



# Children and Young Persons Act 1963

## 1963 CHAPTER 37

### PART III

#### MISCELLANEOUS AND GENERAL

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

**C1** Pt. III (except s. 56) amended (E.W.) by [Local Authority Social Services Act 1970 \(c. 42\)](#), s. 2(1), [Sch. 1](#)

45— ..... <sup>F1</sup>  
47.

##### Textual Amendments

**F1** Ss. 1, 45–47, 49 repealed (S.) by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), [Sch. 9 Pt.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

48 ..... <sup>F2</sup>

##### Textual Amendments

**F2** S. 48 repealed by (S.) [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), [Sch. 9 Pt. I](#) and (E.W.) [Children Act 1975 \(c. 72\)](#), [Sch. 4 Pt. V](#)

49 ..... <sup>F3</sup>

*Status: Point in time view as at 05/11/1993.*

*Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons Act 1963, Part III. (See end of Document for details)*

**Textual Amendments**

**F3** Ss. 1, 45–47, 49 repealed (S.) by Social Work (Scotland) Act 1968 (c. 49), **Sch. 9 Pt. I** and (E.W.) (1.4.1981) by Child Care Act 1980 (c. 5), s. 89, **Sch. 6**

**50** ..... **F4**

**Textual Amendments**

**F4** S. 50 repealed by (S.) Social Work (Scotland) Act 1968 (c. 49), **Sch. 9 Pt. I** and (E.W.) Guardianship of Minors Act 1971 (c. 3), **Sch. 2**

**51, 52.** ..... **F5**

**Textual Amendments**

**F5** Ss. 51, 52 repealed by Social Work (Scotland) Act 1968 (c. 49), **Sch. 9 Pts. I, II**

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

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

(1) ..... **F6**

**F7**(3) .....

**Textual Amendments**

**F6** Ss. 2, 4–15, 22, 23(2)(6)–(8), 24, 25(2), 33, 53(1)(2), 59, 61, Sch. 1, Sch. 3 paras. 10, 16–23, 25–27, 33–36, 44, 46, 48, 49 repealed by Children and Young Persons Act 1969 (c. 54), **Sch. 6**

**F7** S. 53(3) repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

*Amendment of Adoption Act 1958*

**54** ..... **F8**

**Textual Amendments**

**F8** S. 54 repealed by Children Act 1975 (c. 72), **Sch. 4 Pt. III**

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## **F<sup>9</sup>55 Emigration with consent of Secretary of State.**

Section 52 of the <sup>M1</sup>Adoption Act 1958 (which, subject to exceptions, requires the authority of a provisional adoption order for the taking or sending abroad for adoption of infants who are British subjects) shall not apply in the case of any infant emigrating under the authority of the Secretary of State given under . . . <sup>F10</sup> section 17 of the <sup>M2</sup>Children Act 1948 [<sup>F11</sup> or section 23 of the <sup>M3</sup>Social Work (Scotland) Act 1968] . . . <sup>F12</sup>

### **Textual Amendments**

- F9** s. 55 repealed (E.W.) (1.4.1981) by [Child Care Act 1980 \(c. 5\)](#), s. 89, [Sch. 6](#)
- F10** Words repealed by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), [Sch. 8 para. 68](#) and [Children and Young Persons Act 1969 \(c. 54\)](#), [Sch. 6](#)
- F11** Words inserted by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), [Sch. 8 para. 68](#)
- F12** Words repealed by [Children and Young Persons Act 1969 \(c. 54\)](#), [Sch. 6](#)

### **Marginal Citations**

- M1** 1958 c. 5 (7 & 8 Eliz. 2).
- M2** 1948 c. 43.
- M3** 1968 c. 49.

## *Miscellaneous*

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

- (1) Without prejudice to section 98 of the principal Act (which authorises a local education authority to institute proceedings for an offence under Part I or Part II of that Act) any such proceedings may be instituted by the council of a county or county borough, whether or not the council are the local education authority, and may, where the council are the local education authority, be instituted by them otherwise than in that capacity.
- (2) So much of subsection (5) of section 85 of the Local Government Act 1933 and [<sup>F13</sup>subsection (1) of section 3 of the <sup>M4</sup>Local Authority Social Services Act 1970] as restricts the matters that may be referred to or dealt with by committees established under [<sup>F13</sup>the said section 85 and section 2 of the said Act of 1970] respectively shall not apply in relation to any functions exercisable by a council in pursuance of this section.

### **Textual Amendments**

- F13** Words substituted by [Local Authority Social Services Act 1970 \(c. 42\)](#), [Sch. 2 para. 10](#)

### **Marginal Citations**

- M4** 1970 c. 42.

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

- (1) In section 39 of the principal Act and in section of the principal Scottish Act (which empower a court to prohibit the publication in newspapers of pictures or matter leading to the identification of children and young persons concerned in certain proceedings) the words “which arise out of any offence against, or any conduct contrary to, decency

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or morality” shall be omitted and for the word “against” in paragraph (a) there shall be substituted the words “by or against”.

<sup>F14</sup>(2) Section 49 of the principal Act and section 54 of the principal Scottish Act (which restrict newspaper reports of proceedings in [<sup>F15</sup>youth courts]) shall, with the necessary modifications, apply in relation to any proceedings on appeal from a [<sup>F15</sup>youth court] (including an appeal by case stated or, in Scotland, stated case) as they apply in relation to proceedings in a [<sup>F15</sup>youth court].

<sup>F16</sup>(3) [<sup>F17</sup>Sections 39 and 49 of the principal Act] shall extend to Scotland and the said [<sup>F17</sup>section 46] shall extend to England and Wales, but—

- (a) references to a court in the said sections 39 and 49 shall not include a court in Scotland; and
- (b) references to a court in the said [<sup>F17</sup>section 46] shall not include a court in England or Wales.]

(4) The said sections 39 and 49 and the said sections 46 . . . <sup>F18</sup> shall, with the necessary modifications, apply in relation to sound and television broadcasts as they apply in relation to newspapers.

**Textual Amendments**

**F14** S. 57(2) repealed (S.) by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **Sch. 10 Pt. I**

**F15** Words in s. 57 substituted (1.10.1992) (E.W.) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 100, **Sch. 11 para. 40(2)(e)**; S.I. 1992/333, art. 2(2), **Sch. 2**

**F16** S. 57(3) substituted by [Children and Young Persons Act 1969 \(c. 54\)](#), **Sch. 5 para. 53**

**F17** Words substituted by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **Sch. 9 para. 45**

**F18** Words repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **Sch. 10 Pt. I**

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

**C2** The “said section 46” means [Children and Young Persons \(Scotland\) Act 1937 \(c. 37\)](#), s. 46

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

58 ..... <sup>F19</sup>

**Textual Amendments**

**F19** S. 58 repealed (S.) by [Social Work \(Scotland\) Act 1968 \(c. 49\)](#), **Sch. 9 Pt. I** and (E.W.) by [Child Care Act 1980 \(c. 5\)](#), s. 89, **Sch. 6**

59 ..... <sup>F20</sup>

**Textual Amendments**

**F20** Ss. 2, 4–15, 22, 23(2)(6)–(8), 24, 25(2), 33, 53(1)(2), 59, 61, Sch. 1, Sch. 3 paras. 10, 16–23, 25–27, 33–36, 44, 46, 48, 49 repealed by [Children and Young Persons Act 1969 \(c. 54\)](#), **Sch. 6**

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### Supplementary provisions

#### 60 Expenses.

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

#### 61 ..... F21

##### Textual Amendments

**F21** Ss. 2, 4–15, 22, 23(2)(6)–(8), 24, 25(2), 33, 53(1)(2), 59, 61, Sch. 1, Sch. 3 paras. 10, 16–23, 25–27, 33–36, 44, 46, 48, 49 repealed by Children and Young Persons Act 1969 (c. 54), **Sch. 6**

#### 62 ..... F22

##### Textual Amendments

**F22** S. 62, Sch. 4 repealed by Statute Law (Repeals) Act 1977 (c. 18), **Sch. 1 Pt. VII**

#### 63 Interpretation.

(1) In this Act “the principal Act” means the <sup>M5</sup>Children and Young Persons Act 1933 and “the principal Scottish Act” means the <sup>M6</sup>Children and Young Persons (Scotland) Act 1937.

[<sup>F23</sup>(1A) The local authorities for the purposes of Parts I and III of this Act shall be the councils of counties (other than metropolitan counties), of metropolitan districts and of London boroughs and the Common Council of the City of London.]

(2) References in this Act to any enactment are references thereto as amended and include references thereto as applied, by any other enactment including, except where the context otherwise requires, any enactment contained in this Act.

##### Textual Amendments

**F23** S. 63(1A) inserted (1.4.1981) by Child Care Act 1980 (c. 5), s. 89, **Sch. 5 para. 18**

##### Marginal Citations

**M5** 1933 c. 12.

**M6** 1937 c. 37.

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

(1) The enactments mentioned in Schedule 3 to this Act shall have effect subject to the amendments specified therein.

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- F24(2) .....
- (3) ..... F25

#### Textual Amendments

- F24** S. 64(2) repealed (5.11.1993) by 1993, c. 50, s. 1(1), Sch.1 Pt. VIII
- F25** Ss. 21, 64(3), Sch. 3 paras. 1–3, 8, 12, 39, Sch. 5 repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. XI

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

- C4** Unreliable marginal note.
- C5** The text of ss. 16(1), 17(1)(2), 25(1), 31, 32, 34, 35(3), 36, 38(2), 43, 57(1), 64(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

## 65 Citation, construction, commencement and extent.

- (1) This Act may be cited as the Children and Young Persons Act 1963.
- (2) This Act and the Children and Young Persons Acts 1933 to 1956 may be cited as the Children and Young Persons Acts 1933 to 1963, and this Act and the Children and Young Persons (Scotland) Acts 1937 and 1956 may be cited as the Children and Young Persons (Scotland) Acts 1937 to 1963.
- (3) This Act, except in so far as it amends any Act not construed as one with the principal Act or the principal Scottish Act, shall be construed, in its application to England and Wales, as one with the principal Act and, in its application to Scotland, as one with the principal Scottish Act.
- (4) The following provisions of this Act do not extend to Scotland, that is to say, Part I except sections 1, 10 and 32, sections 56 and 61, and Schedules 1 and 2 and Schedule 4 except paragraph 3.
- (5) <sup>F26</sup> sections 42 . . . <sup>F26</sup> of this Act, paragraphs 7, 8, . . . <sup>F26</sup> and 50 of Schedule 3, and so much of Schedule 5 as relates to section 25 and section 26 of the principal Act, extend to Northern Ireland.
- (6) This Act shall come into operation on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be so appointed for different purposes; and any reference in any provision of this Act to the commencement of this Act shall be construed as a reference to the time at which that provision comes into operation.

#### Textual Amendments

- F26** Words repealed by Children and Young Persons Act 1969 (c. 54), Sch. 6

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

- C6** Power of appointment conferred by s. 65(6) fully exercised: S.I. 1963/1561, 2056, 1968/1727

**Status:**

Point in time view as at 05/11/1993.

**Changes to legislation:**

There are currently no known outstanding effects for the Children and Young Persons Act 1963, Part III.