327, [art. 3\(1\)\(b\)](#); S.I. 2000/924, [art. 2\(c\)](#)
- F179** Words in s. 70(1) inserted (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 4 para. 18\(c\)](#) (with [Sch. 27 paras. 1, 5](#)); S.I. 2009/3074, [art. 2\(p\)\(iii\)](#)
- F180** S. 70(1A)(1B) inserted by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), ss. 8(1), 33(1), [Sch. 2 para. 26](#) and substituted (30.9.1998) by 1998 c. 37, s. 106, [Sch. 7 para. 10](#); S.I. 1998/2327, [art. 2\(1\)\(w\)](#).

#### Marginal Citations

- M7** 1933 c. 12(20).  
**M8** 1963 c. 37(20).  
**M9** 1987 c.42.  
**M10** 1989 c.41.

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## 71 Application to Isles of Scilly. **E+W**

This Act shall have effect, in its application to the Isles of Scilly, with such modifications as the Secretary of State may by order specify.

## 72 Transitional provisions, minor amendments and repeals etc. **E+W**

- (1) The transitional provisions and savings set out in Part I of Schedule 4 to this Act shall have effect.
- (2) The transitional provisions set out in Part II of Schedule 4 to this Act shall have effect until such day as the Secretary of State may by order specify for the purposes of this subsection (being the day on and after which those provisions will in his opinion be unnecessary in consequence of the coming into force of provisions of the <sup>M11</sup>Social Work (Scotland) Act 1968) and shall be deemed to have been repealed on that day by an Act of Parliament passed after this Act.
- <sup>X3</sup>(3) The enactments mentioned in Schedule 5 to this Act shall have effect subject to the amendments specified in that Schedule (which are minor amendments and amendments consequential on the provisions of this Act).
- <sup>X3</sup>(4) Subject to subsection (1) of this section, the enactments mentioned in the first and second columns of Schedule 6 to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (5) ..... **F181**

### Editorial Information

**X3** The text of s. 72(3)(4) 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.

### Textual Amendments

**F181** S. 72(5) repealed by [Foster Children Act 1980 \(c. 6, SIF 20\)](#), [Sch. 3](#)

### Marginal Citations

**M11** 1968 c. 49(81:3).

## 73 Citation, commencement and extent. **U.K.**

- (1) This Act may be cited as the Children and Young Persons Act 1969, and this Act and the Children and Young Persons Acts 1933 to 1963 may be cited together as the Children and Young Persons Acts 1933 to 1969.
- (2) This Act shall come into force on such day as the Secretary of State may by order appoint, and different days may be appointed under this subsection for different provisions of this Act or for different provisions of this Act so far as they apply to such cases only as may be specified in the order.
- (3) Without prejudice to the generality of section 69(4) of this Act, an order under the preceding subsection may make such transitional provision as the Secretary of State considers appropriate in connection with the provisions brought into force by the order, including such adaptations of those provisions and of any other provisions of this

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Act then in force as appear to him appropriate for the purposes or in consequence of the operation of any provision of this Act before the coming into force of any other provision of this Act or of a provision of the <sup>M12</sup>Social Work (Scotland) Act 1968.

(4) This section and the following provisions only of this Act extend to Scotland, that is to say—

- (a) sections 10(1) and (2), [<sup>F182</sup>32(1) [<sup>F183</sup>to (1E)] and (2A) to (4)], 56 and 57(1);
- (b) section 72(2) and Part II of Schedule 4;
- (c) paragraphs 25, 26, 33, 35, 38, 42, 43, 53, 54 and 57 to 83 of Schedule 5 and section 72(3) so far as it relates to those paragraphs;
- (d) section 72(4) and Schedule 6 so far as they relate to the <sup>M13</sup>Merchant Shipping Act 1894, the <sup>M14</sup>Superannuation (Miscellaneous Provisions) Act 1948, sections 10, 53, 55 and 59 of the Act of 1963, the <sup>M15</sup>Family Allowances Act 1965 and the <sup>M16</sup>Social Work (Scotland) Act 1968.

(5) This section and the following provisions only of this Act extend to Northern Ireland, that is to say—

- (a) sections 25 and 32;
- (b) section 72(3) and Schedule 5 so far as they relate to section 29 of the <sup>M17</sup>Criminal Justice Act 1961 and provisions of the Social Work (Scotland) Act 1968 which extend to Northern Ireland; and
- (c) section 72(4) and Schedule 6 so far as they relate to section 83 of the Act of 1933, paragraph 13 of Schedule 2 to the <sup>M18</sup>Children and Young Persons (Scotland) Act 1937, section 29 of the Criminal Justice Act 1961, sections 10(1) and (2), 53(1) and 65(5) of, and paragraphs 27, 34 and 50 of Schedule 3 to, the Act of 1963 and sections 73(2), 76(1) and (2) and 77(1)(b) of the Social Work (Scotland) Act 1968;

F184

(6) Section 26 of this Act and this section, and section 72(4) of this Act and Schedule 6 to this Act so far as they relate to paragraph 13 of Schedule 2 to the Children and Young Persons (Scotland) Act 1937 and section 53(1) of, and paragraph 34 of Schedule 3 to, the Act of 1963, extend to the Channel Islands and the Isle of Man, and section [<sup>F185</sup>32(1) to (1C)] and (4) of this Act and this section extend to the Channel Islands.

(7) It is hereby declared that the provisions of sections 69 and 70 of this Act extend to each of the countries aforesaid so far as is appropriate for the purposes of any other provisions of this Act extending to the country in question.

#### Subordinate Legislation Made

**P1** Power of appointment conferred by s. 73(2) exercised: [S.I. 1969/1552](#), 1565, 1970/1498, 1883 and 1971/588

#### Textual Amendments

**F182** Words in s. 73(4)(a) substituted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(4)(6), [Sch. 12 para.30\(a\)](#), (with Sch. 14 para. 1(1)); [S.I. 1991/828](#), [art. 3\(2\)](#)

**F183** Words in s. 73(4)(a) substituted (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 4 para. 19](#) (with Sch. 27 paras. 1, 5); [S.I. 2009/3074](#), [art. 2\(p\)\(iii\)](#)

**F184** Words repealed by [Northern Ireland Constitution Act 1973 \(c. 36, SIF 29:3\)](#), [Sch. 6 Pt. I](#)

**F185** Words in s. 73(6) substituted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(4)(6), [Sch. 12 para.30\(b\)](#), (with Sch. 14 para. 1(1)); [S.I. 1991/828](#), [art. 3\(2\)](#)

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

**C8** S. 73(2)(3) extended by [Powers of Criminal Courts Act 1973 \(c. 62, SIF 39:1\)](#), [Sch. 4 para 2\(1\)](#)

**Marginal Citations**

**M12** 1968 c. 49(81:3).

**M13** 1894 c. 60(111).

**M14** 1948 c. 33(101A:1).

**M15** 1965 c. 53.

**M16** 1968 c. 49(81:3).

**M17** 1961 c. 39(39:1).

**M18** 1937 c. 37(20).



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