



Children and Young Persons Act 1969

1969 CHAPTER 54

PART I

CARE AND OTHER TREATMENT OF JUVENILES THROUGH COURT PROCEEDINGS

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F1 Ss. 1–3 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F2¹

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F2 Ss. 1–3 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F3²

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F3 Ss. 1–3 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F4³

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F4 Ss. 1–3 repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(6)(7), [Sch.15](#), (Sch. 14 paras. 1(1), 27(4)); [S.I. 1991/828](#), [art. 3\(2\)](#)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

F5⁴

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F5 S. 4 repealed (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), ss. 72, 101(2), [Sch 13](#); [S.I. 1992/333](#), [art. 2\(2\)](#), [Sch.2](#)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

- 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**

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.

- (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.

^{XI}(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.

(7) Subject ^{F12} . . . to the enactments requiring cases to be remitted to [^{F13}youth courts] and to section 53(1) of the Act of 1933 (which provides for detention for certain crimes), where a child ^{F14} . . . or a young person is found guilty of any offence by or before any court, that court or the court to which his case is remitted shall have power— ^{F15}

- (a) . . .
- (b) to make a supervision order in respect of him; or
- ^{F16}(c) . . .

and, if it makes such an order as is mentioned in this subsection while another such order made by any court is in force in respect of the child or young person, shall also have power to discharge the earlier order; ^{F17} . . .

^{F18}(7A)

^{F19}(7B)

^{F19}(7C)

(8) Without prejudice to the power to remit any case to a [^{F13}youth court] which is conferred on a magistrates' court other than a [^{F13}youth court] by section 56(1) of the Act of 1933, in a case where such a magistrates' court finds a person guilty of an offence and either he is a young person or was a young person when the proceedings in question were begun it shall be the duty of the court to exercise that power unless the court [^{F20} is of the opinion that the case is one which can properly be dealt with by means of—

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- (a) an order discharging him absolutely or conditionally; or
 - (b) an order for the payment of a fine; or
 - (c) an order requiring his parent or guardian to enter into a recognisance to take proper care of him and exercise proper control over him,
- with or without any other order that the court has power to make when absolutely or conditionally discharging an offender.]

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**
- F12** Words in s. 7(7) 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)**
- F13** Words in s. 7 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11**, para. 40(2)(g); S.I. 1992/333, art. 2(2), **Sch.2**
- F14** Words in s. 7(7) repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 13**; S.I. 1992/333, art. 2(2), **Sch.2**
- F15** S. 7(7)(a) 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)**
- F16** S. 7(7)(c) 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**
- F17** Words in s. 7(7) 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)**
- F18** 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)**
- F19** 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**
- F20** Words substituted by Criminal Justice Act 1972 (c. 71, SIF 39:1), **Sch. 5**

Modifications etc. (not altering text)

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

F217A

Textual Amendments

F21 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)**

F228

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Textual Amendments

F22 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.

- (1) Where a local authority or a local education authority bring ^{F23} . . . 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

F23 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\(2\)](#)

10 Further limitations on publication of particulars of children and young persons etc.

- ^{F24}(1)
- ^{F24}(2)
- (3) ^{F25}

Textual Amendments

F24 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

F25 S. 10(3) repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154(2), [Sch. 9](#)

Supervision

11 Supervision orders.

Any provision of this Act authorising a court to make a supervision order in respect of any person shall be construed as authorising the court to make an order placing him under the supervision of a local authority designated by the order or of a probation officer; and in this Act “supervision order” shall be construed accordingly and “supervised person” and “supervisor”, in relation to a supervision order, mean

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respectively the person placed or to be placed under supervision by the order and the person under whose supervision he is placed or to be placed by the order.

Modifications etc. (not altering text)

- C2** S. 11 extended by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **s. 189(4)**
- C3** S. 11: (definition of "supervision order" and "supervisor") applied (31.10.1991) by [Powers of Criminal Courts Act 1973 \(c. 62, SIF 39:1\)](#), **Sch. 3 para. 3(5)** (as substituted (31.10.1991) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), **s. 94(2)(c)**; S.I. 1991/2208, art. 2(4), **Sch. 3**).

^{F26}**11A**

Textual Amendments

- F26** 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)**

^{F27}**12** **Power to include requirements in supervision orders.**

- (1) A supervision order may require the supervised person to reside with an individual named in the order who agrees to the requirement, but a requirement imposed by a supervision order in pursuance of this subsection shall be subject to any such requirement of the order as is authorised by the following provisions of this section or by section 12A, 12B or 12C below.
- (2) Subject to section 19(12) of this Act, a supervision order may require the supervised person to comply with any directions given from time to time by the supervisor and requiring him to do all or any of the following things—
 - (a) to live at a place or places specified in the directions for a period or periods so specified;
 - (b) to present himself to a person or persons specified in the directions at a place or places and on a day or days so specified;
 - (c) to participate in activities specified in the directions on a day or days so specified;

but it shall be for the supervisor to decide whether and to what extent he exercises any power to give directions conferred on him by virtue of this subsection and to decide the form of any directions; and a requirement imposed by a supervision order in pursuance of this subsection shall be subject to any such requirement of the order as is authorised by section 12B(1) of this Act.

- (3) The total number of days in respect of which a supervised person may be required to comply with directions given by virtue of paragraph (a), (b) or (c) of subsection (2) above in pursuance of a supervision order shall not exceed 90 or such lesser number, if any, as the order may specify for the purposes of this subsection; and for the purpose of calculating the total number of days in respect of which such directions may be given the supervisor shall be entitled to disregard any day in respect of which directions were previously given in pursuance of the order and on which the directions were not complied with.]

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Textual Amendments

F27 Ss. 12–12D substituted for s. 12 by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 128, [Sch. 10 Pt. I](#)

[^{F28}12A Young offenders.

[This subsection applies to any supervision order made under section 7(7) of this
^{F29}(1) Act unless it requires the supervised person to comply with directions given by the
supervisor under section 12(2) of this Act.]

- (3) Subject to the following provisions of this section and to section 19(13) of this Act, a supervision order to which subsection (1) of this section applies may require a supervised person—
- (a) to do anything that by virtue of section 12(2) of this Act a supervisor has power, or would but for section 19(12) of this Act have power, to direct a supervised person to do;
 - (b) to remain for specified periods between 6 p.m. and 6 a.m.—
 - (i) at a place specified in the order; or
 - (ii) at one of several places so specified;
 - (c) to refrain from participating in activities specified in the order—
 - (i) on a specified day or days during the period for which the supervision order is in force; or
 - (ii) during the whole of that period or a specified portion of it.
- (4) Any power to include a requirement in a supervision order which is exercisable in relation to a person by virtue of this section or the following provisions of this Act may be exercised in relation to him whether or not any other such power is exercised.
- (5) The total number of days in respect of which a supervised person may be subject to requirements imposed by virtue of subsection (3)(a) or (b) above shall not exceed 90.
- (6) The court may not include requirements under subsection (3) above in a supervision order unless—
- (a) it has first consulted the supervisor as to—
 - (i) the offender’s circumstances; and
 - (ii) the feasibility of securing compliance with the requirements,and is satisfied, having regard to the supervisor’s report, that it is feasible to secure compliance with them;
 - (b) having regard to the circumstances of the case, it considers the requirements necessary for securing the good conduct of the supervised person or for preventing a repetition by him of the same offence or the commission of other offences; and
 - (c) the supervised person or, if he is a child, his parent or guardian, consents to their inclusion.
- (7) The court shall not include in such an order by virtue of subsection (3) above—
- (a) any requirement that would involve the co-operation of a person other than the supervisor and the supervised person unless that other person consents to its inclusion; or
 - (b) any requirement requiring the supervised person to reside with a specified individual; or

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- (c) any such requirement as is mentioned in section 12B(1) of this Act.
- (8) The place, or one of the places, specified in a requirement under subsection (3)(b) above (“a night restriction”) shall be the place where the supervised person lives.
- (9) A night restriction shall not require the supervised person to remain at a place for longer than 10 hours on any one night.
- (10) A night restriction shall not be imposed in respect of any day which falls outside the period of three months beginning with the date when the supervision order is made.
- (11) A night restriction shall not be imposed in respect of more than 30 days in all.
- (12) A supervised person who is required by a night restriction to remain at a place may leave it if he is accompanied—
 - (a) by his parent or guardian;
 - (b) by his supervisor; or
 - (c) by some other person specified in the supervision order.
- (13) A night restriction imposed in respect of a period of time beginning in the evening and ending in the morning shall be treated as imposed only in respect of the day upon which the period begins.]

Textual Amendments

- F28** Ss. 12–12D substituted for s. 12 by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 128, [Sch. 10 Pt. I](#)
- F29** S. 12A(1) substituted (14.10.1991) for subsections (1) and (2) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(4)(6), [Sch. 12 para.22](#) ,(with Sch. 14 para. 1(1)); [S.I. 1991/828, art. 3\(2\)](#)

[^{F30}12AA Requirement for young offender to live in local authority accommodation.

- (1) Where the conditions mentioned in subsection (6) of this section are satisfied, a supervision order may impose a requirement (“a residence requirement”) that a child or young person shall live for a specified period in local authority accommodation.
- (2) A residence requirement shall designate the local authority who are to receive the child or young person and that authority shall be the authority in whose area the child or young person resides.
- (3) The court shall not impose a residence requirement without first consulting the designated authority.
- (4) A residence requirement may stipulate that the child or young person shall not live with a named person.
- (5) The maximum period which may be specified in a residence requirement is six months.
- (6) The conditions are that—
 - (a) a supervision order has previously been made in respect of the child or young person;
 - (b) that order imposed—
 - (i) a requirement under section 12A(3) of this Act; or
 - (ii) a residence requirement;
 - (c) he is found guilty of an offence which—

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- (i) was committed while that order was in force;
 - (ii) if it had been committed by a person over the age of twenty-one, would have been punishable with imprisonment; and
 - (iii) in the opinion of the court is serious; and
- (d) the court is satisfied that the behaviour which constituted the offence was due, to a significant extent, to the circumstances in which he was living, except that the condition in paragraph (d) of this subsection does not apply where the condition in paragraph (b)(ii) is satisfied.

^{F31}(7)

^{F31}(8)

- (9) A court shall not include a residence requirement in respect of a child or young person who is not legally represented at the relevant time in that court unless—
- (a) he has applied for legal aid for the purposes of the proceedings and the application was refused on the ground that it did not appear that his resources were such that he required assistance; or
 - (b) he has been informed of his right to apply for legal aid for the purposes of the proceedings and has had the opportunity to do so, but nevertheless refused or failed to apply.

- (10) In subsection (9) of this section—
- (a) “the relevant time” means the time when the court is considering whether or not to impose the requirement; and
 - (b) “the proceedings” means—
 - (i) the whole proceedings; or
 - (ii) the part of the proceedings relating to the imposition of the requirement.

- (11) A supervision order imposing a residence requirement may also impose any of the requirements mentioned in sections 12, 12A, 12B or 12C of this Act.

^{F31}(12)]

Textual Amendments

F30 S. 12AA inserted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4)(6), Sch. 12 para. 23, (with Sch. 14 para. 1(1)); S.I. 1991/828, art. 3(2)

F31 S. 12AA(7)(8)(12) 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

[^{F32}**12B Requirements as to mental treatment.**

- (1) Where a court which proposes to make a supervision order is satisfied, on the evidence of a medical practitioner approved for the purposes of section 12 of the Mental Health Act 1983, that the mental condition of a supervised person is such as requires and may be susceptible to treatment but is not such as to warrant his detention in pursuance of a hospital order under Part III of that Act, the court may include in the supervision order a requirement that the supervised person shall, for a period specified in the order, submit to treatment of one of the following descriptions so specified, that is to say—

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- (a) treatment by or under the direction of a fully registered medical practitioner specified in the order;
 - (b) treatment as a non-resident patient at a place specified in the order; or
 - (c) treatment as a resident patient in a hospital or mental nursing home within the meaning of the said Act of 1983, but not a special hospital within the meaning of that Act.
- (2) A requirement shall not be included in a supervision order in pursuance of subsection (1) above—
- (a) in any case, unless the court is satisfied that arrangements have been or can be made for the treatment in question and, in the case of treatment as a resident patient, for the reception of the patient;
 - (b) in the case of an order made or to be made in respect of a person who has attained the age of 14, unless he consents to its inclusion;
- and a requirement so included shall not in any case continue in force after the supervised person becomes 18.]

Textual Amendments

F32 Ss. 12–12D substituted for s. 12 by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 128, **Sch. 10 Pt. I**

[^{F33}12C Requirements as to education.

- (1) Subject to subsection (3) below, a supervision order to which section 12A(1) of this Act applies may require a supervised person, if he is of compulsory school age, to comply, for as long as he is of that age and the order remains in force, with such arrangements for his education as may from time to time be made by his parent, being arrangements for the time being approved by the local education authority.
- (2) The Court shall not include such a requirement in a supervision order unless it has consulted the local education authority with regard to its proposal to include the requirement and is satisfied that in the view of the local education authority arrangements exist for the child or young person to whom the supervision order will relate to receive efficient full-time education suitable to his age, ability and aptitude and to any special educational need he may have.
- (3) Expressions used in subsection (1) above and in the Education Act ^{M1}1944 have the same meaning there as in that Act.
- (4) The court may not include a requirement under subsection (1) above unless it has first consulted the supervisor as to the offender’s circumstances and, having regard to the circumstances of the case, it considers the requirement necessary for securing the good conduct of the supervised person or for preventing a repetition by him of the same offence or the commission of other offences.]

Textual Amendments

F33 Ss. 12–12D substituted for s. 12 by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 128, **Sch. 10 Pt. I**

Marginal Citations

M1 1944 c. 31(41:1).

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[^{F34}12D Duty of court to state in certain cases that requirement in place of custodial sentence.

(1) Where—

- (a) in pursuance of section 12A(3)(a) of this Act a court includes a requirement in a supervision order directing the supervised person to participate in specified activities; and
- (b) it would have imposed a custodial sentence if it had not made a supervision order including such a requirement,

it shall state in open court—

- (i) that it is making the order instead of a custodial sentence;
- (ii) that it is satisfied that—
 - ^{F35}[the offence of which he has been convicted, or the combination of that offence and one [^{F36}or more offences]] associated with it, was so serious that only a supervision order containing such a requirement or a custodial sentence can be justified for that offence; or
 - (b) that offence was a violent or sexual offence and only a supervision order containing such a requirement or such a sentence would be adequate to protect the public from serious harm from him;
 - (iii) why it is so satisfied.

^{F37}[Sub-paragraphs (a) and (b) of subsection (1)(ii) above shall be construed as if they were contained in Part I of the Criminal Justice Act 1991.]

- (2) Where the Crown Court makes such a statement, it shall certify in the supervision order that it has made such a statement.
- (3) Where a magistrates' court makes such a statement, it shall certify in the supervision order that it has made such a statement and shall cause the statement to be entered in the register.]

Textual Amendments

- F34** Ss. 12–12D substituted for s. 12 by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 128, [Sch. 10 Pt. I](#)
- F35** S. 12D(1)(ii)(a)(b) substituted (1.10.1992) for s. 12D(1)(ii)(a)-(c) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), ss. 100, 101(1), [Sch. 11, para. 6\(1\)](#), [Sch. 12, para. 4](#); S.I. 1992/333, art. 2(2), [Sch. 2](#)
- F36** Words in s. 12D(1)(ii)(a) substituted (16.8.1993) by 1993 c. 36, [s. 66\(7\)](#); S.I. 1993/1968, art. 2(1), [Sch. 1](#).
- F37** S. 12D(1A) inserted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), ss. 100, 101(1), [Sch. 11, para. 6\(2\)](#), [Sch. 12, para. 4](#); S.I. 1992/333, art. 2(2), [Sch. 2](#)

13 Selection of supervisor.

- (1) A court shall not designate a local authority as the supervisor by a provision of a supervision order unless the authority agree or it appears to the court that the supervised person resides or will reside in the area of the authority.
- (2) A court shall not insert in a supervision order a provision placing a child under the supervision of a probation officer unless the local authority of which the area is named or to be named in the order in pursuance of section 18(2)(a) of this Act so request and a probation officer is already exercising or has exercised, in relation to another member

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of the household to which the child belongs, duties imposed [^{F38}on probation officers by section 14, or by rules under section 25(1)(c), of the Probation Service Act 1993.]

- (3) Where a provision of a supervision order places a person under the supervision of a probation officer, the supervisor shall be a probation officer appointed for or assigned to the petty sessions area named in the order in pursuance of section 18(2)(a) of this Act and selected under arrangements [^{F38}made under section 4(1)(d) of the Probation Service Act 1993 (arrangements made by probation committee)]

Textual Amendments
F38 Words in s. 13(2)(3) substituted (5.2.1994) by virtue of 1993 c. 47, ss. 32, 33, **Sch. 3 para. 3(2)**.

14 Duty of supervisor.

While a supervision order is in force it shall be the duty of the supervisor to advise, assist and befriend the supervised person.

^{F39} **14A**

Textual Amendments
F39 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)**

[15 ^{F40}**Variation and discharge of supervision orders.**

- (1) If while a supervision order is in force in respect of a supervised person it appears to a relevant court, on the application of the supervisor or the supervised person, that it is appropriate to make an order under this subsection, the court may make an order discharging the supervision order or varying it—
 - (a) by cancelling any requirement included in it in pursuance of section 12, 12A, 12AA, 12B, 12C or 18(2)(b) of this Act; or
 - (b) by inserting in it (either in addition to or in substitution for any of its provisions) any provision which could have been included in the order if the court had then had power to make it and were exercising the power.
- (2) The powers of variation conferred by subsection (1) above do not include power—
 - (a) to insert in the supervision order, after the expiration of three months beginning with the date when the order was originally made, a requirement in pursuance of section 12B(1) of this Act, unless it is in substitution for such a requirement already included in the order; or
 - (b) to insert in the supervision order a requirement in pursuance of section 12A(3)(b) of this Act in respect of any day which falls outside the period of three months beginning with the date when the order was originally made.
- (3) If while a supervision order made under section 7(7) of this Act is in force in respect of a person it is proved to the satisfaction of a relevant court, on the application of the supervisor, that the supervised person has failed to comply with any requirement

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- included in the supervision order in pursuance of section 12, 12A, 12AA, 12C or 18(2) (b) of this Act, the court—
- (a) whether or not it also makes an order under subsection (1) above, may order him to pay a fine of an amount not exceeding £1,000 or, subject to section 16A(1) of this Act, may make an attendance centre order in respect of him; or
 - (b) in the case of a person who has attained the age of eighteen, may (if it also discharges the supervision order) make an order imposing on him any punishment, other than a sentence of detention in a young offender institution, which it could have imposed on him if it—
 - (i) had then had power to try him for the offence in consequence of which the supervision order was made; and
 - (ii) had convicted him in the exercise of that power.
- (4) If while a supervision order is in force in respect of a person it is proved to the court under subsection (3) above that the supervised person has failed to comply with any requirement included in the supervision order in pursuance of section 12A(3)(a) of this Act directing the supervised person to participate in specified activities, the court may, if it also discharges the supervision order, make an order imposing on him any sentence which it could have imposed on him if it—
- (a) had then had power to try him for the offence in consequence of which the supervision order was made; and
 - (b) had convicted him in the exercise of that power.
- (5) In a case falling within subsection (3)(b) or (4) above where the offence in question is of a kind which the court has no power to try, or has no power to try without appropriate consents, the sentence imposed by virtue of that provision—
- (a) shall not exceed that which any court having power to try such an offence could have imposed in respect of it; and
 - (b) where the case falls within subsection (3)(b) above and the sentence is a fine, shall not in any event exceed £5,000; and
 - (c) where the case falls within subsection (4) above, shall not in any event exceed a custodial sentence for a term of six months and a fine of £5,000.
- (6) A court may not make an order by virtue of subsection (4) above unless the court which made the supervision order made a statement under subsection (1) of section 12D of this Act; and for the purposes of this subsection a certificate under that section shall be evidence of the making of the statement to which it relates.
- ^{F41}(7) A fine imposed under subsection (3) or (4) above shall be deemed, for the purposes of any enactment, to be a sum adjudged to be paid by a conviction.]
- (8) In dealing with a supervised person under subsection (3) or (4) above, the court shall take into account the extent to which that person has complied with the requirements of the supervision order.
- (9) If a medical practitioner by whom or under whose direction a supervised person is being treated for his mental condition in pursuance of a requirement included in a supervision order by virtue of section 12B(1) of this Act is unwilling to continue to treat or direct the treatment of the supervised person or is of opinion—
- (a) that the treatment should be continued beyond the period specified in that behalf in the order; or
 - (b) that the supervised person needs different treatment; or

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- (c) that he is not susceptible to treatment; or
 - (d) that he does not require further treatment,
- the practitioner shall make a report in writing to that effect to the supervisor.
- (10) On receiving a report under subsection (9) above, the supervisor shall refer it to a relevant court; and on such a reference, the court may make an order cancelling or varying the requirement.
- (11) In this section “relevant court” means—
- (a) in the case of a supervised person who has not attained the age of eighteen, a youth court;
 - (b) in the case of a supervised person who has attained that age, a magistrates’ court other than a youth court.
- (12) The provisions of this section shall have effect subject to the provisions of section 16 of this Act.

Textual Amendments

- F40** S. 15 substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53\)](#), ss. 66, 101(1), [Sch. 7](#), [Sch. 12 para. 20](#); S.I. 1992/333, art. 2(2), [Sch. 2](#)
- F41** S. 15(7) substituted (20.9.1993) by [1993 c. 36](#), ss. 65(3), [Sch. 3 para. 6\(1\)](#); S.I. 1993/1968, art. 2(2), [Sch. 2](#).

Modifications etc. (not altering text)

- C4** S. 15 modified (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 101(1), [Sch. 12 para. 20\(1\)](#); S.I. 1992/333, art. 2(2), [Sch. 2](#)
- C5** S. 15(3)(a): power to amend conferred (1.10.1992) by [Magistrates' Courts Act 1980 \(c. 43\)](#), [Sch. 6A](#) (as substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53\)](#), s. 17(3), [Sch. 4 Pt. IV](#); S.I. 1992/333, art. 2(2), [Sch. 2](#))
- C6** S. 15(5)(b): power to amend conferred (1.10.1992) by [Magistrates' Courts Act 1980 \(c. 43\)](#), [Sch. 6A](#) (as substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53\)](#), s. 17(3), [Sch. 4 Pt. IV](#); S.I. 1992/333, art. 2(2), [Sch. 2](#))

16 Provisions supplementary to s. 15.

- (1) Where the supervisor makes an application or reference under the preceding section to a court he may bring the supervised person before the court, and subject to subsection (5) of this section a court shall not make an order under that section unless the supervised person is present before the court.
- (2) Without prejudice to any power to issue a summons or warrant apart from this subsection, a justice may issue a summons or warrant for the purpose of securing the attendance of a supervised person before the court to which any application or reference in respect of him is made under the preceding section; but [^{F42}subsections (3) and (4) of section 55 of the ^{M2}Magistrates’ Courts Act 1980] (which among other things restrict the circumstances in which a warrant may be issued) shall apply with the necessary modifications to a warrant under this subsection as they apply to a warrant under that section and as if in subsection (3) after the word “summons” there were inserted the word “cannot be served or”.

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- (3) Where the supervised person is arrested in pursuance of a warrant issued by virtue of the preceding subsection and cannot be brought immediately before the court referred to in that subsection, the person in whose custody he is—
- (a) may make arrangements for his detention in a place of safety for a period of not more than seventy-two hours from the time of the arrest (and it shall be lawful for him to be detained in pursuance of the arrangements); and
 - (b) shall within that period, unless within it the [^{F43}supervised person] is brought before the court aforesaid, bring him before a justice;
- ^{F44} . . .
- [^{F45}(3A) Where a supervised person is brought before a justice under subsection (3) of this section, the justice may—
- (a) direct that he be released forthwith; or
 - (b) subject to subsection (3C) of this section, remand him to local authority accommodation.
- (3B) A justice who remands a person to local authority accommodation shall designate, as the authority who are to receive him, the authority named in the supervision order in respect of which the application or reference is being made.
- (3C) Where the supervised person has attained the age of eighteen at the time when he is brought before the justice, he shall not be remanded to local authority accommodation but may instead be remanded—
- (a) to a remand centre, if the justice has been notified that such a centre is available for the reception of persons under this subsection; or
 - (b) to a prison, if he has not been so notified.]
- [^{F46}(4) Where an application is made to [^{F47}a youth court] under section 15(1) of this Act, the court may remand (or further remand) the supervised person to local authority accommodation if—
- (a) a warrant has been issued under subsection (2) of this section for the purpose of securing the attendance of the supervised person before the court; or
 - (b) the court considers that remanding (or further remanding) him will enable information to be obtained which is likely to assist the court in deciding whether and, if so, how to exercise its powers under section 15(1).]
- (5) A court may make an order under the preceding section in the absence of the supervised person if the effect of the order is confined to one or more of the following, that is to say—
- (a) discharging the supervision order;
 - (b) cancelling a provision included in the supervision order in pursuance of section 12 [^{F48}, 12A, [^{F49}12AA], 12B or 12C] or section 18(2)(b) of this Act;
 - (c) reducing the duration of the supervision order or any provision included in it in pursuance of the said section 12 [^{F48}, 12A, [^{F49}12AA], 12B or 12C];
 - (d) altering in the supervision order the name of any area;
 - (e) changing the supervisor.
- (6) A [^{F50}youth court] shall not—
- (a) exercise its powers under subsection (1) of the preceding section to make [^{F51} . . . an order discharging a supervision order or inserting in it a requirement authorised by section 12 [^{F52}, 12A, [^{F53}12AA] 12B or 12C] of this Act or varying or cancelling such a requirement except in a case where the court is

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- satisfied that the supervised person either is unlikely to receive the care or control he needs unless the court makes the order or is likely to receive it notwithstanding the order;
- (b) exercise its powers to make an order under [^{F54}subsection (10)] of the preceding section except in such a case as is mentioned in paragraph (a) of this subsection;
- (c) exercise its powers under the said subsection (1) to make an order inserting a requirement authorised by [^{F55}section 12B(1)] of this Act in a supervision order which does not already contain such a requirement unless the court is satisfied as mentioned in the said [^{F55}section 12B(1)] on such evidence as is there mentioned.
- (7) Where the supervised person has attained the age of fourteen, then except with his consent a court shall not make an order under the preceding section containing provisions which insert in the supervision order a requirement authorised by [^{F55}section 12B(1)] of this Act or which alter such a requirement already included in the supervision order otherwise than by removing it or reducing its duration.
- (8) The supervised person ^{F56}. . . may appeal to [^{F57}the Crown court] against—
- (a) any order made under the preceding section, except an order made or which could have been made in the absence of the supervised person and an order containing only provisions to which he consented in pursuance of the preceding subsection;
- (b) the dismissal of an application under that section to discharge a supervision order.
- (9) Where an application under the preceding section for the discharge of a supervision order is dismissed, no further application for its discharge shall be made under that section by any person during the period of three months beginning with the date of the dismissal except with the consent of a court having jurisdiction to entertain such an application.
- (10) In [^{F58}paragraph (a) of subsection (3)] of the preceding section “attendance centre order” means such an order to attend an attendance centre as is mentioned in subsection (1) of section [^{F59}17 of the ^{M3}Criminal Justice Act 1982];. . . ^{F60}
- (11) In this and the preceding section references to a [^{F50}youth court] or any other magistrates’ court, in relation to a supervision order, are references to such a court acting for the petty sessions area for the time being named in the order in pursuance of section 18(2)(a) of this Act; and if while an application to a [^{F50}youth court] in pursuance of the preceding section is pending the supervised person to whom it relates attains the age of seventeen or eighteen, the court shall deal with the application as if he had not attained the age in question.

Textual Amendments

- F42** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154(2), **Sch. 7 para. 81**
- F43** Words in s. 16(3)(b) substituted (14.10.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 116, **Sch. 16 para. 4(2)(a)**; S.I. 1991/1883, art. 3, **Sch.**
- F44** Words in s. 16(3) repealed (14.10.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), ss. 116, 125(1), **Sch. 16 para. 4(2)(b)**, **Sch. 20**, S.I. 1991/1883, art. 3, **Sch.**
- F45** [S. 16\(3A\)–\(3C\)](#) inserted (14.10.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 116, **Sch. 16 para 4(3)**; S.I. 1991/1883, art. 3, **Sch.**

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- F46** S. 16(4) substituted (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 116, **Sch. 16 para. 4(4)**; S.I. 1991/1883, art. 3, **Sch.**
- F47** Words in s. 16(4) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para.7(1)**; S.I. 1992/333, art. 2(2), **Sch. 2**
- F48** Words inserted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 128, **Sch. 10 Pt. II**
- F49** Words in s. 16(5)(b)(c) inserted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4)(6), **Sch. 12 para 25(3)** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)** and by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 116, **Sch. 16 para. 4(5)**; S.I. 1991/1883, art. 3, **Sch.**
- F50** Words in s. 16(6)(11) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para.40(2)(g)**; S.I. 1992/333, art. 2(2), **Sch.2**
- F51** Words in s. 16(6)(a) repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch. 15** (with Sch.14 para. 27(4)); S.I. 1991/828, **art. 3(2)**
- F52** Words inserted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 128, **Sch. 10 Pt. II**
- F53** Words in s. 16(6)(a) inserted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4)(6), **Sch. 12 para. 25(3)** (with Sch. 14 para. 1(1)): S.I. 1991/828, **art. 3(2)** and by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 116, **Sch. 16 para. 4(5)**; S.I. 1991/1883, art. 3, **Sch.**
- F54** Words in s. 16(6)(b) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para.7(2)**; S.I. 1992/333, art. 2(2), **Sch.2**
- F55** References to “section 12B(1)” substituted by virtue of Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 128, **Sch. 10 Pt. II**
- F56** Words in s. 16(8) inserted by Children and Young Persons (Amendment) Act 1986 (c. 28, SIF 20), s. 2(2), 6 and repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), Sch. 14 para. 27(4), **Sch. 15**; S.I. 1991/828, **art. 3(2)**
- F57** Words substituted by virtue of Courts Act 1971 (c. 23, SIF 37), s. 56(2), **Sch. 9 Pt. I**
- F58** Words in s. 16(10) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para.7(3)**; S.I. 1992/333, art. 2(2), **Sch.2**
- F59** Words substituted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 14 para. 26**
- F60** Words repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170(2), **Sch. 16**

Marginal Citations

- M2** 1980 c. 43(82).
M3 1982 c. 48(39:1).

- ^{F61}16A
- (1) The provisions of section 17 of the Criminal Justice Act 1982 (attendance centre orders) shall apply for the purposes of [^{F62}section 15(3)(a)] of this Act but as if—
- in subsection (1), for the words from “has power” to “probation order” there were substituted the words “considers it appropriate to make an attendance centre order in respect of any person in pursuance of section 15(2A) or (4) of the Children and Young Persons Act 1969”;
 - for references to an offender there were substituted references to a supervised person; and
 - subsection (13) were omitted.
- (2) Sections 18 and 19 of the Criminal Justice Act 1982 (discharge and variation of attendance centre order and breach of attendance centre orders or attendance centre rules) shall also apply for the purposes of [^{F63}section 15(3)(a) of this Act] but as if—
- for the references to an offender there were substituted references to the person in respect of whom the attendance centre order has been made; and
 - there were omitted—

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- (i) from subsections (3) and (5) of section 19, the words “, for the offence in respect of which the order was made,” and “for that offence”; and
- (ii) from subsection (6), the words “for an offence”]

Textual Amendments

- F61** S. 16A inserted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 128, [Sch. 10 Pt. IV](#)
- F62** Words in s. 16A(1) substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 100, [Sch. 11 para. 8\(1\)](#); [S.I. 1992/333](#), art. 2(2), [Sch.2](#)
- F63** Words in s. 16A(2) substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 100, [Sch. 11 para. 8\(2\)](#); [S.I. 1992/333](#), art. 2(2), [Sch.2](#)

VALID FROM 30/09/1998

[^{F64}16B Application of section 12 of Criminal Justice Act 1991 etc.

- (1) The provisions of section 12 of the Criminal Justice Act 1991 (curfew orders) shall apply for the purposes of section 15(3)(a) of this Act but as if—
- (a) in subsection (1), for the words from the beginning to “before which he is convicted” there were substituted the words “Where a court considers it appropriate to make a curfew order in respect of any person in pursuance of section 15(3)(a) of the Children and Young Persons Act 1969, the court”; and
 - (b) in subsection (8), for the words “on conviction” there were substituted the words “on the date on which his failure to comply with a requirement included in the supervision order was proved to the court”.
- (2) Schedule 2 to the ^{M4}Criminal Justice Act 1991 (enforcement etc. of community orders), so far as relating to curfew orders, shall also apply for the purposes of that section but as if—
- (a) the power conferred on the magistrates’ court by each of paragraphs 3(1)(d) and 7(2)(a)(ii) to deal with the offender for the offence in respect of which the order was made were a power to deal with the offender, for his failure to comply with a requirement included in the supervision order, in any manner in which the relevant court could deal with him for that failure to comply if it had just been proved to the satisfaction of that court;
 - (b) the power conferred on the Crown Court by paragraph 4(1)(d) to deal with the offender for the offence in respect of which the order was made were a power to deal with the offender, for his failure to comply with such a requirement, in any manner in which that court could deal with him for that failure to comply if it had just been proved to its satisfaction;
 - (c) the reference in paragraph 7(1)(b) to the offence in respect of which the order was made were a reference to the failure to comply in respect of which the curfew order was made; and
 - (d) the power conferred on the Crown Court by paragraph 8(2)(b) to deal with the offender for the offence in respect of which the order was made were a power to deal with the offender, for his failure to comply with a requirement included in the supervision order, in any manner in which the relevant court (if that order was made by a magistrates’ court) or the Crown Court (if that order was made by the Crown Court) could deal with him for that failure to comply if it had just been proved to the satisfaction of that court.

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(3) For the purposes of the provisions mentioned in subsection (2)(a) and (d) above, as applied by that subsection, if the supervision order is no longer in force the relevant court’s powers shall be determined on the assumption that it is still in force.

(4) In this section “relevant court” has the same meaning as in section 15 above.]

Textual Amendments

F64 S. 16B inserted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para.21**; S.I. 1998/2327, **art.2(1)(y)(2)(i)**.

Marginal Citations

M4 1991 c.53.

17 Termination of supervision.

A supervision order shall, unless it has previously been discharged, cease to have effect—

(a) in any case, on the expiration of the period of three years, or such shorter period as may be specified in the order, beginning with the date on which the order was originally made;

^{F65}(b)

^{F66}(c)

Textual Amendments

F65 S. 17(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)**

F66 S. 17(c) (added by Child Abduction and Custody Act 1985 (c. 60, SIF 20), **s. 25(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)**

Modifications etc. (not altering text)

C7 S. 17(a) restricted (S.) by Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 189(5)(b), 390(5)(b)**

18 Supplementary provisions relating to supervision orders.

(1) A court shall not make a supervision order unless it is satisfied that the supervised person resides or will reside in the area of a local authority; and a court shall be entitled to be satisfied that the supervised person will so reside if he is to be required so to reside by a provision to be included in the order in pursuance of section 12(1) of this Act.

(2) A supervision order—

(a) shall name the area of the local authority and the petty sessions area in which it appears to the court making the order, or to the court varying any provision included in the order in pursuance of this paragraph, that the supervised person resides or will reside; and

(b) may contain such prescribed provisions as the court aforesaid considers appropriate for facilitating the performance by the supervisor of his functions

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under section 14 of this Act, including any prescribed provisions for requiring visits to be made by the supervised person to the supervisor, and in paragraph (b) of this subsection “prescribed” means prescribed by rules under [F67 section 144 of the M5 Magistrates’ Courts Act 1980].

- (3) A court which makes a supervision order or an order varying or discharging a supervision order shall forthwith send a copy of its order—
- (a) to the supervised person and, if the supervised person is a child, to his parent or guardian; and
 - (b) to the supervisor and any person who has ceased to be the supervisor by virtue of the order; and
 - (c) to any local authority who is not entitled by virtue of the preceding paragraph to such a copy and whose area is named in the supervision order in pursuance of the preceding subsection or has ceased to be so named by virtue of the court’s order; and
 - (d) where the supervised person is required by the order, or was required by the supervision order before it was varied or discharged, to reside with an individual or to undergo treatment by or under the direction of an individual or at any place, to the individual or the person in charge of that place; and
 - (e) where a petty sessions area named in the order or discharged order in pursuance of subsection (2) of this section is not that for which the court acts, to the clerk to the justices for the petty sessions area so named;

and, in a case falling within paragraph (e) of this subsection, shall also send to the clerk to the justices in question such documents and information relating to the case as the court considers likely to be of assistance to them.

[F68(4) Where a supervision order—

- (a) requires compliance with directions given by virtue of section 12(2) of this Act; or
- (b) includes by virtue of [F69 section 12A(3)] of this Act a requirement which involves the use of facilities for the time being specified in a scheme in force under section 19 of this Act for an area in which the supervised person resides or will reside,

any expenditure incurred by the supervisor for the purposes of the directions or requirements shall be defrayed by the local authority whose area is named in the order in pursuance of subsection (2) of this section.]

Textual Amendments

F67 Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154(2), [Sch. 7 para. 82](#)

F68 [S. 18\(4\)](#) substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 20(2)

F69 Reference to “section 12A(3)” substituted by virtue of [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 128, [Sch. 10 Pt. II](#)

Marginal Citations

M5 [1980 c. 43\(82\)](#).

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[^{F70}19 Facilities for the carrying out of supervisors' directions and requirements included in supervision orders by virtue of section 12(3C).

- (1) It shall be the duty of a local authority, acting either individually or in association with other local authorities, to make arrangements with such persons as appear to them to be appropriate, for the provision by those persons of facilities for enabling—
 - (a) directions given by virtue of section 12(2) of this Act to persons resident in their area; and
 - (b) requirements that may only be included in a supervision order by virtue of [^{F71}section 12A(3)] of this Act if they are for the time being specified in a scheme,
to be carried out effectively.
- (2) The authority or authorities making any arrangements in accordance with subsection (1) of this section shall consult each relevant probation committee as to the arrangements.
- (3) Any such arrangements shall be specified in a scheme made by the authority or authorities making them.
- (4) A scheme shall come into force on a date to be specified in it.
- (5) The authority or authorities making a scheme shall send copies of it to the clerk to the justices for each petty sessions area of which any part is included in the area to which the scheme relates.
- (6) A copy of a scheme shall be kept available at the principal office of every authority who are a party to it for inspection by members of the public at all reasonable hours, and any such authority shall on demand by any person furnish him with a copy of the scheme free of charge.
- (7) The authority or authorities who made a scheme may at any time make a further scheme altering the arrangements or specifying arrangements to be substituted for those previously specified.
- (8) A scheme which specifies arrangements to be substituted for those specified in a previous scheme shall revoke the previous scheme.
- (9) The powers conferred by subsection (7) of this section shall not be exercisable by an authority or authorities unless they have first consulted each relevant probation committee.
- (10) The authority or authorities who made a scheme shall send to the clerk to the justices for each petty sessions area of which any part is included in the area for which arrangements under this section have been specified in the scheme notice of any exercise of a power conferred by subsection (7) of this section, specifying the date for the coming into force, and giving details of the effect, of the new or altered arrangements, and the new or altered arrangements shall come into force on that date.
- (11) Arrangements shall not be made under this section for the provision of any facilities unless the facilities are approved or are of a kind approved by the Secretary of State for the purposes of this section.
- (12) A supervision order shall not require compliance with directions given by virtue of section 12(2) of this Act unless the court making it is satisfied that a scheme under this section is in force for the area where the supervised person resides or will reside; and

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no such directions may involve the use of facilities which are not for the time being specified in a scheme in force under this section for that area.

- (13) Subject to subsection (14) of this section, a supervision order may not include by virtue of [^{F71}subsection 12A(3)] of this Act—
 - (a) any requirement that would involve the supervised person in absence from home—
 - (i) for more than 2 consecutive nights; or
 - (ii) for more than 2 nights in any one week; or
 - (b) if the supervised person is of compulsory school age, any requirement to participate in activities during normal school hours,

unless the court making the order is satisfied that the facilities whose use would be involved are for the time being specified in a scheme in force under this section for the area in which the supervised person resides or will reside.
- (14) Subsection (13)(b) of this section does not apply to activities carried out in accordance with arrangements made or approved by the local education authority in whose area the supervised person resides or will reside.
- (15) It shall be the duty of every local authority to ensure that a scheme made by them in accordance with this section, either individually or in association with any other local authority, comes into force for their area not later than 30th April 1983 or such later date as the Secretary of State may allow.
- (16) In this section “relevant probation committee” means a probation committee for an area of which any part is included in the area to which a scheme under this section relates.
- (17) Expressions used in this section and in the ^{M6}Education Act 1944 have the same meanings in this section as in that Act.]

Textual Amendments

- F70** S. 19 substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 21(1)
- F71** Reference to “section 12A(3)” substituted by virtue of [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 128, [Sch. 10 Pt. II](#)

Marginal Citations

- M6** 1944 c. 31(41:1).

Committal to care of local authorities

^{F72}20

Textual Amendments

- F72** 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\(2\)](#)

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^{F73}**20A**

Textual Amendments

F73 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)

^{F74}**21**

Textual Amendments

F74 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)

^{F75}**21A**

Textual Amendments

F75 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)

^{F76}**22**

Textual Amendments

F76 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)

[^{F77}**23** **Remands and committals to local authority accommodation.**

(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, any reference (however expressed) to a remand shall be construed as including a reference to a committal.

(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

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- (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) Subject to subsection (5) 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 except in respect of a young person who has attained the age of fifteen, 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
 - (b) he has a recent history of absconding while remanded to local authority accommodation, and is charged with or has been convicted of an imprisonable offence alleged or found to have been committed while he was so remanded, and (in either case) the court is of opinion that only such a requirement would be adequate to protect the public from serious harm from him.
- (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 (5) 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) 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 any such conditions as could be imposed under section 3(6) of the Bail Act 1976 if he were then being granted bail.
- (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

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- (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—
- “court” and “magistrates” court’ include a justice;
 - “imprisonable offence” means an offence punishable in the case of an adult with imprisonment;
 - “relevant court”, in relation to a person remanded to local authority accommodation, 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;
 - “secure accommodation” means accommodation which is provided in a community home ^[F78], a voluntary home or a registered children’s home]] for the purpose of restricting liberty, and is approved for that purpose by the Secretary of State;
 - “sexual offence” and “violent offence” have the same meanings as in Part I of the Criminal Justice Act 1991;
 - “young person” means a person who has attained the age of fourteen years and is under the age of seventeen years.
- ^[F78]but, for the purposes of the definition of “secure accommodation”, “local authority accommodation” includes any accommodation falling within section 61(2) of the ^{M7}Criminal Justice Act 1991.]
- (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—
- (a) section 37 of the Magistrates’ Courts Act 1980 (committal to the Crown Court with a view to a sentence of detention in a young offender institution); and
 - (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.

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Textual Amendments

- F77** S. 23 substituted (1.10.1992 but until the day appointed by order under s. 62(1) of the amending Act subject to modifications made by that s. 62) by [Criminal Justice Act 1991 \(c. 53\)](#), ss. 60(1), 101(1), [Sch. 12, para. 15](#); [S.I. 1992/333, art. 2\(5\)](#), [Sch. 3](#)
- F78** 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](#)

Modifications etc. (not altering text)

- C8** S. 23 excluded (*prosp.* so as to come into force on the day appointed by order under s. 62(1) of the amending Act) by [Criminal Justice Act 1991 \(c. 53\)](#), s. 101(1), [Sch. 12 para. 15\(3\)](#); [S.I. 1992/333, art. 2\(5\)](#), [Sch. 3](#)

Marginal Citations

- M7** [1991 c. 53](#).

^{F166}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,
- ^{F167}then, unless he is declared by the court, after consultation with a probation officer or a social worker of a local authority social services department, to be a person to whom subsection (5) below applies] the remand or committal shall be to local authority accommodation; and in the following provisions of this section, any reference (however expressed) to a remand shall be construed as including a reference to a committal.
- (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.
- ^{F167}(4) Where a court declares a person to be one to whom subsection (5) below applies, it shall remand him—
- (a) to a remand centre, if it has been notified that such a centre is available for the reception from the court of such persons; and
 - (b) to a prison, if it has not been so notified.
- (4A) A court shall not declare a person who is not legally represented in the court to be a person to whom subsection (5) below applies unless—
- (a) he applied for legal aid and the application was refused on the ground that it did not appear his means were such that he required assistance; or

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- (b) having been informed of his right to apply for legal aid and had the opportunity to do so, he refused or failed to apply.
- (5) This subsection applies to a young person who is male and has attained the age of fifteen, but 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
 - (b) he has a recent history of absconding while remanded to local authority accommodation, and is charged with or has been convicted of an imprisonable offence alleged or found to have been committed while he was so remanded, and (in either case) the court is of opinion that only remanding him to a remand centre or prison would be adequate to protect the public from serious harm from him.]
- (6) Where a court [^{F167}declares a person to be one to whom subsection (5) above applies], it shall be its duty—
- (a) to state in open court that it is of such opinion as is mentioned in [^{F167}that subsection]; 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) A court remanding a person to local authority accommodation ^{F167}. . . may, after consultation with the designated authority, require that person to comply with any such conditions as could be imposed under section 3(6) of the Bail Act 1976 if he were then being granted bail.
- (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 ^{F167}. . . 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.
- ^{F167}(9A) Where a person is remanded to local authority accommodation, a relevant court may, on the application of the designated authority, declare him to be a person to whom subsection (5) above applies; and on its doing so, he shall cease to be remanded to local authority accommodation and subsection (4) above shall apply.]
- (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.

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- (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—
- “court” and “magistrates’ court” include a justice;
 - “imprisonable offence” means an offence punishable in the case of an adult with imprisonment;
 - “relevant court”, in relation to a person remanded to local authority accommodation, 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;
 - ^{F167} . . . “sexual offence” and “violent offence” have the same meanings as in Part I of the Criminal Justice Act 1991
 - “young person” means a person who has attained the age of fourteen years and is under the age of seventeen years.
- (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—
- (a) section 37 of the Magistrates’ Courts Act 1980 (committal to the Crown Court with a view to a sentence of detention in a young offender institution); and
 - (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.]

Textual Amendments

F166 S. 23 substituted (1.10.1992 as modified in relation to any time before such day as the Secretary of State may by Statutory Instrument appoint) by [Criminal Justice Act 1991 \(c. 53\), ss. 60\(1\), 62, 101\(1\), Sch. 12, para. 15; S.I. 1992/333, art. 2\(2\), Sch.2.](#)

F167 Text of s. 23 by virtue of modifications made by [1991 c. 53, s.62.](#)

[^{F79}23A Liability to arrest for breaking conditions of remand.

- (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.

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- (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 for the petty sessions area in which he was arrested; 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.]

Textual Amendments

F79 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)

VALID FROM 01/03/2002

^{F80}23AA Electronic monitoring of conditions of remand

- (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—

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- (a) has been notified by the Secretary of State that electronic monitoring arrangements are available in each petty sessions area which is a relevant area; and
 - (b) is satisfied that the necessary provision can be made under those arrangements.
- (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) Subsections (8) to (10) of section 3AA 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 petty sessions 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

F80 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](#))

24 ^{F81}

Textual Amendments

F81 Ss. 24, 27 repealed by [Child Care Act 1980 \(c. 5\)](#), SIF 20), s. 89, Sch. 6

Transfer

25 **Transfers between England or Wales and Northern Ireland.** E+W

- (1) If it appears to the Secretary of State, on the application of the welfare authority or the managers of the training school to whose care a person is committed by a fit person order or by virtue of a training school order [^{F82}or by any order which has effect as if it were a fit person order][^{F83}or by an order under subsection (2) below], that his parent or guardian resides or will reside in the area of a local authority in England or Wales,

Status: Point in time view as at 05/09/1995. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: Children and Young Persons Act 1969 is up to date with all changes known to be in force on or before 06 May 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)

the Secretary of State may make an order committing him to the care of that local authority; and while an order under this subsection is in force it shall have effect [^{F84}in a case in which there was a fit person order (or an order having effect as if it were a fit person order), as if it were a care order under section 31 of the Children Act 1989 and in a case in which there was a training school order as if it were a supervision order imposing a residence requirement as mentioned in section 12AA of this Act.]

- (2) If it appears to the [^{F85}the Secretary of State], on the application of the local authority to whose care a person is committed by a care order [^{F86}to which paragraph 36 of Schedule 14 to the Children Act (criminal care order transitional provisions) applies] other than an interim order [^{F86}or who is to accommodate a person pursuant to a supervision order imposing a residence requirement as mentioned in section 12AA of this Act][^{F83}or by an order under subsection (1) above], that his parent or guardian resides or will reside in Northern Ireland, [^{F85}the Secretary of State] may make an order committing him to the care of the managers of a training school or to the care of the welfare authority in whose area his parent or guardian resides or will reside and the provisions of the ^{M8}Children and Young Persons Act (Northern Ireland) 1968 (except sections [^{F87}88(3) and 90] shall apply to an order under this subsection as if it were a training school order made on the date of the care order or, as the case may be, [^{F87}the supervision order].

If an order under this subsection commits a person to the care of the managers of a training school, the contributions to be made in respect of him under section 161 of the said Act of 1968 shall be made by such council as may be named in that order, being the council within whose district his parent proposes to reside or is residing at the time of the order.

- (3) When a person is received into the care of a local authority or welfare authority or the managers of a training school in pursuance of an order under this section, the training school order, fit person order [^{F88}, care order or supervision order] in consequence of which the order under this section was made shall cease to have effect; and the order under this section shall, unless it is discharged earlier, cease to have effect—
- (a) in the case of an order under subsection (1), on the earlier of the following dates, that is to say, the date when the person to whom the order relates attains the age of nineteen or the date when, by the effluxion of time, the fit person order aforesaid would have ceased to have effect or, as the case may be, the period of his detention under the training school order aforesaid would have expired;
- (b) in the case of an order under subsection (2), on the date when the care order [^{F89}or supervision order] aforesaid would have ceased to have effect by the effluxion of time or—
- ^{F90}(i)
- (ii) if the order has effect by virtue of subsection (2) as a training school order and the period of supervision following the detention of the person in question in pursuance of the order expires before that date, when that period expires.
- (4) An order under this section shall be sufficient authority for the detention in Northern Ireland, by any constable or by a person duly authorised by a local authority or welfare authority or the managers of a training school, of the person to whom the order relates until he is received into the care of the authority or managers to whose care he is committed by the order.

Status: Point in time view as at 05/09/1995. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: Children and Young Persons Act 1969 is up to date with all changes known to be in force on or before 06 May 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)

- (5) In this section “training school”, “training school order” and “welfare authority” have the same meaning as in the said Act of 1968, and “fit person order” means an order under that Act committing a person to the care of a fit person.

Extent Information

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

Textual Amendments

- F82** Words in s. 25(1) inserted (14.10.1991) by S.I. 1991/2032, **reg. 8(1)(a)(i)**
- F83** Words inserted by **Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), Sch. 2 para. 15**
- F84** Words in s. 25(1) substituted (14.10.1991) by S.I. 1991/2032, **reg. 8(1)(a)(ii)**
- F85** Words substituted (N.I.) by virtue of S.I. 1973/2163, arts. 2(1), 11(5), **Sch. 1**
- F86** Words in s. 25(2) inserted (14.10.1991) by S.I. 1991/2032, **reg. 8(1)(b)(i)(ii)**
- F87** Words in s. 25(2) substituted (14.10.1991) by S.I. 1991/2032, **reg. 8(1)(b)(iv)(v)**
- F88** Words in s. 25(3) substituted (14.10.1991) by S.I. 1991/2032, **reg. 8(1)(c)(ii)**
- F89** Words in s. 25(3)(b) inserted (14.10.1991) by S.I. 1991/2032, **reg. 8(1)(c)(iii)**
- F90** S. 25(3)(b)(i) omitted (14.10.1991) by virtue of S.I. 1991/2032, **reg. 8(1)(c)(iv)**

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)**
- C10** S. 25(2) excluded by **Army Act 1955 (c. 18, SIF 7:1), Sch. 5A para 7(4)**, **Air Force Act 1955 (c. 19, SIF 7:1), Sch 5A para 7(4)** and **Naval Discipline Act 1957 (c. 53, SIF 7:1), Sch. 4A para 7(4)** (Schs. 5A para. 7(3) of the said Acts of 1955 and Sch. 4A para. 7(3) of the Act 1957 substituted (14.10.1991) by **Children Act 1989 (c. 41, SIF 20), s. 108(4), Sch. 12 paras.8,10,18**, (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**)

Marginal Citations

M8 1968 c. 34 (N.I.)

25 Transfers between England or Wales and Northern Ireland. **N.I.**

- (1) If it appears to the Secretary of State, on the application of the [^{F168}Ministry of Home Affairs for Northern Ireland (in this section referred to as the Ministry of Home Affairs)] or the managers of the training school to whose care a person is committed by a fit person order or by virtue of a training school order [^{F169}or by any order which has effect as if it were a fit person order][^{F170}or by an order under subsection (2) below], that his parent or guardian resides or will reside in the 'area of a local authority in England or Wales, the Secretary of State may make an order committing him to the care of that local authority; and while an order under this subsection is in force it shall have effect [^{F171}in a case in which there was a fit person order (or an order having effect as if it were a fit person order), as if it were a care order under section 31 of the Children Act 1989 and in a case in which there was a training school order as if it were a supervision order imposing a residence requirement as mentioned in section 12AA of this Act]
- (2) If it appears to the [^{F172}the Secretary of State], on the application of the local authority to whose care a person is committed by a care order [^{F173}to which paragraph 36 of Schedule 14 to the Children Act (criminal care order transitional provisions) applies]

Status: Point in time view as at 05/09/1995. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: Children and Young Persons Act 1969 is up to date with all changes known to be in force on or before 06 May 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)

other than an interim order [F173 or who is to accommodate a person pursuant to a supervision order imposing a residence requirement as mentioned in section 12AA] [F170 or by an order under subsection (1) above], that his parent or guardian resides or will reside in Northern Ireland, [F172 the Secretary of State] may make an order committing him to the care of the managers of a training school F174 . . . and the provisions of the M27 Children and Young Persons Act (Northern Ireland) 1968 (except sections [F175 88(3) and 90] shall apply to an order under this subsection as if it were a training school order made on the date of the care order or, as the case may be, [F176 the supervision order].

F177 . . .

- (3) When a person is received into the care of a local authority F178 . . . or the managers of a training school in pursuance of an order under this section, the training school order, fit person order [F179, care order or supervision order] in consequence of which the order under this section was made shall cease to have effect; and the order under this section shall, unless it is discharged earlier, cease to have effect—
- (a) in the case of an order under subsection (1), on the earlier of the following dates, that is to say, the date when the person to whom the order relates attains the age of nineteen or the date when, by the effluxion of time, the fit person order aforesaid would have ceased to have effect or, as the case may be, the period of his detention under the training school order aforesaid would have expired;
 - (b) in the case of an order under subsection (2), on the date when the care order [F180 or supervision order] or aforesaid would have ceased to have effect by the effluxion of time or—
 - F181 (i)
 - (ii) if the order has effect by virtue of subsection (2) as a training school order and the period of supervision following the detention of the person in question in pursuance of the order expires before that date, when that period expires.
- (4) An order under this section shall be sufficient authority for the detention in Northern Ireland, by any constable or by a person duly authorised by a local authority F182 . . . or the managers of a training school, of the person to whom the order relates until he is received into the care of the authority F182 . . . or managers to whose care he is committed by the order.
- (5) In this section "training school" [F183 and "training school order"] have the same meaning as in the said Act of 1968, and "fit person order" means an order under that Act committing a person to the care of a fit person.

Extent Information

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

Textual Amendments

F168 Words in s. 25(1) substituted (N.I.) by S.R. & O. (N.I.) 1973/256, art. 3, Sch. 2

F169 Words in s. 25(1) inserted (14.10.1991) by S.I. 1991/2032, reg. 8(1)(a)(i).

F170 Words inserted by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), [Sch. 2 para. 15](#)

F171 Words in s. 25(1) substituted (14.10.1991) by S.I. 1991/2032, art. 8(1)(a)(ii).

F172 Words substituted (N.I.) by virtue of S.I. 1973/2163, arts. 2(1), 11(5), [Sch. 1](#)

Status: Point in time view as at 05/09/1995. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: Children and Young Persons Act 1969 is up to date with all changes known to be in force on or before 06 May 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)

- F173** Words in s. 25(2) inserted (14.10.1991) by S.I. 1991/2032, **art. 8(1)(b)(i)(ii)**.
F174 Words in s. 25(2) omitted (14.10.1991) by virtue of S.I. 1991/2032, **reg. 8(1)(b)(iii)**
F175 Words in s. 25(2) substituted (14.10.1991) by S.I. 1991/2032, **reg. 8(1)(b)(iv)**
F176 Words in s. 25(2) substituted (14.10.1991) by S.I. 1991/2032, **reg. 8(1)(b)(v)**.
F177 Words repealed (N.I.) by S.R. & O. (N.I.) 1973/256, art. 3, Sch. 2
F178 Words in s. 25(3) omitted (14.10.1991) by virtue of S.I. 1991/2032, **reg. 8(1)(c)(i)**.
F179 Words in s. 25(3) substituted (14.10.1991) by S.I. 1991/2032, **reg. 8(1)(c)(ii)**.
F180 Words in s. 25(3)(b) inserted (14.10.1991) by S.I. 1991/2032, **reg. 8(c)(iii)**
F181 S. 25(3)(b)(i) omitted (14.10.1991) by virtue of S.I. 1991/2032, **reg. 8(1)(c)(iv)**
F182 Words in s. 25(4) omitted (14.10.1991) by virtue of S.I. 1991/2032, **reg. 8(1)(d)**.
F183 Words in s. 25(5) substituted (N.I.) by S.R. & O. (N.I.) 1973/256, art. 3, Sch. 2

Modifications etc. (not altering text)

- C16** 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)**
C17 S. 25(2): Certain functions transferred (N.I.) by S.I. 1973/2163, **Sch. 1**
C18 S. 25(2) excluded by Army Act 1955 (c. 18, SIF 7:1), **Sch. 5A para. 7(4)**, Air Force Act 1955 (c. 19, SIF 7:1) Sch. 5A para. 7(4) and Naval Discipline Act 1957 (c. 53, SIF 7:1), **Sch. 4A para. 7(4)** (Schs. 5A para. 7(3) of the said Acts of 1955 and Sch. 4A of the 1957 Act substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), **s. 108(4)**, **Sch. 12 paras. 8, 10, 18** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**

Marginal Citations

- M27** 1968 c. 34 (N.I.)

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

- (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 [^{F91} or as a supervision order imposing a residence requirement as mentioned in section 12AA of this Act];
- 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 [^{F92} 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 [^{F93} 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 supervision order imposing a residence requirement as mentioned in section 12AA of this Act with a requirement that the child be accommodated by a designated local authority].

Status: Point in time view as at 05/09/1995. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: Children and Young Persons Act 1969 is up to date with all changes known to be in force on or before 06 May 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)

(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

Textual Amendments

F91 Words in s. 26(1)(c) inserted (14.10.1991) by S.I. 1991/2032, **reg. 8(2)(a)**.

F92 Words in s. 26(1) inserted (14.10.1991) by S.I. 1991/2032, **reg. 8(2)(a)**.

F93 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)**.

Modifications etc. (not altering text)

C11 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 **F94**

Textual Amendments

F94 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

F95 28

Textual Amendments

F95 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)**)

Status: Point in time view as at 05/09/1995. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: Children and Young Persons Act 1969 is up to date with all changes known to be in force on or before 06 May 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)

[^{F96}29 Recognisance on release of arrested child or young person.

[A child or young person arrested in pursuance of a warrant shall not be released ^{F97}(1)] unless . . . ^{F98} 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.

[^{F99}(2) In this section “young person” means a person who has attained the age of fourteen and is under the age of seventeen years.]

Textual Amendments

F96 S. 29 substituted by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 121(1), **Sch. 6 para. 19(b)**

F97 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**

F98 Words repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170, **Sch. 15 para. 36, Sch. 16**

F99 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)

C12 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.

(1) The power to give directions under section 53 of the Act of 1933 (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.

31 ^{F100}

Textual Amendments

F100 S. 31 repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **Sch. 16**

Status: Point in time view as at 05/09/1995. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: Children and Young Persons Act 1969 is up to date with all changes known to be in force on or before 06 May 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)

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

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

- (a) ^{F101}
- (b) ^{F102}
- (c) ^{F103}
- (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 ^{M9}Children and Young Persons Act (Northern Ireland) 1968,

is absent from premises at which he is required by. . . ^{F104} 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. . . ^{F104} 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. . . ^{F104} to the premises or other place aforesaid or such other premises as the authority. . . ^{F104} may direct.

[^{F105}(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 section 16(3) of this Act; or
- (b) from local authority accommodation—
 - (i) in which he is required to live under section 12AA of this Act; or
 - (ii) to which he has been remanded under [^{F106}section 16(3A)] [^{F107} of this Act; or
 - (iii) to which he has been remanded or committed under section 23(1) of this Act]

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

(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.

(1C) In this section “the responsible person” means the person who made the arrangements under section 16(3) of this Act or, as the case may be, the authority designated under section 12AA [^{F108}, 16(3B)] or 23 of this Act.]

(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) [^{F109} or (1A)] 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 [^{F110} 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 [^{F111M10} Magistrates' Courts (Northern Ireland) Order 1981].

Status: Point in time view as at 05/09/1995. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: Children and Young Persons Act 1969 is up to date with all changes known to be in force on or before 06 May 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)

- [^{F112}(2A) Without prejudice to its powers under subsection (2) of this section, a magistrates' 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 mentioned in subsection (1) or [^{F113}(1A)(a) or (b)(i) or (ii)] 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) of this section applies, unless the information referred to in the said subsection (2) or (2A) is given by the [^{F114}responsible person].]
- (3) A person who knowingly compels, persuades, incites or assists another person to become or continue to be absent as mentioned in subsection (1) [^{F115}or (1A)] 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 [^{F116}level 5 on the standard scale] or both.
- (4) The reference to a constable in [^{F117}subsections (1),(1A) 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 [^{F117}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

- F101** S. 32(1)(a) repealed by Child Care Act 1980 (c. 5, SIF 20), ss. 89, 90(1), **Sch. 6**
- F102** S. 32(1)(b) repealed by Children Act 1975 (c. 72, SIF 49:9, 10), **s. 68(1)(2)**
- F103** S. 32(1)(c) repealed by Child Care Act 1980 (c. 5, SIF 20), ss. 89, 90(1), **Sch. 6**
- F104** Words repealed by Child Care Act 1980 (c. 5, SIF 20), **ss. 89, 90(1)** Sch. 6
- F105** 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)**
- F106** Words in s. 32(1A)(ii) substituted (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 116, **Sch. 16 para. 5(2)**; S.I. 1991/1883, art. 3, **Sch.**
- F107** Words in s. 32(1A)(b) substituted (E.W.) (5.9.1995) by 1995 c. 16, **s. 2(2)(a)**; S.I. 1995/2021, **art.2**
- F108** Words in s. 32(1C) inserted (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 116, **Sch. 16 para. 5(3)**; S.I. 1991/1883, art. 3, **Sch.**
- F109** Words inserted by Children Act 1975 (c. 72, SIF 49:9, 10), **s. 68(1)(4)**
- F110** 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**

Status: Point in time view as at 05/09/1995. This version of this Act contains provisions that are not valid for this point in time.

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- F111** Words substituted by S.I. 1981/1675 (N.I. 26), **Sch. 6 para. 17**
- F112** S. 32(2A)(2B) inserted by Children Act 1975 (c. 72, SIF 49:9, 10), **s. 68(1)(5)**
- F113** Words in s. 32(2A) substituted (E.W.) (5.9.1995) by 1995 c. 16, **s. 2(2)(b)**; S.I. 1995/2021, **art.2**
- F114** 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)**
- F115** Words inserted by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), **Sch. 2 para. 16**
- F116** 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**
- F117** Words substituted by Children Act 1975 (c. 72, SIF 49:9, 10), **s. 68(1)(7)**

Modifications etc. (not altering text)

- C13** 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)**

Marginal Citations

- M9** 1968 c. 34. (N.I.)
- M10** S.I. 1981/1675 (N.I. 26).

32 Detention of absentees. S+N.I.

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

- (a) **F184**
- (b) **F185**
- (c) **F186**
- (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 ^{M28}Children and Young Persons Act (Northern Ireland) 1968,

is absent from premises at which he is required by . . . ^{F187} 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 . . . ^{F187} 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. . . ^{F187} to the premises or other place aforesaid or such other premises as the authority. . . ^{F187} may direct.

[^{F188}(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 section 16(3) of this Act; or
- (b) from local authority accommodation—
 - (i) in which he is required to live under section 12AA of this Act; or
 - (ii) to which he has been remanded under [^{F189}section 16(3A) or 23(1)] of this Act,

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

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

- (a) the place of safety;

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- (b) the local authority accommodation; or
 - (c) such other place as the responsible person may direct, at the responsible person's expense.
- (1C) In this section “the responsible person” means the person who made the arrangements under section 16(3) of this Act or, as the case may be, the authority designated under section 12AA ^[F190], 16(3B) or 23 of this Act.]
- (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) ^[F191] or (1A) 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 ^[F193M29] Magistrates' Courts (Northern Ireland) Order 1981].
- ^[F194](2A) Without prejudice to its powers under subsection (2) of this section, a magistrates' 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 mentioned in subsection (1) or (1A) 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) of this section applies, unless the information referred to in the said subsection (2) or (2A) is given by the ^[F195] responsible person].]
- (3) A person who knowingly compels, persuades, incites or assists another person to become or continue to be absent as mentioned in subsection (1) ^[F196] or (1A) 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 ^[F197] level 5 on the standard scale] or both.
- (4) The reference to a constable in ^[F198] subsections (1), (1A) 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 ^[F198] 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

- F184** S. 32(1)(a) repealed by [Child Care Act 1980 \(c. 5, SIF 20\)](#), ss. 89, 90(1), [Sch. 6](#)
- F185** S. 32(1)(b) repealed by [Children Act 1975 \(c. 72, SIF 49:9, 10\)](#), [s. 68\(1\)\(2\)](#)
- F186** S. 32(1)(c) repealed by [Child Care Act 1980 \(c. 5, SIF 20\)](#), ss. 89, 90(1), [Sch. 6](#)
- F187** Words repealed by [Child Care Act 1980 \(c. 5, SIF 20\)](#), [ss. 89, 90\(1\)](#) Sch. 6
- F188** 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\(2\)](#)
- F189** Words in s. 32(1A)(ii) substituted (14.10.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 116, [Sch. 16 para. 5\(2\)](#); S.I. 1991/1883, art. 3, [Sch.](#)
- F190** Words in s. 32(1C) inserted (14.10.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 116, [Sch. 16 para. 5\(3\)](#); S.I. 1991/1883, art. 3, [Sch.](#)
- F191** Words inserted by [Children Act 1975 \(c. 72, SIF 49:9, 10\)](#), [s. 68\(1\)\(4\)](#)
- 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 inserted by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), [Sch. 2 para. 16](#)
- F197** 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](#)
- F198** Words substituted by [Children Act 1975 \(c. 72, SIF 49:9, 10\)](#), [s. 68\(1\)\(7\)](#)

Modifications etc. (not altering text)

- C19** 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\(2\)](#)

Marginal Citations

- M28** 1968 c. 34. (N.I.)
- M29** S.I. 1981/1675 (N.I. 26).

Conflict of interest between parent and child or young person

^{F118}**32A**

Textual Amendments

- F118** [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\(2\)](#)

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F119 32B

Textual Amendments
F119 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)**

F120 32C

Textual Amendments
F120 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 **F121**

Textual Amendments
F121 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.

- (1) The Secretary of State may by order provide—
 - (a) that any reference to a child in section ^{F122} . . . , [^{F123} or 13(2)] of this Act shall be construed as excluding a child who has attained such age as may be specified in the order;
 - ^{F122}(b)
 - (c) that any reference to a young person in section 5(8), 7(7), 7(8), 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) ^{F124}
 - (e) that [^{F125}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) ^{F126}
- (2) In the case of a person who has not attained [^{F127}the age of eighteen] but has attained such lower age as the Secretary of State may by order specify, no proceedings ^{F128} . . . 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 ^{F128} . . . 5(8) of this Act, given notice of the proceedings to a probation officer for the area for which the court acts; ^{F128} . . .

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- (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 probation and after-care committee acting for any relevant area, arrangements are in force for information with respect to his home surroundings to be furnished to the court in question by a probation officer.
- (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) ^{F129}
- (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

- F122** S. 34(1) (b) and word in s. 34(1)(a) repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(1), **Sch. 13**; S.I. 1992/333, art. 2(2), **Sch. 2**
- F123** Words in s. 34(1)(a) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4)(6), **Sch. 12 para. 28(a)**, (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- F124** S. 34(1)(d) repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 16**
- F125** 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)**
- F126** S. 34(1)(f) repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170(2), **Sch. 16**
- F127** 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
- F128** 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)**
- F129** S. 34(5) repealed by Criminal Law Act 1977 (c. 45, SIF 39:1), **Sch. 13**

PART II

ACCOMMODATION ETC. FOR CHILDREN IN CARE, AND FOSTER CHILDREN

Community homes

35— ^{F130}
45.

Status: Point in time view as at 05/09/1995. This version of this Act contains provisions that are not valid for this point in time.

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Textual Amendments
F130 Ss. 35–45, 47–50 repealed by Child Care Act 1980 (c. 5, SIF 20), s. 89, Sch. 6

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

- (1) If in the case of any approved school, [F131 or remand home within the meaning of the M11 Criminal Justice Act 1948 or approved probation hostel [F132 within the meaning of the Probation Service Act 1993]] (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
 F131 Words substituted by Powers of Criminal Courts Act 1973 (c. 62, SIF 39:1), Sch. 5 para. 36
 F132 Words in s. 46(1) substituted (5.2.1994) by 1993 c. 47, ss. 32, 33, Sch. 3 para. 3(3).

Modifications etc. (not altering text)
 C14 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
 M11 1948 c. 58(39:1).

47— F133
50.

Textual Amendments
F133 Ss. 35–45, 47–50 repealed by Child Care Act 1980 (c. 5, SIF 20), s. 89, Sch. 6

51 F134

Textual Amendments
F134 Ss. 51, 52(1)–(3) repealed by Foster Children Act 1980 (c. 6, SIF 20), Sch. 3

52 (1) F135

^{x2}(4) Section 37 of the M12 Adoption Act 1958 (which defines “protected child” for the purposes of Part IV of that Act) shall have effect subject to the following modifications:—

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- (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) 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) F136

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.

Textual Amendments

F135 Ss. 51, 52(1)–(3) repealed by Foster Children Act 1980 (c. 6, SIF 20), **Sch. 3**

F136 Ss. 52(5), 53–55 repealed by Foster Children Act 1980 (c. 6, SIF 20), **Sch. 3**

Marginal Citations

M12 1958 c. 5. (7 & 8 Eliz. 2.)

53— F137
55.

Textual Amendments

F137 Ss. 52(5), 53–55 repealed by Foster Children Act 1980 (c. 6, SIF 20), **Sch. 3**

56, 57. F138

Textual Amendments

F138 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. F139

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Textual Amendments

F139 Ss. 58, 59 repealed by [Child Care Act 1980 \(c. 5, SIF 20\)](#), s. 89, **Sch. 6**

PART III

MISCELLANEOUS AND GENERAL

60 **F140**

Textual Amendments

F140 S. 60 repealed by [Extradition Act 1989 \(c. 33, SIF 48\)](#), s. 37(1), **Sch. 2**

61 **F141**

Textual Amendments

F141 S. 61 repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154(2), **Sch. 9**

62— **F142**
64A.

Textual Amendments

F142 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.

(1) **F143**

(2) **F144**

(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 ^{F145}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

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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.

Textual Amendments

F143 Ss. 62–64A, 65(1) repealed by Child Care Act 1980 (c. 5, SIF 20), s. 89, Sch. 6

F144 S. 65(2) repealed by Children Act 1975 (c. 72, SIF 49:9, 10), Sch. 4 Pt. X

F145 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.

- (1) The power to make an order under [F146section 4(1) of the M13Local 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 [F146subsection (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 [F147the 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

F146 Words substituted by virtue of Interpretation Act 1978 (c. 30, SIF 115:1), s. 17(2)(a)

F147 Words substituted by virtue of S.I. 1970/1681, arts. 2(1), 6(3)

Marginal Citations

M13 1974 c. 7(81:1).

67 Administrative expenses.

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

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Supplemental

68 F148

Textual Amendments

F148 S. 68 repealed by Local Government Act 1972 (c. 70, SIF 81:1), Sch. 30

69 Orders and regulations etc.

- (1) Any power conferred on the Secretary of State by this Act to make an order or regulations, except an order under section 25, . . . ^{F149} 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, , ^{F149} 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.
- [^{F150}(5) The power conferred by subsection (4)(c) of this section shall be construed in its application to orders under section 73(2) of this Act as authorising the inclusion in any such order of a provision directing that—
 - (a) the words “child or” wherever occurring in section 55 of the ^{M14}Children and young Persons Act 1933 (power to order parent or guardian to pay fine etc.); and
 - (b) the words from “except” to the end of section 17(4) of the ^{M15}Criminal Justice Act 1982 (limit of aggregate number of hours for which an attendance centre order may require an offender under 14 years of age to attend at an attendance centre),
 shall cease to have effect on a day specified in the order.]

Textual Amendments

F149 Words repealed by Child Care Act 1980 (c. 5, SIF 20), s. 89, Sch. 6

F150 S. 69(5) added by Criminal Justice Act 1982 (c. 48, SIF 39:1), Sch. 14 para. 28

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Marginal Citations

M14 1933 c. 12(20).

M15 1982 c. 48(39:1).

70 Interpretation and ancillary provisions.

(1) In this Act, unless the contrary intention appears, the following expressions have the following meanings:—

“the ^{M16}Act of 1933” means the Children and Young Persons Act 1933;

“the ^{M17}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;

^{F151}
.....

“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 (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;

^{F152}
.....

^{F151}
.....

“local authority” [^{F153}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 metropolitan district] or London borough or the Common Council of the City of London;

[^{F154}“local authority accommodation” means accommodation provided by or on behalf of a local authority (within the meaning of the Children Act 1989)]

“petty sessions area” has the same meaning as in [^{F155}the ^{M18}Magistrates’ Courts Act 1980] except that, in relation to a [^{F156}youth court] constituted for the metropolitan area within the meaning of Part II of Schedule 2 to the Act of 1963, it means such a division of that area as is mentioned in paragraph 14 of that Schedule;

^{F152}
.....

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

^{F152}
.....

“reside” means habitually reside, and cognate expressions shall be construed accordingly except in section [^{F157}12B(1) and (2)] of this Act;

“supervision order”, “supervised person” and “supervisor” have the meanings assigned to them by section 11 of this Act;

^{F152}
.....

[^{F158}“young person” means a person who has attained the age of fourteen and is under the age of eighteen years;]

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

[^{F159}(1A) Where, in the case of a child whose father and mother were not married to each other at the time of his birth, an order of any court is in force giving the right to the actual custody of the child to the father, any reference in this Act to the parent of the child includes, unless the contrary intention appears, a reference to the father.

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In this subsection “actual custody”, in relation to a child, means actual possession of his person.]

[^{F160}(1B) In subsection (1A) of this section the reference to a child 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 Family Law Reform Act 1987 and “actual custody”, in relation to a child, means actual possession of his person.]

- (2) Without prejudice to any power apart from this subsection to bring proceedings on behalf of another person, any power to make an application which is exercisable by a child or young person by virtue of section 15(1), ^{F161} . . . of this Act shall also be exercisable on his behalf by his parent or guardian; and in this subsection “guardian” includes any person who was a guardian of the child or young person in question at the time when any supervision order, ^{F161} . . . to which the application relates was originally made.
- (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

- F151** 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)**
- F152** Definitions repealed by Child Care Act 1980 (c. 5, SIF 20), s. 89, **Sch. 6**
- F153** Words substituted by Local Government Act 1972 (c. 70, SIF 81:1), **Sch. 23 para. 16**
- F154** 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)**
- F155** Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), **s. 154(2) Sch. 7 para. 85**
- F156** 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**
- F157** Words in s. 70(1) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4)(6), **Sch. 12 para. 29(b)**, (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- F158** 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**
- F159** S. 70(1A) inserted by Family Law Reform Act 1987 (c. 42, SIF 49:7), **s. 8(1)**
- F160** S. 70(1B) inserted by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 33(1), **Sch. 2 para. 26**
- F161** Words in s. 70(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)**

Marginal Citations

- M16** 1933 c. 12(20).
- M17** 1963 c. 37(20).

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M18 1980 c. 43(82).

71 Application to Isles of Scilly.

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.

- (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 ^{M19}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.
- ^{X3}(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).
- ^{X3}(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) ^{F162}

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

F162 S. 72(5) repealed by [Foster Children Act 1980 \(c. 6, SIF 20\)](#), [Sch. 3](#)

Marginal Citations

M19 1968 c. 49(81:3).

73 Citation, commencement and extent.

- (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.

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- (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 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 ^{M20}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), [^{F163}32(1) to (1C) 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 ^{M21}Merchant Shipping Act 1894, the ^{M22}Superannuation (Miscellaneous Provisions) Act 1948, sections 10, 53, 55 and 59 of the Act of 1963, the ^{M23}Family Allowances Act 1965 and the ^{M24}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 ^{M25}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 ^{M26}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;
- ^{F164}
- (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 [^{F165}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

F163 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\(2\)](#)

F164 Words repealed by [Northern Ireland Constitution Act 1973 \(c. 36, SIF 29:3\)](#), [Sch. 6 Pt. I](#)

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F165 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)**

Modifications etc. (not altering text)

C15 S. 73(2)(3) extended by Powers of Criminal Courts Act 1973 (c. 62, SIF 39:1), **Sch. 4 para 2(1)**

Marginal Citations

M20 1968 c. 49(81:3).

M21 1894 c. 60(111).

M22 1948 c. 33(101A:1).

M23 1965 c. 53.

M24 1968 c. 49(81:3).

M25 1961 c. 39(39:1).

M26 1937 c. 37(20).

Status:

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