



# Children and Young Persons Act 1969

## 1969 CHAPTER 54

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

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

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

#### Textual Amendments

**F1** Ss. 1–3 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

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

#### Textual Amendments

**F2** Ss. 1–3 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

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

#### Textual Amendments

**F3** Ss. 1–3 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

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

*Status: Point in time view as at 14/10/1991. This version of this part contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons Act 1969, Part I. (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**F4** Ss. 1–3 repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(6)(7), [Sch.15](#), (Sch. 14 paras. 1(1), 27(4)); [S.I. 1991/828](#), [art. 3\(2\)](#)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.*

#### **4 Prohibition of criminal proceedings for offences by children. E+W**

A person shall not be charged with an offence, except homicide, by reason of anything done or omitted while he was a child.

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

- (1) A person other than a qualified informant shall not lay an information in respect of an offence if the alleged offender is a young person.
- (2) A qualified informant shall not lay an information in respect of an offence if the alleged offender is a young person unless the informant is of opinion that the case is of a description prescribed in pursuance of subsection (4) of this section and that it would not be adequate for the case to be dealt with by a parent, teacher or other person or by means of a caution from a constable or through an exercise of the powers of a local authority or other body not involving court proceedings or by means of proceedings under <sup>F5</sup>Part IV of the Children Act 1989].
- (3) A qualified informant shall not come to a decision in pursuance of the preceding subsection to lay an information unless—
  - (a) he has told the appropriate local authority that the laying of the information is being considered and has asked for any observations which the authority may wish to make on the case to the informant; and
  - (b) the authority either have notified the informant that they do not wish to make such observations or have not made any during the period or extended period indicated by the informant as that which in the circumstances he considers reasonable for the purpose or the informant has considered the observations made by the authority during that period;

but the informant shall be entitled to disregard the foregoing provisions of this subsection in any case in which it appears to him that the requirements of the preceding subsection are satisfied and will continue to be satisfied notwithstanding any observations which might be made in pursuance of this subsection.
- (4) The Secretary of State may make regulations specifying, by reference to such considerations as he thinks fit, the descriptions of cases in which a qualified informant may lay an information in respect of an offence if the alleged offender is a young person; but no regulations shall be made under this subsection unless a draft of the regulations has been approved by a resolution of each House of Parliament.
- (5) An information laid by a qualified informant in a case where the informant has reason to believe that the alleged offender is a young person shall be in writing and shall—
  - (a) state the alleged offender's age to the best of the informant's knowledge; and
  - (b) contain a certificate signed by the informant stating that the requirements of subsections (2) and (3) of this section are satisfied with respect to the case or

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that the case is one in which the requirements of the said subsection (2) are satisfied and the informant is entitled to disregard the requirements of the said subsection (3).

(6) If at the time when justices begin to inquire into a case, either as examining justices or on the trial of an information, they have reason to believe that the alleged offender is a young person and either—

- (a) it appears to them that the person who laid the information in question was not a qualified informant when he laid it; or
- (b) the information is not in writing or does not contain such a certificate as is mentioned in subsection (5)(b) of this section,

it shall be their duty to quash the information, without prejudice to the laying of a further information in respect of the matter in question; but no proceedings shall be invalidated by reason of a contravention of any provision of this section and no action shall lie, by reason only of such a contravention, in respect of proceedings in respect of which such a contravention has occurred.

(7) Nothing in the preceding provisions of this section applies to an information laid with the consent of the Attorney General or laid by or on behalf or with the consent of the Director of Public Prosecutions.

(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

“qualified informant” means a servant of the Crown, a police officer and a member of designated police force acting in his capacity as such a servant, officer or member, a local authority, the Greater London Council, the council of a [F6 district] and any body designated as a public body for the purposes of this section;

and in this subsection “designated” means designated by an order made by the Secretary of State; 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.

#### Textual Amendments

- F5 Words in s. 5(2) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4)(6), Sch. 12 para.20,(with Sch. 14 para. 1(1)); S.I. 1991/828, art. 3(2)
- F6 Word substituted by virtue of Local Government Act 1972 (c. 70, SIF 81:1), s. 179(3)

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**Textual Amendments**

**F7** S. 6 repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154(2), [Sch. 9](#)

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

- (1) ..... <sup>F8</sup>
- (2) ..... <sup>F9</sup>
- (3) ..... <sup>F10</sup>

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

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

(7) Subject <sup>F11</sup> . . . to the enactments requiring cases to be remitted to juvenile courts and to section 53(1) of the Act of 1933 (which provides for detention for certain crimes), where a child is found guilty of homicide 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— <sup>F12</sup>

- (a) . . .
- (b) to make a supervision order in respect of him; or
- (c) with the consent of his parent or guardian, to order the parent or guardian to enter into a recognisance to take proper care of him and exercise proper control over him,

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; <sup>F13</sup> . . .

<sup>F14</sup>(7A) .....

<sup>F15</sup>(7B) An order under subsection (7)(c) of this section shall not require a person to enter into a recognisance—

- (a) for an amount exceeding £1,000; or
- (b) for a period exceeding—
  - (i) three years; or
  - (ii) where the young person concerned will attain the age of eighteen in a period shorter than three years, that shorter period.

(7C) Section 120 of the Magistrates' Courts Act 1980 shall apply to a recognisance entered into in pursuance of an order under subsection (7)(c) of this section as it applies to a recognisance to keep the peace.]

(8) Without prejudice to the power to remit any case to a juvenile court which is conferred on a magistrates' court other than a juvenile 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 <sup>F16</sup>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

- F8** S. 7(1) repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 16**
- F9** S. 7(2) repealed by Powers of Criminal Courts Act 1973 (c. 62, SIF 39:1), **Sch. 6**
- F10** S. 7(3)(4) repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 16**
- F11** 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)**
- F12** 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)(1)); S.I. 1991/828, **art. 3(2)**
- F13** 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)**
- F14** 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)**
- F15** S. 7(7B)(7C) 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)**
- F16** 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**

**F17A** ..... **E+W**

#### Textual Amendments

- F17** 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)**

## 8 Fingerprinting of suspected young persons. **E+W**

- (1) If a police officer not below the rank of inspector makes an application on oath to a justice stating—
- (a) that there is evidence sufficient to justify the laying of an information that a young person has or is suspected of having committed an offence punishable with imprisonment in the case of an adult; and
  - (b) that with a view to deciding, in accordance with section 5 of this Act, whether the information should be laid it is appropriate in the opinion of the officer

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for an order under subsection (2) of this section to be made in respect of the young person,

the justice may if he thinks fit issue a summons or warrant for the purpose of securing the attendance of the young person before a magistrates' court with a view to the making of such an order in respect of him.

- (2) The court before which a young person appears in pursuance of a summons or warrant under the preceding subsection may if it thinks fit order his finger and palm prints to be taken by a constable.
- (3) [<sup>F18</sup>Subsections (2) and (4) of section 49 of the <sup>M1</sup>Magistrates' Court Act 1980] (which respectively relate to the taking and destruction of finger and palm prints) shall have effect as if references to an order under that section included references to an order under the preceding subsection and, in relation to an order under the preceding subsection, as if for the words from "remanded" to "committed" in subsection (2) there were substituted the words "lawfully detained at any place, at that place"<sup>F19</sup>. . .

#### Textual Amendments

- F18** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154(2), [Sch. 7 para. 80](#)
- F19** Words in [s. 8\(3\)](#) 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\(2\)](#)

#### Marginal Citations

- M1** [1980 c. 43\(82\)](#).

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

- (1) Where a local authority or a local education authority bring <sup>F20</sup>. . . proceedings for an offence alleged to have been committed by a young person or are notified that any such proceedings are being brought, it shall be the duty of the authority, unless they are of opinion that it is unnecessary to do so, to make such investigations and provide the court before which the proceedings are heard with such information relating to the home surroundings, school record, health and character of the person in respect of whom the proceedings are brought as appear to the authority likely to assist the court.
- (2) If the court mentioned in subsection (1) of this section requests the authority aforesaid to make investigations and provide information or to make further investigations and provide further information 4 relating to the matters aforesaid, it shall be the duty of the authority to comply with the request.

#### Textual Amendments

- F20** 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. **E+W+S**

- (1) In subsection (1) of section 49 of the Act of 1933 (which among other things imposes restrictions on reports of certain court proceedings concerning children or young

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persons but authorises the court or the Secretary of State, if satisfied that it is in the interests of justice to do so, to dispense with the requirements of that section)—

- (a) the references to a young person concerned in the proceedings as the person in respect of whom they are taken shall be construed as including references to any person who has attained the age of seventeen but not eighteen and against or in respect of whom the proceedings are taken and, in the case of proceedings under Part I of this Act, any other person in respect of whom those proceedings are taken; and
- (b) the references to a juvenile court shall, in relation to proceedings in pursuance of the provisions of sections 15 and 16 of this Act or on appeal from such proceedings, be construed as including a reference to any other magistrates' court or, as the case may be, the court in which the appeal is brought; and
- (c) for the words “in the interests of justice so to do” there shall be substituted words “appropriate to do so for the purpose of avoiding injustice to a child or young person” and after the word “section” there shall be inserted the words “in relation to him”.

(2) Where by virtue of paragraph (b) of the preceding subsection the said section 49 applies to any proceedings, it shall be the duty of the court in which the proceedings are taken to announce in the course of the proceedings that that section applies to them; and if the court fails to do so that section shall not apply to the proceedings in question.

(3) ..... F21

**Textual Amendments**

F21 S. 10(3) repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154(2), Sch. 9

*Supervision*

**11 Supervision orders. E+W**

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 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 (S.) by Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 189(4)

F22 11A ..... E+W



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#### Textual Amendments

**F22** S. 11A (which was inserted by [Children Act 1975 \(c. 72, SIF 49:9\)](#), [Sch. 3 para. 68](#)) repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(6)(7), [Sch.15](#), (with Sch. 14 paras. 1(1), 27(4)); [S.I. 1991/828](#), [art. 3\(2\)](#)

#### [<sup>F23</sup>12 Power to include requirements in supervision orders. **E+W**

- (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.]

#### Textual Amendments

**F23** Ss. 12–12D substituted for s. 12 by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 128, [Sch. 10 Pt. I](#)

#### [<sup>F24</sup>12A Young offenders. **E+W**

[ This subsection applies to any supervision order made under section 7(7) of this 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—



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- (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
  - (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—

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- (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

- F24** Ss. 12–12D substituted for s. 12 by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 128, [Sch. 10 Pt. I](#)
- F25** 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\(2\)](#)

#### [<sup>F26</sup>12AA Requirement for young offender to live in local authority accommodation. **E**

**+W**

- (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—
    - (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.
- (7) For the purposes of satisfying itself as mentioned in subsection (6)(d) of this section, the court shall obtain a social inquiry report which makes particular reference to the circumstances in which the child or young person was living.

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- (8) Subsection (7) of this section does not apply if the court already has before it a social inquiry report which contains sufficient information about the circumstances in which the child or young person was living.
- (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.
- (12) In this section “social inquiry report” has the same meaning as in section 2 of the <sup>M2</sup>Criminal Justice Act 1982.]

#### Textual Amendments

**F26** 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)

#### Marginal Citations

**M2** 1982 c. 48 (39:1).

### [<sup>F27</sup>12B Requirements as to mental treatment. **E+W**

- (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—
- (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.

*Status: Point in time view as at 14/10/1991. This version of this part contains provisions that are not valid for this point in time.*

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

- (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

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

#### [<sup>F28</sup>12C Requirements as to education. **E+W**

- (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 <sup>M3</sup>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

**F28** 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

**M3** 1944 c. 31(41:1).

#### [<sup>F29</sup>12D Duty of court to state in certain cases that requirement in place of custodial sentence. **E+W**

- (1) Where—

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- (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—
    - (a) the offender has a history of failure to respond to non-custodial penalties and is unable or unwilling to respond to any non-custodial penalty other than a supervision order including such a requirement; or
    - (b) only a supervision order including such a requirement or a custodial sentence would be adequate to protect the public from serious harm from him; or
    - (c) the offence for which he has been convicted or found guilty was so serious that a non-custodial sentence for it other than a supervision order including such a requirement could not be justified; and
  - (iii) why it is so satisfied.
- (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

**F29** Ss. 12–12D substituted for s. 12 by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 128, Sch. 10 Pt. I

### 13 Selection of supervisor. **E+W**

- (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 of the household to which the child belongs, duties imposed [<sup>F30</sup>on probation officers by paragraph 8 of Schedule 3 to the <sup>M4</sup>Powers of Criminal Courts Act 1973 or by rules under paragraph 18(1)(b)] of that Schedule.
- (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 made by the [<sup>F31</sup>probation committee]; but if the probation officer selected as aforesaid dies or is unable to carry out his duties. . . <sup>F32</sup>, another probation officer shall be selected as aforesaid for the purposes of the order.

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**Textual Amendments**

**F30** Words substituted by [Powers of Criminal Courts Act 1973 \(c. 62, SIF 39:1\)](#), **Sch. 5 para. 35**

**F31** Words substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 65(1)**

**F32** Words repealed by [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), **Sch. 13**

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**Marginal Citations**

**M4** [1973 c. 62\(39:1\)](#).

**14 Duty of supervisor.** E+W

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

<sup>F33</sup>**14A** ..... E+W

**Textual Amendments**

**F33** [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 Variation and discharge of supervision orders.** E+W

(1) If while a supervision order is in force in respect of a supervised person who has not attained the age of eighteen it appears to a juvenile 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 by—

- (a) cancelling any requirement included in it in pursuance of section 12 <sup>F34</sup>, 12A, <sup>F35</sup>12AA] 12B or 12C] or section 18(2)(b) of this Act; or
- (b) 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,

<sup>F36</sup> . . . ; but the powers of variation conferred by this subsection do not include power to insert in the supervision order, after the expiration of <sup>F37</sup>three months beginning with the date when the order was originally made], a requirement in pursuance of <sup>F38</sup>section 12B(1)] of this Act, unless. . . <sup>F39</sup>it is in substitution for such a requirement already included in the order <sup>F40</sup>or power to insert in the supervision order a requirement in pursuance of <sup>F38</sup>section 12A(3)] (b) of this Act in respect of any day which falls outside the period of 3 months beginning with the date when the order was originally made.]

(2) If on an application in pursuance of the preceding subsection, in a case where the supervised person has attained the age of seventeen <sup>F41</sup>. . . , it appears to the court appropriate to do so it may proceed as if the application were in pursuance of subsection (3) or, if it is made by the supervisor, in pursuance of subsections (3) and (4) of this section and as if in that subsection or those subsections, as the case may

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be, the word “seventeen” were substituted for the word “eighteen” and the words “a magistrates’ court other than” were omitted.

[<sup>F42</sup>(2A) If while a supervision order made under section 7(7) of this Act <sup>F43</sup> . . . is in force in respect of a person who has not attained the age of 18 it is proved to the satisfaction of a juvenile court, on the application of the supervisor, that the supervised person has failed to comply with any requirement included in the supervision order in pursuance of section 12, 12A [<sup>F44</sup>12AA] 12C or 18(2)(b) of this Act, the court—

- (a) may order him to pay a fine of an amount not exceeding £100; or
- (b) subject to section 16A(1) of this Act, may make an attendance centre order in respect of him,

whether or not it also makes an order under subsection (1) of this section.]

(3) If while a supervision order is in force in respect of a supervised person who has attained the age of eighteen it appears to a magistrates’ court other than a juvenile 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 by—

- (a) inserting in it a provision specifying the duration of the order or altering or cancelling such a provision already included in it; or
- (b) substituting for the provisions of the order by which the supervisor is designated or by virtue of which he is selected such other provisions in that behalf as could have been included in the order if the court had then had power to make it and were exercising the power; or
- (c) substituting for the name of an area included in the order in pursuance of section 18(2)(a) of this Act the name of any other area of a local authority or petty sessions area, as the case may be, in which it appears to the court that the supervised person resides or will reside; or
- (d) cancelling any provision included in the order by virtue of section 18(2)(b) of this Act or inserting in it any provision prescribed for the purposes of that paragraph; or
- (e) cancelling any requirement included in the order in pursuance of section [<sup>F45</sup>12, 12A, [<sup>F46</sup>12AA], 12B or 12C] of this Act.

[<sup>F47</sup>(4) If while a supervision order made under section 7(7) of this Act <sup>F48</sup> . . . is in force in respect of a person who has attained the age of 18 it is proved to the satisfaction of a magistrates’ court [<sup>F49</sup> other than a juvenile court], on the application of the supervisor, that the supervised person has failed to comply with any requirement included in the supervision order in pursuance of section 12, 12A [<sup>F50</sup>12AA] 12C or 18(2)(b) of this Act, the court—

- (a) whether or not it also makes an order under subsection (3) of this section, may order him to pay a fine of an amount not exceeding £100 or, subject to section 16A(1) of this Act, may make an attendance centre order in respect of him;
- (b) if it also discharges the supervision order, may 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 had then had power to try him for the offence in consequence of which the supervision order was made and had convicted him in the exercise of that power;

and in a case 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—



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- (i) the punishment imposed by virtue of paragraph (b) of this subsection shall not exceed that which any court having power to try such an offence could have imposed in respect of it; and
  - (ii) if the punishment imposed is a fine, it shall not in any event exceed £2,000.
- (4A) If while a supervision order is in force in respect of a person it is proved to the court under subsection (2A) or (4) 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 had then had power to try him for the offence in consequence of which the supervision order was made and had convicted him, or found him guilty, in the exercise of that power.
- (4B) In a case 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 shall not exceed that which any court having power to try such an offence could have imposed in respect of it and shall not in any event exceed a custodial sentence for a term of six months and a fine—
- (a) if the offender has not attained the age of 18, of £400; and
  - (b) if he has attained that age, of £2,000.
- (4C) A court may not make an order by virtue of subsection (4A) of this section unless the court which made the supervision order made a statement under section 12D(1) of this Act.
- (4D) For the purposes of subsection (4C) above a certificate under section 12D of this Act shall be evidence of the making of the statement to which it relates.]
- (5) 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 [F51section 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
  - (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; and on receiving a report under this subsection the supervisor shall refer it to a juvenile court, and on such a reference the court may make an order cancelling or varying the requirement.
- (6) The preceding provisions of this section shall have effect subject to the provisions of the following section.

#### Textual Amendments

- F34** Words in s. 15(1)(a) inserted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 128, **Sch. 10 Pt. II**
- F35** Words in s. 15(1)(a) inserted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(4)(6), **Sch. 12 para.24(1)**, (with Sch. 14 para. 1(1)); [S.I. 1991/828](#), **art. 3(2)**
- F36** Words in s. 15(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), 36(3)(b)); [S.I. 1991/828](#), **art. 3(2)**

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- F37** Words in s. 15(1) substituted, except in relation to supervision orders made before 17.7.1978, by Criminal Law Act 1977 (c. 45, SIF 39:1), **Sch. 12**
- F38** References to “sections 12B(1)” and “section 12A(3)” substituted by virtue of Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 128, **Sch. 10 Pt. II**
- F39** Words in s. 15(1) repealed, except in relation to supervision orders made before 17.7.1978, by Criminal Law Act 1977 (c. 45, SIF 39:1), **Sch. 13**
- F40** Words in s. 15(1) added by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 14 para. 25**
- F41** Words in s. 15(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)**
- F42** S. 15(2A) substituted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 128, **Sch. 10 Pt. III para. 1** (s. 15(2A) originally inserted by Criminal Law Act 1977 (c. 45, SIF 39:1), **s. 37(2)(3)** except in relation to supervision orders made before 17.7.1978)
- F43** Words in s. 15(2A) 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)**
- F44** Words in s. 15(2A) inserted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4)(6), **Sch. 12 para.24(1)**, (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- F45** Words in s. 15(3)(e) substituted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 128, **Sch. 10 Pt. III para. 2**
- F46** Words in s. 15(3)(e) inserted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4)(6), **Sch. 12 para.24(1)**, (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- F47** S. 15(4)–(4D) substituted for s. 15(4) by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 128, **Sch. 10 Pt. III para. 3**
- F48** Words in s. 15(4) 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)**
- F49** Words in s. 15(4) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4)(6), **Sch. 12 para.24(2)**,(with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- F50** Words in s. 15(4) inserted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4)(6), **Sch. 12 para. 24(1)**, (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- F51** Reference to “section 12B(1)” substituted by virtue of Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 128, **Sch. 10 Pt. II**

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

- C3** S. 15(1) amended (14.10.1991) by Children Act 1989 (c. 41, SIF 20), **ss.90(2)(b)**, 108(6), (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- C4** Power to amend s. 15(2A)(4) conferred by Magistrates' Courts Act 1980 (c. 43, SIF 82) s. 143, Sch. 6A (as inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 5**)
- C5** S. 15(4) restricted (S.) by Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 189(5)(a)**, 390(5)(a)

## 16 Provisions supplementary to s. 15. **E+W**

- (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 [F52] subsections (3) and (4) of section 55 of the M5 Magistrates' Courts Act 1980] (which among other things restrict the circumstances in which a warrant may be issued) shall apply with the

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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”.

- (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 [<sup>F53</sup>supervised person] is brought before the court aforesaid, bring him before a justice;

<sup>F54</sup> . . .

[<sup>F55</sup>(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.]

[<sup>F56</sup>(4) Where an application is made to a 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 [<sup>F57</sup>, 12A, [<sup>F58</sup>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 [<sup>F57</sup>, 12A, [<sup>F58</sup>12AA], 12B or 12C];
- (d) altering in the supervision order the name of any area;
- (e) changing the supervisor.

(6) A juvenile court shall not—

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- (a) exercise its powers under subsection (1) of the preceding section to make <sup>F59</sup> . . . an order discharging a supervision order or inserting in it a requirement authorised by section 12 [<sup>F60</sup>, 12A, [<sup>F61</sup>12AA] 12B or 12C] of this Act or varying or cancelling such a requirement except in a case where the court is 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 subsection (5) 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 [<sup>F62</sup>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 [<sup>F62</sup>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 [<sup>F62</sup>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 <sup>F63</sup> . . . may appeal to [<sup>F64</sup>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 [<sup>F65</sup>paragraph (b) of subsection (2A) and] paragraph (a) of subsection (4) of the preceding section “attendance centre order” means such an order to attend an attendance centre as is mentioned in subsection (1) of section [<sup>F66</sup>17 of the <sup>M6</sup>Criminal Justice Act 1982];. . . <sup>F67</sup>
- (11) In this and the preceding section references to a juvenile 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 juvenile 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

**F52** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\), s. 154\(2\), Sch. 7 para. 81](#)

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- F53** 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.**
- F54** 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.**
- F55** 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.**
- F56** 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.**
- F57** Words inserted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 128, **Sch. 10 Pt. II**
- F58** 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.**
- F59** 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)**
- F60** Words inserted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 128, **Sch. 10 Pt. II**
- F61** 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.**
- F62** References to “section 12B(1)” substituted by virtue of Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 128, **Sch. 10 Pt. II**
- F63** 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)**
- F64** Words substituted by virtue of Courts Act 1971 (c. 23, SIF 37), s. 56(2), **Sch. 9 Pt. I**
- F65** Words inserted by Criminal Law Act 1977 (c. 45, SIF 39:1), **Sch. 12**
- F66** Words substituted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 14 para. 26**
- F67** Words repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170(2), **Sch. 16**

#### Marginal Citations

- M5** 1980 c. 43(82).  
**M6** 1982 c. 48(39:1).

#### [<sup>F68</sup>16A **E+W**

- (1) The provisions of section 17 of the Criminal Justice Act 1982 (attendance centre orders) shall apply for the purposes of section 15(2A)(b) and (4)(a) of this Act but as if—
- (a) 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”;
  - (b) for references to an offender there were substituted references to a supervised person; and
  - (c) 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 each of those paragraphs but as if—
- (a) 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
  - (b) there were omitted—

**Status:** Point in time view as at 14/10/1991. This version of this part contains provisions that are not valid for this point in time.

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

- (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

**F68** S. 16A inserted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 128, Sch. 10 Pt. IV

VALID FROM 30/09/1998

#### [<sup>F69</sup>16B Application of section 12 of Criminal Justice Act 1991 etc. **E+W**

- (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 <sup>M7</sup>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.
- (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.



*Status: Point in time view as at 14/10/1991. This version of this part contains provisions that are not valid for this point in time.*

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

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

#### Textual Amendments

**F69** 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

**M7** 1991 c.53.

### 17 Termination of supervision. **E+W**

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;

<sup>F70</sup>(b) .....

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

#### Textual Amendments

**F70** 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)**

**F71** 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)

**C6** 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. **E+W**

- (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 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 <sup>F72</sup>section 144 of the <sup>M8</sup>Magistrates’ Courts Act 1980].



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

- (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.

[<sup>F73</sup>(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 [<sup>F74</sup>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

**F72** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154(2), [Sch. 7 para. 82](#)

**F73** [S. 18\(4\)](#) substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 20(2)

**F74** 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

**M8** [1980 c. 43\(82\)](#).

[<sup>F75</sup>19 **Facilities for the carrying out of supervisors' directions and requirements included in supervision orders by virtue of section 12(3C).** **E+W**

- (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

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- (b) requirements that may only be included in a supervision order by virtue of [F76section 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 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 [F76subsection 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

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

- (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 <sup>M9</sup>Education Act 1944 have the same meanings in this section as in that Act.]

**Textual Amendments**

- F75** S. 19 substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 21(1)
- F76** 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**

- M9** 1944 c. 31(41:1).

*Committal to care of local authorities*

**F77** 20 ..... **E+W**

**Textual Amendments**

- F77** 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\(2\)](#)

**F78** 20A ..... **E+W**

**Textual Amendments**

- F78** 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\(2\)](#)

*Status: Point in time view as at 14/10/1991. This version of this part contains provisions that are not valid for this point in time.*

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

<sup>F79</sup>**21** ..... **E+W**

**Textual Amendments**

**F79** Ss. 20–22 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch.15**, (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

<sup>F80</sup>**21A** ..... **E+W**

**Textual Amendments**

**F80** S. 21A repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch.15**, (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

<sup>F81</sup>**22** ..... **E+W**

**Textual Amendments**

**F81** Ss. 20–22 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), Sch. 14 para. 27(4), **Sch.15**, (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

<sup>F82</sup>**23** **Remand to local authority accommodation, committal of young persons of unruly character, etc.** **E+W**

- (1) Where a court—
  - (a) remands or commits for trial a child charged with homicide or remands a child convicted of homicide; or
  - (b) remands a young person charged with or convicted of one or more offences or commits him for trial or sentence,
 and he is not released on bail, then, unless he is a young person who is certified by the court to be of unruly character, the court shall remand him to local authority accommodation.
- (2) A court remanding a person to local authority accommodation shall designate the authority who are to receive him and that authority shall be the authority in whose area it appears to the court that—
  - (a) he resides; or
  - (b) 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) The court shall not certify a young person as being of unruly character unless—
  - (a) he cannot safely be remanded to local authority accommodation; and
  - (b) the conditions prescribed by order made by the Secretary of State under this subsection are satisfied in relation to him.

**Status:** Point in time view as at 14/10/1991. This version of this part contains provisions that are not valid for this point in time.

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

- (5) Where the court certifies that a young person is of unruly character, it shall commit 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.
- (6) Where a young person is remanded to local authority accommodation, a court may, on the application of the designated authority, certify him to be of unruly character in accordance with subsection (4) of this section (and on so doing he shall cease to be remanded to local authority accommodation and subsection (5) of this section shall apply).
- (7) For the purposes of subsection (6) of this section, “a court” means—
- (a) the court which remanded the young person; or
  - (b) any magistrates’ court having jurisdiction in the place where that person is for the time being,
- and in this section “court” and “magistrates’ court” include a justice.
- (8) 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

**F82** S. 23 substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4)(6), Sch. 12 para. 26, (with Sch. 14 para. 1(1)); S.I. 1991/828, art. 3(2)

VALID FROM 03/02/1995

#### [<sup>F83</sup>23A Liability to arrest for breaking conditions of remand. **E+W**

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

*Status: Point in time view as at 14/10/1991. This version of this part contains provisions that are not valid for this point in time.*

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

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

**F83** 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

#### **[<sup>F84</sup>23AAE**Electronic monitoring of conditions of remand **E+W**

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

*Status:* Point in time view as at 14/10/1991. This version of this part contains provisions that are not valid for this point in time.

*Changes to legislation:* There are currently no known outstanding effects for the Children and Young Persons Act 1969, Part 1. (See end of Document for details)

- (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

**F84** S. 23AA inserted (1.3.2002) by [Criminal Justice and Police Act 2001 \(c. 16\)](#), s. 132(b); S.I. 2002/344, [art. 2](#) (with transitional provisions in [art. 4](#))

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.....<sup>F85</sup> **E+W**

#### Textual Amendments

**F85** 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 [<sup>F86</sup>or by any order which has effect as if it were a fit person order][<sup>F87</sup>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 [<sup>F88</sup>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.]



*Status: Point in time view as at 14/10/1991. This version of this part contains provisions that are not valid for this point in time.*

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

- (2) If it appears to the [<sup>F89</sup>the Secretary of State], on the application of the local authority to whose care a person is committed by a care order [<sup>F90</sup>to which paragraph 36 of Schedule 14 to the Children Act (criminal care order transitional provisions) applies] other than an interim order [<sup>F90</sup>or who is to accommodate a person pursuant to a supervision order imposing a residence requirement as mentioned in section 12AA of this Act][<sup>F87</sup>or by an order under subsection (1) above], that his parent or guardian resides or will reside in Northern Ireland, [<sup>F89</sup>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 <sup>M10</sup>Children and Young Persons Act (Northern Ireland) 1968 (except sections [<sup>F91</sup>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, [<sup>F91</sup>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 [<sup>F92</sup>, 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 [<sup>F93</sup>or supervision order] aforesaid would have ceased to have effect by the effluxion of time or—
    - <sup>F94</sup>(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.
- (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.

*Status: Point in time view as at 14/10/1991. This version of this part contains provisions that are not valid for this point in time.*

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

### Textual Amendments

- F86** Words in s. 25(1) inserted (14.10.1991) by S.I. 1991/2032, **reg. 8(1)(a)(i)**
- F87** Words inserted by **Health and Social Services and Social Security Adjudications Act 1983** (c. 41, SIF 113:3), **Sch. 2 para. 15**
- F88** Words in s. 25(1) substituted (14.10.1991) by S.I. 1991/2032, **reg. 8(1)(a)(ii)**
- F89** Words substituted (N.I.) by virtue of S.I. 1973/2163, arts. 2(1), 11(5), **Sch. 1**
- F90** Words in s. 25(2) inserted (14.10.1991) by S.I. 1991/2032, **reg. 8(1)(b)(i)(ii)**
- F91** Words in s. 25(2) substituted (14.10.1991) by S.I. 1991/2032, **reg. 8(1)(b)(iv)(v)**
- F92** Words in s. 25(3) substituted (14.10.1991) by S.I. 1991/2032, **reg. 8(1)(c)(ii)**
- F93** Words in s. 25(3)(b) inserted (14.10.1991) by S.I. 1991/2032, **reg. 8(1)(c)(iii)**
- F94** 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)

- C7** 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)**
- C8** 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

- M10** 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 <sup>F128</sup>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 <sup>F129</sup>or by any order which has effect as if it were a fit person order<sup>F130</sup> 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 <sup>F131</sup>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 <sup>F132</sup>Secretary of State], on the application of the local authority to whose care a person is committed by a care order <sup>F133</sup>to which paragraph 36 of Schedule 14 to the Children Act (criminal care order transitional provisions) applies] other than an interim order <sup>F133</sup>or who is to accommodate a person pursuant to a supervision order imposing a residence requirement as mentioned in section 12AA] <sup>F130</sup>or by an order under subsection (1) above], that his parent or guardian resides or will reside in Northern Ireland, <sup>F132</sup>the Secretary of State] may make an order committing him to the care of the managers of a training school <sup>F134</sup>. . . and the provisions of the <sup>M13</sup>Children and Young Persons Act (Northern Ireland) 1968 (except sections <sup>F135</sup>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, <sup>F136</sup>the supervision order].

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

F137 . . .

- (3) When a person is received into the care of a local authority <sup>F138</sup> . . . or the managers of a training school in pursuance of an order under this section, the training school order, fit person order [<sup>F139</sup>, 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 [<sup>F140</sup> or supervision order] or aforesaid would have ceased to have effect by the effluxion of time or—
- <sup>F141</sup>(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 <sup>F142</sup> . . . 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 <sup>F142</sup> . . . or managers to whose care he is committed by the order.
- (5) In this section "training school" [<sup>F143</sup> 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

**E3** This version of this provision extends to N.I. only; a separate version has been created for E.W.

#### Textual Amendments

**F128** Words in s. 25(1) substituted (N.I.) by S.R. & O. (N.I.) 1973/256, art. 3, Sch. 2

**F129** Words in s. 25(1) inserted (14.10.1991) by S.I. 1991/2032, reg. 8(1)(a)(i).

**F130** Words inserted by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), Sch. 2 para. 15

**F131** Words in s. 25(1) substituted (14.10.1991) by S.I. 1991/2032, art. 8(1)(a)(ii).

**F132** Words substituted (N.I.) by virtue of S.I. 1973/2163, arts. 2(1), 11(5), Sch. 1

**F133** Words in s. 25(2) inserted (14.10.1991) by S.I. 1991/2032, art. 8(1)(b)(i)(ii).

**F134** Words in s. 25(2) omitted (14.10.1991) by virtue of S.I. 1991/2032, reg. 8(1)(b)(iii)

**F135** Words in s. 25(2) substituted (14.10.1991) by S.I. 1991/2032, reg. 8(1)(b)(iv)

**F136** Words in s. 25(2) substituted (14.10.1991) by S.I. 1991/2032, reg. 8(1)(b)(v).

**F137** Words repealed (N.I.) by S.R. & O. (N.I.) 1973/256, art. 3, Sch. 2

**F138** Words in s. 25(3) omitted (14.10.1991) by virtue of S.I. 1991/2032, reg. 8(1)(c)(i).

**F139** Words in s. 25(3) substituted (14.10.1991) by S.I. 1991/2032, reg. 8(1)(c)(ii).

**F140** Words in s. 25(3)(b) inserted (14.10.1991) by S.I. 1991/2032, reg. 8(c)(iii)

**F141** S. 25(3)(b)(i) omitted (14.10.1991) by virtue of S.I. 1991/2032, reg. 8(1)(c)(iv)

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**F142** Words in s. 25(4) omitted (14.10.1991) by virtue of S.I. 1991/2032, reg. 8(1)(d).

**F143** 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)

**C12** 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)

**C13** S. 25(2): Certain functions transferred (N.I.) by S.I. 1973/2163, Sch. 1

**C14** 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

**M13** 1968 c. 34 (N.I.)

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

- (1) The Secretary of State may by order designate for the purposes of this section an order of any description which—
- a 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
  - provides for the committal to the care of a public authority of a person who has not attained the age of eighteen; and
  - appears to the Secretary of State to be of the same nature as a care order other than an interim order [<sup>F95</sup> 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 [<sup>F96</sup> and “care order” means an order made under section 31 of the Children Act 1989].
- (2) The Secretary of State may authorise a local authority to receive into their care any person named in the authorisation who is the subject of a relevant order; and while such an authorisation is in force in respect of any person he shall, subject to the following subsection [<sup>F97</sup> be deemed to be the subject of a care order placing the child in the care of a named local authority or, where the relevant order was made as a criminal disposal in criminal proceedings, a 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].
- (4) An authorisation given to a local authority under this section shall cease to have effect when—
- the local authority is informed by the Secretary of State that he has revoked it; or
  - 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

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(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**

**F95** Words in s. 26(1)(c) inserted (14.10.1991) by S.I. 1991/2032, **reg. 8(2)(a)**.

**F96** Words in s. 26(1) inserted (14.10.1991) by S.I. 1991/2032, **reg. 8(2)(a)**.

**F97** 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)**

**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)**

**27** ..... <sup>F98</sup> **E+W**

**Textual Amendments**

**F98** Ss. 24, 27 repealed by Child Care Act 1980 (c. 5), SIF 20), s. 89, Sch. 6 (s. 27(4) expressed to be repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch.15**, (with Sch. 14 paras. 1(1), 27(4), 36(3)(a)); S.I. 1991/828, **art. 3(2)**)

*Detention*

<sup>F99</sup>**28** ..... **E+W**

**Textual Amendments**

**F99** S. 28 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch.15**, (with Sch. 14 paras. 1(1), 27(4)(6)); S.I. 1991/828, **art. 3(2)**)

[<sup>F100</sup>**29** **Recognisance on release of arrested child or young person.** **E+W**

A child or young person arrested in pursuance of a warrant shall not be released unless. . . <sup>F101</sup> his parent or guardian (with or without sureties) enters into a recognisance for such amount as the custody officer at the police station where he is detained considers will secure his attendance at the hearing of the charge; and the recognisance entered into in pursuance of this section may, if the custody officer thinks fit, be conditioned for the attendance of the parent or guardian at the hearing in addition to the child or young person.]

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**Textual Amendments**

**F100** S. 29 substituted by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 121(1), **Sch. 6 para. 19(b)**

**F101** Words repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170, Sch. 15 para. 36, **Sch. 16**

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

**C10** S. 29 excluded by [Prevention of Terrorism \(Temporary Provisions\) Act 1984 \(c. 8, SIF 39:2\)](#), s. 12(6)

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

- (1) The power to give directions under 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** ..... **F102 E+W**

**Textual Amendments**

**F102** S. 31 repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **Sch. 16**

**32 Detention of absentees. U.K.**

- (1) If any of the following persons, that is to say—
  - (a) ..... **F103**
  - (b) ..... **F104**
  - (c) ..... **F105**
  - (d) a person sent to a remand home, special reception centre or training school or committed to the care of a fit person under the <sup>M11</sup>Children and Young Persons Act (Northern Ireland) 1968,  
is absent from premises at which he is required by. . . **F106** 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. . . **F106** 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. . . **F106**, to the

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premises or other place aforesaid or such other premises as the authority. . . <sup>F106</sup> may direct.

- <sup>F107</sup>(1A) If a child or young person is absent, without the consent of the responsible person—
- (a) from a place of safety to which he has been taken under 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 <sup>F108</sup>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;
  - (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 <sup>F109</sup>, 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) <sup>F110</sup>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 <sup>F111</sup>level 3 on the standard scale].
- In the application of this subsection to Northern Ireland, “magistrates court” means a magistrates’ court within the meaning of the <sup>F112M12</sup>Magistrates’ Courts (Northern Ireland) Order 1981].
- <sup>F113</sup>(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 <sup>F114</sup>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) <sup>F115</sup>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 <sup>F116</sup>level 5 on the standard scale] or both.



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- (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.

#### Textual Amendments

- F103** S. 32(1)(a) repealed by Child Care Act 1980 (c. 5, SIF 20), ss. 89, 90(1), **Sch. 6**
- F104** S. 32(1)(b) repealed by Children Act 1975 (c. 72, SIF 49:9, 10), **s. 68(1)(2)**
- F105** S. 32(1)(c) repealed by Child Care Act 1980 (c. 5, SIF 20), ss. 89, 90(1), **Sch. 6**
- F106** Words repealed by Child Care Act 1980 (c. 5, SIF 20), **ss. 89, 90(1)** Sch. 6
- F107** 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)**
- F108** 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.
- F109** 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.
- F110** Words inserted by Children Act 1975 (c. 72, SIF 49:9, 10), **s. 68(1)(4)**
- F111** 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**
- F112** Words substituted by S.I. 1981/1675 (N.I. 26), **Sch. 6 para. 17**
- F113** S. 32(2A)(2B) inserted by Children Act 1975 (c. 72, SIF 49:9, 10), **s. 68(1)(5)**
- 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)

- C11** 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

- M11** 1968 c. 34. (N.I.)
- M12** S.I. 1981/1675 (N.I. 26).

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

<sup>F118</sup>**32A** ..... **E+W**

#### **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\(2\)](#)

<sup>F119</sup>**32B** ..... **E+W**

#### **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\(2\)](#)

<sup>F120</sup>**32C** ..... **E+W**

#### **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** ..... <sup>F121</sup> **E+W**

#### **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.** **E+W**

(1) The Secretary of State may by order provide—

- (a) that any reference to a child in section 4, [<sup>F122</sup>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;
- (b) that any reference to a young person in section 5 of this Act (except subsection (8)) shall be construed as including a child, or excluding a young person, who has attained such age as may be so specified;
- (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;

*Status:* Point in time view as at 14/10/1991. This version of this part contains provisions that are not valid for this point in time.

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

- (d) ..... F123
- (e) that [F124 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) ..... F125
- (2) In the case of a person who has not attained the age of seventeen but has attained such lower age as the Secretary of State may by order specify, no proceedings F126 . . . 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 F126 . . . 5(8) of this Act, given notice of the proceedings to a probation officer for the area for which the court acts; F126 . . .
- (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) ..... F127
- (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** 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)**
- F123** S. 34(1)(d) repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 16**
- F124** 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)**
- F125** S. 34(1)(f) repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170(2), **Sch. 16**
- F126** 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)**
- F127** S. 34(5) repealed by Criminal Law Act 1977 (c. 45, SIF 39:1), **Sch. 13**

**Status:**

Point in time view as at 14/10/1991. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:**

There are currently no known outstanding effects for the Children and Young Persons Act 1969, Part I.