

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons Act 1969, Schedule 5. (See end of Document for details)

SCHEDULES

^{X1}SCHEDULE 5 U.K.

Section 72(3).

MINOR AND CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

Editorial Information

- X1** The text of Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

1 **F1**

Textual Amendments

- F1** Sch. 5 para. 1 repealed by [Criminal Justice Act 1972 \(c. 71, SIF 39:1\)](#), [Sch. 6 Pt. II](#)

The Act of 1933

- 2 In section 10 of the Act of 1933, after subsection (1) there shall be inserted the following subsection:—

“(1A) Proceedings for an offence under this section shall not be instituted except by a local education authority ; and before instituting such proceedings the authority shall consider whether it would be appropriate, instead of or as well as instituting the proceedings, to bring the child or young person in question before a juvenile court under section 1 of the Children and Young Persons Act 1969.”

- 3 In section 34(2) of the Act of 1933 after the words “ be taken” there shall be inserted the words “ by the person who arrested him”.

- 4 In section 46 of the Act of 1933, after subsection (1) there shall be inserted the following subsection:—

“(1A) If a notification that the accused desires to plead guilty without appearing before the court is received by the clerk of a court in pursuance of section 1 of the Magistrates’ Courts Act 1957 and the court has no reason to believe that the accused is a child or young person, then, if he is a child or young person he shall be deemed to have attained the age of seventeen for the purposes of subsection (1) of this section in its application to the proceedings in question.”

5 **F2**

Status: Point in time view as at 01/02/1991.

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Textual Amendments

F2 Sch. 5 para. 5 repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), Sch. 16

6 In section 56(1) of the Act of 1933, for the word “ resides” there shall be substituted the words “ habitually resides”.

7 Section 63 of the Act of 1933 shall cease to have effect.

8—10 F3

Textual Amendments

F3 Sch. 5 paras. 8–10 repealed by Child Care Act 1980 (c. 5, SIF 20), s. 89, Sch. 6

11 In section 106(2)(a) of the Act of 1933, for the words from “ fifty-seven” to “ Schedule to” there shall be substituted the words “ eighty-seven and eighty-eight of”.

12 [F4(1) In section 107(1) of the Act of 1933, after the words “ that is to say” there shall be inserted the following words:— “ “ care order” and “ interim order” have the same meanings as in the Children and Young Persons Act 1969. ”]

(2) In the said section 107(1), in the definition of “ place of safety”, for the words “ any home provided by a local authority under Part II of the Children Act 1948 any remand home or” there shall be substituted the words “ a community home provided by a local authority or a controlled community home, any”.

(3) Section 107(2) of the Act of 1933 shall cease to have effect.

Textual Amendments

F4 Sch. 5 paras. 12(1), 37, 47 and 48 repealed (*prosp.*) by Children Act 1989 (c. 41, SIF 20), s. 108(2)(6) (7), Sch. 14 para. 27(4), Sch. 15

The M1 Education Act 1944

Marginal Citations

M1 1944 c. 31.

13 For subsections (2) to (5) of section 40 of the Education Act 1944 there shall be substituted the following subsections:—

“(2) Proceedings for such offences as aforesaid shall not be instituted except by a local education authority ; and before instituting such proceedings the

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Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons Act 1969, Schedule 5. (See end of Document for details)

authority shall consider whether it would be appropriate, instead of or as well as instituting the proceedings, to bring the child in question before a juvenile court under section 1 of the Children and Young Persons Act 1969.

(3) The court by which a person is convicted of an offence against section 37 of this Act or before which a person is charged with an offence against section 39 of this Act may if it thinks fit direct the authority who instituted the proceedings to bring the child to whom the proceedings relate before a juvenile court under the said section 1 ; and it shall be the duty of the authority to comply with the direction.

(4) Where a child in respect of whom a school attendance order is in force is brought before a juvenile court by a local education authority under the said section 1 and the court finds that the condition set out in subsection (2)(e) of that section is not satisfied with respect to him, the court may direct that the order shall cease to be in force.”

14—17. F5

Textual Amendments

F5 Sch. 5 paras. 14—17 repealed by Child Care Act 1980 (c. 5), SIF 20, s. 89, Sch. 6

18 F6

Textual Amendments

F6 Sch. 5 para. 18 repealed by Local Authority Social Services Act 1970 (c. 42, SIF 81:3), Sch. 3

19—22. F7

Textual Amendments

F7 Sch. 5 paras. 19—22 repealed by Child Care Act 1980 (c. 5, SIF 20), s. 89, Sch. 6

^{M2}The Criminal Justice Act 1948

Marginal Citations

M2 1948 c. 58

23 F8

Textual Amendments

F8 Sch. 5 para. 23 repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), Sch. 16

24 For section 27 of the said Act of 1948 there shall be substituted the following section:—

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

Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons Act 1969, Schedule 5. (See end of Document for details)

“27 Remand of persons aged 17 to 20.

- (1) Where a court remands a person charged with or convicted of an offence or commits him for trial or sentence and he is not less than seventeen but under twenty-one years old and is not released on bail, then, if the court has been notified by the Secretary of State that a remand centre is available for the reception from the court of persons of his class or description, it shall commit him to a remand centre and, if it has not been so notified, it shall commit him to a prison.
- (2) Where a person is committed to a remand centre in pursuance of this section, the centre shall be specified in the warrant and he shall be detained there for the period for which he is remanded or until he is delivered thence in due course of law.
- (3) In this section “court” includes a justice; and nothing in this section affects the provisions of the Magistrates’ Courts Act 1952 (which provides for remands to the custody of a constable).”

25, 26. F9

Textual Amendments

F9 Sch. 5 paras. 25, 26 repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **Sch. 10 Pt. I**

^{M3}The Sexual Offences Act 1956

Marginal Citations

M3 1956 c. 69.

- 27 In section 37(7) of the Sexual Offences Act 1956, for the words “section twenty or twenty-one of the Magistrates’ Courts Act 1952 (which relate” in paragraph (a) there shall be substituted the words “section 6 of the Children and Young Persons Act 1969 (which relates” and for the words “that Act” in paragraph (b) there shall be substituted the words “^{M4}the Magistrates’ Courts Act 1952”.

Marginal Citations

M4 1952 c. 55.

^{M5}The Affiliation Proceedings Act 1957

Marginal Citations

M5 1957 c. 55.

- 28 (1) In section 5(2)(a) of the Affiliation Proceedings Act 1957, for the words from “fit person” to “school” there shall be substituted the words “local authority”.

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

Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons Act 1969, Schedule 5. (See end of Document for details)

(2) In section 7(4) of that Act, for paragraph (a) there shall be substituted the following paragraph:—

“(a) subject to the next following subsection, so as to require payments thereunder to be made in respect of any period when the child is in the care of a local authority under section 1 of the or by virtue of a care order (other than an interim order) within the meaning of the Children and Young Persons Act 1969 ;”

(3) In section 7(6) of that Act, for the words from “a person” onwards there shall be substituted the words “by virtue of such a care order as aforesaid”.

29—32. F10

Textual Amendments

F10 Sch. 5 paras. 29–32 repealed by Foster Children Act 1980 (c. 6, SIF 20), Sch. 3

M6 The Adoption Act 1958

Marginal Citations

M6 1958 c. 5 (7 & 8 Eliz. 2.)

33 (1) In section 4(3) of the Adoption Act 1958, for paragraph (a) there shall be substituted the following paragraph:—

“(a) section 24 of the Children and Young Persons Act 1969 (which relates to the powers and duties of local authorities with respect to persons committed to their care in pursuance of that Act).”

34 In section 15(3) of the said Act of 1958, for the words “the last mentioned order” there shall be substituted the words “or to the care of a local authority by a care order (other than an interim order) in force under the Children and Young Persons Act 1969, the fit person order or care order as the case may be”.

35 In section 37(2) of the said Act of 1958, for the words “(4) or (5)” there shall be substituted the words “or (4)”.

36 In section 57(1) of the said Act of 1958, in the definition of “place of safety”, for the word “home” in the first place where it occurs there shall be substituted the words “community home” and for the words “under Part II of the Children Act 1948, remand” there shall be substituted the words “a controlled community”.

M7 The Mental Health Act 1959

Marginal Citations

M7 1959 c. 72.

[^{F11}37 (1) In subsection (1) of section 9 of the Mental Health Act 1959 for the words from “or other accomodation” to “section fifteen of that Act” there shall be substituted the

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

Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons Act 1969, Schedule 5. (See end of Document for details)

words “provided under section 38 of the Children and Young Persons Act 1969” and for the words “that Act” there shall be substituted the words “the Children Act 1948”.

(2) In subsection (2) of the said section 9, for the words “or other accomodation provided under the said section fifteen” there shall be subsituted the words “provided under the said section 38”.]

Textual Amendments

F11 Sch. 5 paras. 12(1), 37, 47 and 48 repealed (*prosp.*) by Children Act 1989 (c. 41, SIF 20), s. 108(2)(6) (7), Sch. 14 para. 27(4), **Sch. 15**

38—40. **F12**

Textual Amendments

F12 Sch. 5 paras. 38–40 repealed by Mental Health Act 1983 (c. 20, SIF 85), s. 134, **Sch. 6**

41 **F13**

Textual Amendments

F13 Sch. 5 para. 41 repealed by Mental Health (Amendment) Act 1982 (c. 51, SIF 85), **Sch. 4**

42 **F14**

Textual Amendments

F14 Sch. 5 para. 42 repealed by Mental Health (Scotland) Act 1984 (c. 36, SIF 85), **Sch. 5**

43 **F15**

Textual Amendments

F15 Sch. 5 para. 43 repealed by Mental Health (Scotland) Act 1984 (c. 36, SIF 85), **Sch. 5**

44 **F16**

Textual Amendments

F16 Sch. 5 para. 44 repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 16**

45 **F17**

Textual Amendments

F17 Sch. 5 para. 45 repealed by Powers of Criminal Courts Act 1973 (c. 62, SIF 39:1), **Sch. 6**

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

Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons Act 1969, Schedule 5. (See end of Document for details)

M8 The Criminal Justice Act 1961.

Marginal Citations

M8 1961 c. 39.

46 In section 29(3)(a) of the said Act of 1961, for the words “that Act” there shall be substituted the words “the Children and Young Persons Act 1933”.

The Act of 1963

[^{F18}47 In section 3(1) of the Act of 1963, for the words “section 62 of the principal Act” there shall be substituted the words “section 1 of the Children and Young Persons Act 1969”.]

Textual Amendments

F18 Sch. 5 paras. 12(1), 37, 47 and 48 repealed (*prosp.*) by Children Act 1989 (c. 41, SIF 20), s. 108(2)(6) (7), Sch. 14 para. 27(4), **Sch. 15**

48 In section 23 of the Act of 1963, in subsection (1)(b), for the words “that Act” there shall be substituted the words “the principal Act” and, in subsection (5), for the words from “for his detention” onwards there shall be substituted the words “within the meaning of the Children and Young Persons Act 1969”.

49 In section 29(1) of the Act of 1963, for the words “before a juvenile court under section 62 or section 65 of the principal Act” there shall be substituted the words “under section 1 of the Children and Young Persons Act 1969 or for an offence” ; and section 29(2) of the Act of 1963 shall cease to have effect.

50—52. ^{F19}

Textual Amendments

F19 Sch. 5 paras. 50–52 repealed by Child Care Act 1980 (c. 5, SIF 20), s. 89, **Sch. 6**

53 For subsection (3) of section 57 of the Act of 1963 there shall be substituted the following subsection:—

“(3) The said sections 39 and 49 shall extend to Scotland and the said sections 46 and 54 shall extend to England and Wales, but—

- (a) references to a court in the said sections 39 and 49 shall not include a court in Scotland ; and
- (b) references to a court in the said sections 46 and 54 shall not include a court in England and Wales.”

54 ^{F20}

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

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Textual Amendments

F20 Sch. 5 para. 54 repealed with saving for any benefits or allowances for period before 4.4.1977 by [Child Benefit Act 1975 \(c. 61, SIF 113:1\)](#), s. 21(4), [Sch. 5 Pt. I](#)

M9 The Criminal Justice Act 1967

Marginal Citations

M9 1967 c. 80.

55 In [^{F21}section 9 of the Criminal Justice Act 1967 and section 102 of the Magistrates’ Courts Act 1980], after subsection (3) of each section there shall be inserted the following subsection:—

“(3A) In the case of a statement which indicates in pursuance of subsection (3) (a) of this section that the person making it has not attained the age of fourteen, subsection (2)(b) of this section shall have effect as if for the words from “made” onwards there were substituted the words “understands the importance of telling the truth in it”. ”

Textual Amendments

F21 Words in [Sch. 5 para. 55](#) substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#) s. 154, [Sch. 7 para. 87](#)

56 ^{F22}

Textual Amendments

F22 [Sch. 5 para. 56](#) repealed by [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), [Sch. 13](#)

M10 The Social Work (Scotland) Act 1968

Marginal Citations

M10 1968 c. 49.

57 After section 44(1) of the Social Work (Scotland) Act 1968, there shall be inserted the following subsection:—

“(1A) A supervision requirement imposing a condition as ton the place where a child is to reside in England or Wales shall be a likeauthority as in Scotland for the person in charge of the place to restrict the child’s liberty to such an extent as that person may consider appropriate having regard to the terms of the supervision requirement.”

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

Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons Act 1969, Schedule 5. (See end of Document for details)

58 (1) In section 72 of the said Act of 1968, after subsection (1) there shall be inserted the following subsection:—

“(1A) The juvenile court in England or Wales to which notification of a supervision requirement is sent under this section may make a supervision order in respect of the person to whom the notification relates but, notwithstanding anything in section 76(1) of this Act, shall not include in the order a requirement authorised by section 12 of the Children and Young Persons Act 1969 unless that person is before the court when the supervision order is made ; and in relation to a supervision order made by virtue of this subsection—

- (a) section 15 of that Act shall have effect as if subsection (2) were omitted ; and
- (b) section 17 of that Act shall have effect as if in paragraph (a) the reference to three years and the date on which the order was originally made were respectively references to one year and the date on which the said notification was sent and as if in paragraph (b) the words from “the order was” to “and” were omitted.”

(2) In subsection (2) of that section, after the word “court” there shall be inserted the words “in Northern Ireland”.

(3) In subsection (4) of that section for the words from “includes” to “1963” there shall be substituted the words “, in relation to England and Wales, has the same meaning as in the said Act of 1969”.

59 (1) In section 73 of the said Act of 1968, in subsection (1), after the word “reporter”, in the second place where it occurs, there shall be inserted the following words:—

“(i) in the case of a supervision order made by virtue of section 7A(4) of the Criminal Justice (Scotland) Act 1949, to notify the appropriate court and to transmit to that court all documents and certified copies of documents relating to the case which the reporter has received by virtue of section 76 of this Act ;

(ii) in any other case.

and at the end of that subsection there shall be inserted the following paragraph:—

In this subsection “appropriate court” means the sheriff having jurisdiction in the area in which the child proposes to reside or is residing or, where the original probation order was imposed by the High Court of Justiciary, that Court.”

(2) After subsection (1) of that section there shall be inserted the following subsection:—

“(1A) Where a court in England and Wales is satisfied that a child in respect of whom the court proposes to make a supervision order is residing or proposes to reside in Scotland, the court may make the order notwithstanding anything in subsection (1) of section 18 of the Children and Young Persons Act 1969 (which relates to residence of the supervised person in England or Wales) ; and where the court makes a supervision order by virtue of this subsection—

- (a) the areas to be named in the order in pursuance of subsection (2)(a) of the said section 18 shall be those in which the court is sitting ;

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

Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons Act 1969, Schedule 5. (See end of Document for details)

- (b) the order may require the supervised person to comply with directions of the supervisor with respect to his departure to Scotland, and any such requirement shall, for the purposes of sections 15 and 16 of that Act (which relate to the variation and discharge of supervision orders), be deemed to be included in the order in pursuance of section 12(2) of that Act ; and
- (c) the court shall send notification of the order as mentioned in paragraph (b) of the foregoing subsection and the provisions of that subsection relating to the duty of the reporter shall apply accordingly.”
- (3) In subsection (2) of that section for the word “subsection” there shall be substituted the words “provisions of this section.”.
- 60 In section 74 of the said Act of 1968, after subsection (5) there shall be inserted the following subsection:—
- “(6) An order under this section committing a child to the care of a local authority shall have effect as if it were a care order under the Children and Young Persons Act 1969, but as if sections 20(2) and 21(5) of that Act and in section 20(3) of that Act paragraph (a) and the words “in any other case” in paragraph (b) were omitted.”
- 61 (1) In section 75 of the said Act of 1968, in subsection (1) after the word “order” there shall be inserted the words “or an order under section 74(3) of this Act relating to a training school”.
- (2) In subsection (2) of that section, for the words from “under”, where it first occurs, to “1944” there shall be substituted the words “by a care order (other than an interim order) within the meaning of the Children and Young Persons Act 1969 or an order under section 74(3) of this Act” and after the word “1947” there shall be inserted the words “or the said section 74(3)”.
- (3) In subsection (3) of that section, after the words “training school order” there shall be inserted the words “or order under the said section 74(3) relating to a training school”.
- (4) In subsection (4) of that section after the word “order” there shall be inserted the words “under the said section 74(3) or”.
- 62 In section 76(4) of the said Act of 1968, after the word “order” there shall be inserted the words “or order under section 74(3) of this Act relating to a training school”.
- 63 In section 90(1) of the said Act of 1968, the words “or to prescribe any matter,” shall be omitted.
- 64 In section 94(1) of the said Act of 1968—
- (1) after the definition of “place of safety” there shall be inserted the words—
- “prescribed” means—
- (a) in section 3, prescribed by regulations,
- (b) in section 44, prescribed by rules, and
- (c) in sections 62(2), 66(1) and (2), 94, paragraphs 2(2) and (3), 4(3) and (4) of Schedule 7, prescribed by order,

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

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- (2) in the definition of “supervision order” after the word “1963” there shall be inserted the words “and includes a supervision order within the meaning of the Children and Young Persons Act 1969”.

65 In section 97(1) of the said Act of 1968—

- (1) after the words “that is to say—” there shall be inserted the words “section 44(1) (except head (b)) and (1A)”,
- (2) after the words “Part V” there shall be inserted the words “section 98(3)” and “Schedule 2, paragraphs 7 and 13”.

66 In section 98 of the said Act of 1968, after subsection (2) there shall be inserted the following subsection:—

“(3) An order under this section may make such transitional provisions as appear to the Secretary of State to be necessary or expedient in connection with the provisions thereby brought into force, including such adaptations of those provisions or of any provision of this Act then in force as appear to the Secretary of State necessary or expedient 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 the Children and Young Persons Act 1969.”

67, 68. F23

Textual Amendments

F23 Sch. 5 paras. 67, 68 repealed by Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), Sch. 10 Pt. I

69 In Schedule 7 to the said Act of 1968, in paragraph 1(1)(a), for the words “section 63” there shall be substituted the words “section 62”.

70 In Schedule 8 to the said Act of 1968, in paragraph 7—

- (a) for sub-paragraph (1) of that paragraph there shall be substituted the following sub-paragraph:—

(1) In section 87, for subsection (1), there shall be substituted the following subsection—

“(1) Any person detained in a training school under the law in force in Northern Ireland may, with the consent of the Secretary of State, be transferred by order of the competent authority in Northern Ireland to such place in Scotland as the Secretary of State may direct for the purposes of undergoing residential training, and shall be subject to the provisions of this Act and of the Criminal Justice (Scotland) Act 1963 as if the order sending him to the school in Northern Ireland were an order for committal for residential training made under section 58A of this Act made upon the same date, and as if the order were an authority for his detention for a period not exceeding the period for which he might be detained under the training school order made in respect of him ;”

- (b) in sub-paragraph (2) of that paragraph at the end there shall be inserted the words “; and in section 87(2) and (4) the words “England or”, wherever they occur, shall be omitted” ;

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

Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons Act 1969, Schedule 5. (See end of Document for details)

- (c) in sub-paragraph (3) of that paragraph the words “to such” shall be omitted ;
- (d) after sub-paragraph (3) of that paragraph there shall be inserted the following sub-paragraphs—

“(4) In section 87(5) the words “in relation to England, the Secretary of State, and” shall be omitted.

(5) In section 87 subsection (6) shall be omitted.”

71 In Schedule 8 to the said Act of 1968, in paragraph 9(2), for the word “for” there shall be substituted the word “of”.

72 In Schedule 8 to the said Act of 1968, in paragraph 10, at the end there shall be inserted the following words—

“after the definition of “Street” there shall be inserted the following definition—

“Training school order” has the same meaning as in the Social Work (Scotland) Act 1968.”

73 F24

Textual Amendments
F24 Sch. 5 para. 73 repealed by [Child Care Act 1980 \(c. 5, SIF 20\)](#), s. 89, [Sch. 6](#)

74 In Schedule 8 to the said Act of 1968, in paragraph 38, for the words “In section 15(4)” there shall be substituted the words—

“(1) In section 15(3), for the words “the last mentioned order” there shall be substituted the words “or to the care of a local authority by a care order (other than an interrim order) in force under the Children and Young Persons Act 1969, the fit person order or care order as the case may be”.

(2) In subsection (4).”

75 In Schedule 8 to the said Act of 1968, in sub-paragraph (1) of paragraph 51, for the words from “includfe” where it secondly occurs to the end of the sub-paragraph there shall be substituted the words “include ; and paragraph (e) shall be omitted.”

76 In Schedule 8 to the said Act of 1968, in paragraph 54, for the word “and” where the word first occurs there shall be substituted the word “or” and after the words “by virtue of” there shall be inserted the words “where those words secondly occur”.

77 In Schedule 8 to the said Act of 1968, after paragraph 59, there shall be inserted the following paragraph:—

“ Criminal Justice Act 1961

59A In section 32(2), after paragraph (g), there shall be inserted the following paragraph—

(h) section 58A of the Children and Young Persons (Scotland) Act 1937.”

78 F25

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

Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons Act 1969, Schedule 5. (See end of Document for details)

Textual Amendments

F25 Sch. 5 para. 78 repealed with saving for any benefits or allowances for period before 4.4.1977 by [Child Benefit Act 1975 \(c. 61, SIF 113:1\)](#), s. 21(2)(4), **Sch. 5 Pt. I**

79 In Part I of Schedule 9 to the said Act of 1968, in the entry relating to the Children and Young Persons (Scotland) Act 1937, in the third column, after the words “Sections 68 to 86” there shall be inserted the following words:—

“In section 87(2) and (4) the words “England or” wherever they occur, in subsection (5) the words “in relation to England, the Secretary of State, and” and subsection (6).”

80 In Part I of Schedule 9 to the said Act of 1968, in the entry relating to the Children Act 1958, in the third column, for the words “Section 2(6) and (7)” there shall be substituted the words—

“In section 2, in subsection (4) the words from “or by virtue of” to “of an approved school”, and subsections (6) and (7).”

81 In Part I of Schedule 9 to the said Act of 1968, in the entry relating to section 15(3) of the ^{M11}Adoption Act 1958, in the third column, for the words “or the Children” to “1937” there shall be substituted the following words “fit person by” to “care of a” and the words “fit person order or” and “as the case may be”

Marginal Citations

M11 1958 c. 5 (7 & 8 Eliz. 2)

82 **F26**

Textual Amendments

F26 Sch. 5 para. 82 repealed by [Foster Children Act 1980 \(c. 6, SIF 20\)](#), **Sch. 3**

83 In Part II of Schedule 9 to the said Act of 1968, in the entry relating to the Family Allowances Act 1965, in the third column, for the words from “11,” to “(2),” there shall be substituted the word “11(2),”.

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

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