



Children and Young Persons Act 1969

1969 CHAPTER 54

PART I

CARE AND OTHER TREATMENT OF JUVENILES THROUGH COURT PROCEEDINGS

[^{F1} Care of children and young persons through juvenile courts]

Textual Amendments

- F1** Ss. 1–3 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F2¹

Textual Amendments

- F2** Ss. 1–3 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F3²

Textual Amendments

- F3** Ss. 1–3 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F4³

Status: Point in time view as at 01/04/2013. This version of this part contains provisions that are prospective.

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F4 Ss. 1–3 repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(6)(7), [Sch.15](#), (Sch. 14 paras. 1(1), 27(4)); [S.I. 1991/828](#), [art. 3\(2\)](#)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

PROSPECTIVE

F5⁴

Textual Amendments

F5 S. 4 repealed (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), ss. 72, 101(2), [Sch 13](#); [S.I. 1992/333](#), [art. 2\(2\)](#), [Sch.2](#)

5 Restrictions on criminal proceedings for offences by young persons.

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

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

(9) In this section—

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

F7 . . .

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

Status: Point in time view as at 01/04/2013. This version of this part contains provisions that are prospective.

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

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

6 **F8**

Textual Amendments

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

7 Alterations in treatment of young offenders etc.

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

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

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

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

Editorial Information

- X1** The text of s. 7(6) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Textual Amendments

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

Status: Point in time view as at 01/04/2013. This version of this part contains provisions that are prospective.

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)

- F12** S. 7(7)-(9) repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)
- F13** S. 7(7A) (which was inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 23(b)**) repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch. 15**, (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**
- F14** S. 7(7B)(7C) (which were inserted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4)(6), Sch. 12 para. 21 (with **Sch. 14 para. 1(1)**; S.I. 1991/828, **art. 3(2)**) repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), **Sch. 13**; S.I. 1992/333, art. 2(2), **Sch. 2**

Modifications etc. (not altering text)

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

F15^{7A}

Textual Amendments

- F15** S. 7A repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch.15**, (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F16⁸

Textual Amendments

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

9 Investigations by local authorities.

- (1) Where a local authority ^{F17}... bring ^{F18}... proceedings for an offence alleged to have been committed by a young person or are notified that any such proceedings are being brought, it shall be the duty of the authority, unless they are of opinion that it is unnecessary to do so, to make such investigations and provide the court before which the proceedings are heard with such information relating to the home surroundings, school record, health and character of the person in respect of whom the proceedings are brought as appear to the authority likely to assist the court.
- (2) If the court mentioned in subsection (1) of this section requests the authority aforesaid to make investigations and provide information or to make further investigations and provide further information 4 relating to the matters aforesaid, it shall be the duty of the authority to comply with the request.

Textual Amendments

- F17** Words in s. 9(1) repealed (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, Sch. 2 para. 23(2), **Sch. 3 Pt. 2**

Status: Point in time view as at 01/04/2013. This version of this part contains provisions that are prospective.

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)

F18 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.

F19(1)

F19(2)

(3) **F20**

Textual Amendments

F19 S. 10(1)(2) repealed (3.2.1995) by 1994 c. 33, s. 168(3), **Sch.11**; S.I. 1995/127, art. 2(1), **Sch.1**
Appendix C

F20 S. 10(3) repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154(2), **Sch. 9**

Supervision

F21 **11**

Textual Amendments

F21 S. 11 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F22 **11A**

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)**

F23 **12**

Textual Amendments

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

F24 **12A**

Status: Point in time view as at 01/04/2013. This version of this part contains provisions that are prospective.

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

F24 S. 12A repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

^{F25} **12AA**

Textual Amendments

F25 S. 12AA repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2) and subject to amendment (2.4.2001) by 1999 c. 22, s. 24, Sch. 4 paras. 4, 5 (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 3(a)(ii)**

^{F26} **12B**

Textual Amendments

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

^{F27} **12C**

Textual Amendments

F27 S. 12C repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

^{F28} **12D**

Textual Amendments

F28 S. 12D repealed (30.9.1998) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 18, **Sch.10**; S.I. 1998/2327, **art.2(1)(y)(aa)(2)(h)(3)(k)**

^{F29} **13**

Textual Amendments

F29 S. 13 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

^{F30} **14**

Status: Point in time view as at 01/04/2013. This version of this part contains provisions that are prospective.

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

F30 S. 14 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

^{F31} **14A**

Textual Amendments

F31 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)**

^{F32} **15**

Textual Amendments

F32 S. 15 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

^{F33} **16**

Textual Amendments

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

^{F34} **16A**

Textual Amendments

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

^{F35} **16B**

Textual Amendments

F35 S. 16B repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

^{F36} **17**

Status: Point in time view as at 01/04/2013. This version of this part contains provisions that are prospective.

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

F36 S. 17 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

^{F37} **18**

Textual Amendments

F37 S. 18 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2) and subject to amendment (1.4.2001) by 1999 c. 22, s. 90, **Sch. 13 para. 63(a)** (with s. 107, Sch. 14 para 7(2)); S.I. 2001/916, **art. 2(a)(ii)**

^{F38} **19**

Textual Amendments

F38 S. 19 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2) and subject to amendment (1.4.2001) by 1999 c. 22, s. 90, **Sch. 13 para. 63(b)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**

Committal to care of local authorities

^{F39} **20**

Textual Amendments

F39 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)**

^{F40} **20A**

Textual Amendments

F40 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)**

^{F41} **21**

Status: Point in time view as at 01/04/2013. This version of this part contains provisions that are prospective.

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

F41 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)**

F42 **21A**

Textual Amendments

F42 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)**

F43 **22**

Textual Amendments

F43 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)**

F44 **23 Remands and committals to local authority accommodation.**
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Textual Amendments

F44 S. 23 omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 12 para. 6**; S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

Modifications etc. (not altering text)

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

C3 S. 23: amendment to earlier affecting provision 1998 c. 37 s. 98 (1.4.2013) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 5 para. 5**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

F45 **23A Liability to arrest for breaking conditions of remand.**
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Status: Point in time view as at 01/04/2013. This version of this part contains provisions that are prospective.

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

F45 S. 23A omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 12 para. 8](#); S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

[^{F46}23B Report by local authority in certain cases where person remanded on bail

- (1) Subsection (2) below applies where a court remands a person aged 10 or 11 on bail and either—
 - (a) the person is charged with or has been convicted of a serious offence, or
 - (b) in the opinion of the court the person is a persistent offender.
- (2) The court may order a local authority to make an oral or written report specifying where the person is likely to be placed or maintained if he is further remanded to local authority accommodation [^{F47}under section 91(3) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.]
- (3) An order under subsection (2) above must designate the local authority which is to make the report; and that authority must be the local authority which the court would have designated under [^{F48}section 92(2) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012] if the person had been remanded to local authority accommodation.
- (4) An order under subsection (2) above must specify the period within which the local authority must comply with the order.
- (5) The maximum period that may be so specified is seven working days.
- (6) If the Secretary of State by order so provides, subsection (2) above also applies where—
 - (a) a court remands on bail any person who has attained the age of 12 and is under the age of [^{F49}18],
 - [^{F50}(b) the requirements in section 94(3) and (4) or 95(3) and (4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 would have been fulfilled if the person had not been remanded on bail, and]
 - (c) in a case where he is remanded after conviction, the court is satisfied that the behaviour which constituted the offence was due, to a significant extent, to the circumstances in which the offender was living.
- (7) In this section—

“serious offence” means [^{F51}(subject to subsection (8))] an offence punishable in the case of an adult with imprisonment for a term of two years or more.

“working day” means any day other than—

 - (a) a Saturday or a Sunday,
 - (b) Christmas day or Good Friday, or
 - (c) a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971.]
- [^{F52}(8) For the purposes of the application of this section to a person remanded on bail in connection with proceedings under the Extradition Act 2003—

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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)

- (a) an offence is a “serious offence” if the conduct constituting the offence would, if committed in England and Wales, constitute an offence punishable in the case of an adult with imprisonment for a term of two years or more, and
- (b) the reference in subsection (1)(a) to a person being charged with a serious offence includes a reference to the person having been accused of such an offence.]

Textual Amendments

- F46** S. 23B inserted (31.7.2004) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), **ss. 90, 93**; S.I. 2004/1502, art. 3
- F47** Words in s. 23B(2) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 12 para. 9(2)**; S.I. 2012/2906, art. 2(j)
- F48** Words in s. 23B(3) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 12 para. 9(3)**; S.I. 2012/2906, art. 2(j)
- F49** Word in s. 23B(6)(a) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 12 para. 9(4)(a)**; S.I. 2012/2906, art. 2(j)
- F50** S. 23B(6)(b) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 12 para. 9(4)(b)**; S.I. 2012/2906, art. 2(j)
- F51** Words in s. 23B(7) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 12 para. 9(5)**; S.I. 2012/2906, art. 2(j)
- F52** S. 23B(8) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 12 para. 9(6)**; S.I. 2012/2906, art. 2(j)

^{F53}23AA Electronic monitoring of conditions of remand

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Textual Amendments

- F53** S. 23AA omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 12 para. 7**; S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

24 ^{F54}

Textual Amendments

- F54** Ss. 24, 27 repealed by [Child Care Act 1980 \(c. 5\)](#), SIF 20), s. 89, Sch. 6

Transfer

^{F55}25 Transfers between England or Wales and Northern Ireland. E+W

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Extent Information

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

Status: Point in time view as at 01/04/2013. This version of this part contains provisions that are prospective.

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

F55 S. 25 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), Sch. 4 para. 15, **Sch. 28 Pt. 1** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)(u)

Modifications etc. (not altering text)

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

^{F55}**25 Transfers between England or Wales and Northern Ireland. N.I.**

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Extent Information

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

Textual Amendments

F55 S. 25 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), Sch. 4 para. 15, **Sch. 28 Pt. 1** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)(u)

Modifications etc. (not altering text)

C8 Ss. 25, 26: power to amend conferred (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 101(5)(a), (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**

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

(1) The Secretary of State may by order designate for the purposes of this section an order of any description which—

- (a) a court in the Isle of Man or any of the Channel Islands is authorised to make by the law for the time being in force in that country; and
- (b) provides for the committal to the care of a public authority of a person who has not attained the age of eighteen; and
- (c) appears to the Secretary of State to be of the same nature as a care order other than an interim order [^{F56} or as a [^{F57} youth rehabilitation order imposing a local authority residence requirement]] ;

and in this section “relevant order” means an order of a description for the time being so designated and “the relevant authority”, in relation to a relevant order, means the authority in the Isle of Man or any of the Channel Islands to whose care the person to whom the order relates is, under the law of that country, committed by the order [^{F58} 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 [^{F59} 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 [^{F60} youth rehabilitation order imposing a local authority residence requirement] with a requirement that the child be accommodated by a designated local authority].

Status: Point in time view as at 01/04/2013. This version of this part contains provisions that are prospective.

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) An authorisation given to a local authority under this section shall cease to have effect when—

- (a) the local authority is informed by the Secretary of State that he has revoked it; or
- (b) the relevant order to which the authorisation relates ceases to have effect by the effluxion of time under the law of the place where the order was made or the local authority is informed by the relevant authority that the order has been discharged under that law; or
- (c) the person to whom the relevant order relates is again received into the care of the relevant authority;

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

Extent Information

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

Textual Amendments

- F56** Words in s. 26(1)(c) inserted (14.10.1991) by [S.I. 1991/2032, reg. 8\(2\)\(a\)](#).
- F57** Words in s. 26(1)(c) substituted (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\), Sch. 4 para. 16\(2\)](#) (with [Sch. 27 paras. 1, 5](#)); [S.I. 2009/3074, art. 2\(p\)\(iii\)](#)
- F58** Words in s. 26(1) inserted (14.10.1991) by [S.I. 1991/2032, reg. 8\(2\)\(a\)](#).
- F59** Words in s. 26(2) substituted (14.10.1991) for words to the end of subsection (3) by [S.I. 1991/2032, reg. 8\(2\)\(b\)](#).
- F60** Words in s. 26(2) substituted (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\), Sch. 4 para. 16\(3\)](#) (with [Sch. 27 paras. 1, 5](#)); [S.I. 2009/3074, art. 2\(p\)\(iii\)](#)

Modifications etc. (not altering text)

C5 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 ^{F61}

Textual Amendments

F61 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

^{F62}28

Status: Point in time view as at 01/04/2013. This version of this part contains provisions that are prospective.

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

- F62** 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\(2\)](#)

[^{F63}29] **Recognisance on release of arrested child or young person.**

[A child or young person arrested in pursuance of a warrant shall not be released ^{F64}(1)] unless. . . ^{F65}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.

^{F66}(2) In this section “young person” means a person who has attained the age of fourteen and is under the age of seventeen years.]

Textual Amendments

- F63** S. 29 substituted by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 121(1), [Sch. 6 para. 19\(b\)](#)
- F64** S. 29 renumbered as subsection (1) (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), ss. 68, 101(1), [Sch. 8, para. 4\(1\)](#), [Sch. 12, para. 22\(1\)](#); [S.I. 1992/333](#), [art. 2\(2\)](#), [Sch.2](#)
- F65** Words repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170, [Sch. 15 para. 36](#), [Sch. 16](#)
- F66** S. 29(2) inserted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), ss. 68, 101(1), [Sch. 8, para. 4\(1\)](#), [Sch. 12, para. 22\(1\)](#); [S.I. 1992/333](#), [art. 2\(2\)](#), [Sch.2](#)

Modifications etc. (not altering text)

- C6** S. 29 excluded by [Prevention of Terrorism \(Temporary Provisions\) Act 1984 \(c. 8, SIF 39:2\)](#), [s. 12\(6\)](#)

30 **Detention of young offenders in community homes.**

- (1) The power to give directions under [^{F67}section 92 of the Powers of Criminal Courts (Sentencing) Act 2000] (under which young offenders convicted on indictment of certain grave crimes may be detained in accordance with directions given by the Secretary of State) shall include power to direct detention by a local authority specified in the directions in a home so specified which is a community home provided by the authority or a controlled community home for the management, equipment and maintenance of which the authority are responsible; but a person shall not be liable to be detained in the manner provided by this section after he attains the age of nineteen.
- (2) It shall be duty of a local authority specified in directions given in pursuance of this section to detain the person to whom the directions relate in the home specified in the directions subject to and in accordance with such instructions relating to him as the Secretary of State may give to the authority from time to time; and the authority shall be entitled to recover from the Secretary of State any expenses reasonably incurred by them in discharging that duty.

Status: Point in time view as at 01/04/2013. This version of this part contains provisions that are prospective.

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)

Textual Amendments

F67 Words in s. 30(1) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 40**

31 **F68**

Textual Amendments

F68 S. 31 repealed by **Criminal Justice Act 1982 (c. 48, SIF 39:1)**, **Sch. 16**

32 Detention of absentees. E+W

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

- (a) **F69**
- (b) **F70**
- (c) **F71**
- (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 ^{M1}Children and Young Persons Act (Northern Ireland) 1968 [^{F72}(but not deemed by virtue of Schedule 8 to the Children (Northern Ireland) Order 1995 to be the subject of a care order within the meaning of that Order)],

is absent from premises at which he is required by. . . ^{F73} 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. . . ^{F73} 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. . . ^{F73} to the premises or other place aforesaid or such other premises as the authority. . . ^{F73} may direct.

[^{F74}(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 [^{F75}paragraph 4(1)(a) of Schedule 1 or paragraph 6(4)(a) of Schedule 8 to the Powers of Criminal Courts (Sentencing) Act 2000 or][^{F76}paragraph 21(2) of Schedule 2 to the Criminal Justice and Immigration Act 2008] ; or
- [^{F77}(aa) from a place of safety to which he has been taken under paragraph 9(3) of the Schedule to the Street Offences Act 1959; or]
- [^{F78}(b) from local authority accommodation—
 - (i) in which he is required to live by virtue of a youth rehabilitation order imposing a local authority residence requirement (within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008); or
 - (ii) to which he has been remanded under [^{F79}paragraph 4 of Schedule 1 or paragraph 6 of Schedule 8 to the Powers of Criminal Courts (Sentencing) Act 2000 or] paragraph 21 of Schedule 2 to that Act; or
- [^{F80}(ia) to which he has been remanded under paragraph 10 of the Schedule to the Street Offences Act 1959; or]
- ^{F81}(iii)]

Status: Point in time view as at 01/04/2013. This version of this part contains provisions that are prospective.

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)

[^{F82}(c) from a place in which the child or young person has been accommodated pursuant to a remand under section 91 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.]

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

- (a) the place of safety;
- (b) the local authority accommodation;
- [^{F83}(ba) the place mentioned in subsection (1A)(c); or]
- (c) such other place as the responsible person may direct, at the responsible person's expense.

[^{F84}(1C) In this section “the responsible person” means, as the case may be—

- (a) the person who made the arrangements under [^{F85}paragraph 4(1)(a) of Schedule 1 or paragraph 6(4)(a) of Schedule 8 to the Powers of Criminal Courts (Sentencing) Act 2000 or] paragraph 21(2) of Schedule 2 to the Criminal Justice and Immigration Act 2008;
- [^{F86}(aa) the person who made the arrangements under paragraph 9(3) of the Schedule to the Street Offences Act 1959;]
- (b) the authority specified under paragraph 17(5) of Schedule 1 to [^{F87}the Criminal Justice and Immigration Act 2008] ;
- (c) the authority designated under [^{F88}paragraph 4(6) of Schedule 1 or paragraph 6(8) of Schedule 8 to the Powers of Criminal Courts (Sentencing) Act 2000 or] paragraph 21(10) of Schedule 2 to that Act; ^{F89} ...
- [^{F90}(ca) the authority designated under paragraph 10(5) of the Schedule to the Street Offences Act 1959;]
- [^{F91}(d) where the child or young person was accommodated pursuant to a remand under section 91(3) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (remands to local authority accommodation), the designated authority within the meaning of section 107(1) of that Act; or
- (e) where the child or young person was accommodated pursuant to a remand under section 91(4) of that Act (remands to youth detention accommodation), the Secretary of State.]

[^{F92}(1D) If a child or young person—

- (a) is required to reside with a local authority foster parent by virtue of a youth rehabilitation order with fostering, and
- (b) is absent, without the consent of the responsible officer (within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008), from the place in which he is required to reside,

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

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

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

(2) If a magistrates' court is satisfied by information on oath that there are reasonable grounds for believing that a person specified in the information can produce a person who is absent as mentioned in subsection (1) [^{F93}, (1A) or (1D)] of this section, the court may issue a summons directed to the person so specified and requiring him

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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 [F94]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 M2[F95]Magistrates’ Courts (Northern Ireland) Order 1981].

[F96](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 [F97]mentioned in subsection (1), [F98](1A)(a), (aa) or (b)(i), (ii) or (ia)] or (1D) of this section is in premises] specified in the information, issue a search warrant authorising a constable to search the premises for that person.

(2B) A court shall not issue a summons or search warrant under subsection (2) or (2A) of this section in any case where the person who is absent is a person to whom subsection (1A) [F99]or (1D)] of this section applies, unless the information referred to in the said subsection (2) or (2A) is given by the [F100]responsible person][F101]or the responsible officer, as the case may be.]]

(3) A person who knowingly compels, persuades, incites or assists another person to become or continue to be absent as mentioned in subsection (1) [F102], (1A) or (1D)] of this section shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or a fine of an amount not exceeding [F103]level 5 on the standard scale] or both.

(4) The reference to a constable in [F104]subsections (1),(1A) [F105], (1D)] and (2A)] of this section includes a reference to a person who is a constable under the law of any part of the United Kingdom, to a member of the police in Jersey and to an officer of police within the meaning of section 43 of the Larceny (Guernsey) Law 1958 or any corresponding law for the time being in force, and in [F104]subsection (1)]“the relevant Northern Ireland authority” means in the case of a person committed to the care of a fit person, the fit person, and in the case of a person sent to a remand home, special reception centre or training school, the person in charge of that home or centre or the managers of that school.

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

Extent Information

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

Textual Amendments

F69 S. 32(1)(a) repealed by [Child Care Act 1980 \(c. 5, SIF 20\)](#), ss. 89, 90(1), [Sch. 6](#)

F70 S. 32(1)(b) repealed by [Children Act 1975 \(c. 72, SIF 49:9, 10\)](#), [s. 68\(1\)\(2\)](#)

F71 S. 32(1)(c) repealed by [Child Care Act 1980 \(c. 5, SIF 20\)](#), ss. 89, 90(1), [Sch. 6](#)

F72 Words in s. 32(1)(d) inserted (4.11.1996) by [S.I. 1995/756](#), [art. 7\(4\)](#); S.R. (N.I.) 1996/297, art. 3

F73 Words repealed by [Child Care Act 1980 \(c. 5, SIF 20\)](#), [ss. 89, 90\(1\)](#) Sch. 6

Status: Point in time view as at 01/04/2013. This version of this part contains provisions that are prospective.

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)

- F74** 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)**
- F75** Words in s. 32(1A)(a) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 101(2)(a)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(xv)
- F76** Words in s. 32(1A)(a) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 17(2)(a)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)
- F77** S. 32(1A)(aa) inserted (1.4.2010) by Policing and Crime Act 2009 (c. 26), s. 116(1), **Sch. 7 para. 18(2)(a)**; S.I. 2010/507, art. 5(v)
- F78** S. 32(1A)(b) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 17(2)(b)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)
- F79** Words in s. 32(1A)(b)(ii) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 101(2)(b)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(xv)
- F80** S. 32(1A)(b)(ia) inserted (1.4.2010) by Policing and Crime Act 2009 (c. 26), s. 116(1), **Sch. 7 para. 18(2)(b)**; S.I. 2010/507, art. 5(v)
- F81** S. 32(1A)(b)(iii) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 12 para. 10(2)(a)**; S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))
- F82** S. 32(1A)(c) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 12 para. 10(2)(b)**; S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))
- F83** S. 32(1B)(ba) substituted for word (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 12 para. 10(3)**; S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))
- F84** S. 32(1C) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 17(3)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)
- F85** Words in s. 32(1C)(a) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 101(3)(a)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(xv)
- F86** S. 32(1C)(aa) inserted (1.4.2010) by Policing and Crime Act 2009 (c. 26), s. 116(1), **Sch. 7 para. 18(3)(a)**; S.I. 2010/507, art. 5(v)
- F87** Words in s. 32(1C)(b) substituted (1.4.2010) by Policing and Crime Act 2009 (c. 26), s. 116(1), **Sch. 7 para. 18(3)(b)**; S.I. 2010/507, art. 5(v)
- F88** Words in s. 32(1C)(c) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 101(3)(b)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(xv)
- F89** Word in s. 32(1C)(c) repealed (1.4.2010) by Policing and Crime Act 2009 (c. 26), s. 116(1), Sch. 7 para. 18(3)(c), **Sch. 8 Pt. 2**; S.I. 2010/507, art. 5(v)(x)
- F90** S. 32(1C)(ca) inserted (1.4.2010) by Policing and Crime Act 2009 (c. 26), s. 116(1), **Sch. 7 para. 18(3)(c)**; S.I. 2010/507, art. 5(v)
- F91** S. 32(1C)(d)(e) substituted for s. 32(1C)(d) (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 12 para. 10(4)**; S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))
- F92** S. 32(1D)(1E) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 17(4)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)
- F93** Words in s. 32(2) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 17(5)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)
- F94** 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**
- F95** Words substituted by S.I. 1981/1675 (N.I. 26), **Sch. 6 para. 17**
- F96** S. 32(2A)(2B) inserted by Children Act 1975 (c. 72, SIF 49:9, 10), **s. 68(1)(5)**
- F97** Words in s. 32(2A) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 17(6)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)
- F98** Words in s. 32(2A) substituted (1.4.2010) by Policing and Crime Act 2009 (c. 26), s. 116(1), **Sch. 7 para. 18(4)**; S.I. 2010/507, art. 5(v)
- F99** Words in s. 32(2B) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 17(7)(a)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)
- F100** 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)**

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- F101** Words in s. 32(2B) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 17(7)(b)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)
- F102** Words in s. 32(3) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 17(8)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)
- F103** 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**
- F104** Words substituted by Children Act 1975 (c. 72, SIF 49:9, 10), **s. 68(1)(7)**
- F105** Word in s. 32(4) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 17(9)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)

Modifications etc. (not altering text)

- C7** S. 32(3) excluded (14.10.1991) by Children Act 1989 (c. 41, SIF 20), **s. 51(5)–(7)**, (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- S. 32(3) restricted (4.11.1996) by S.I. 1995/755, **art. 70(6)(7)(d)**; S.R. (N.I.) 1996/297, art. 2(2)

Marginal Citations

- M1** 1968 c. 34. (N.I.)
- M2** S.I. 1981/1675 (N.I. 26).

[^{F74}32 Detention of absentees. **S+N.I.**

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

- (a) ^{F124}
- (b) ^{F125}
- (c) ^{F126}
- (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 ^{M3}Children and Young Persons Act (Northern Ireland) 1968 [^{F127}(but not deemed by virtue of Schedule 8 to the Children (Northern Ireland) Order 1995 to be the subject of a care order within the meaning of that Order)],

is absent from premises at which he is required by . . . ^{F128} 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 . . . ^{F128} 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. . . ^{F128} to the premises or other place aforesaid or such other premises as the authority. . . ^{F128} may direct.

- [If a child or young person is absent, without the consent of the responsible person—
- ^{F129}(1A) (a) from a place of safety to which he has been taken under [^{F75}paragraph 4(1)(a) of Schedule 1 or paragraph 6(4)(a) of Schedule 8 to the Powers of Criminal Courts (Sentencing) Act 2000 or][^{F76}paragraph 21(2) of Schedule 2 to the Criminal Justice and Immigration Act 2008] ; or
- [from a place of safety to which he has been taken under paragraph 9(3) of the ^{F77}(aa) Schedule to the Street Offences Act 1959; or]
- [^{F78}(b) from local authority accommodation—
- (i) in which he is required to live by virtue of a youth rehabilitation order imposing a local authority residence requirement (within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008); or

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(ii) to which he has been remanded under [^{F79}paragraph 4 of Schedule 1 or paragraph 6 of Schedule 8 to the Powers of Criminal Courts (Sentencing) Act 2000 or] paragraph 21 of Schedule 2 to that Act; or
^{F80}(ia) to which he has been remanded under paragraph 10 of the Schedule to the Street Offences Act 1959; or]
^{F81}(iii)]

^{F82}(c) [from a place in which the child or young person has been accommodated pursuant to a remand under section 91 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012,]

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

- (a) the place of safety;
- (b) the local authority accommodation;
- (ba) [^{F83}the place mentioned in subsection (1A)(c); or]
- (c) such other place as the responsible person may direct, at the responsible person's expense.

^{F84}(1C) In this section “the responsible person” means, as the case may be—

- (a) the person who made the arrangements under [^{F85}paragraph 4(1)(a) of Schedule 1 or paragraph 6(4)(a) of Schedule 8 to the Powers of Criminal Courts (Sentencing) Act 2000 or] paragraph 21(2) of Schedule 2 to the Criminal Justice and Immigration Act 2008;
- ^{F86}(aa) the person who made the arrangements under paragraph 9(3) of the Schedule to the Street Offences Act 1959;]
- (b) the authority specified under paragraph 17(5) of Schedule 1 to [^{F87}the Criminal Justice and Immigration Act 2008] ;
- (c) the authority designated under [^{F88}paragraph 4(6) of Schedule 1 or paragraph 6(8) of Schedule 8 to the Powers of Criminal Courts (Sentencing) Act 2000 or] paragraph 21(10) of Schedule 2 to that Act; ^{F89} ...
- ^{F90}(ca) the authority designated under paragraph 10(5) of the Schedule to the Street Offences Act 1959;]
- ^{F91}(d) where the child or young person was accommodated pursuant to a remand under section 91(3) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (remands to local authority accommodation), the designated authority within the meaning of section 107(1) of that Act; or
- (e) where the child or young person was accommodated pursuant to a remand under section 91(4) of that Act (remands to youth detention accommodation), the Secretary of State.]

^{F92}(1D) If a child or young person—

- (a) is required to reside with a local authority foster parent by virtue of a youth rehabilitation order with fostering, and
- (b) is absent, without the consent of the responsible officer (within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008), from the place in which he is required to reside,

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

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

- (a) the place where he is required to reside, or
- (b) such other place as the local authority specified under paragraph 18(3) of Schedule 1 to the Criminal Justice and Immigration Act 2008 may direct,

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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)

at that local authority's expense.]

- (2) If a magistrates' court is satisfied by information on oath that there are reasonable grounds for believing that a person specified in the information can produce a person who is absent as mentioned in subsection (1) [F93, (1A) or (1D)] of this section, the court may issue a summons directed to the person so specified and requiring him to attend and produce the absent person before the court; and a person who without reasonable excuse fails to comply with any such requirement shall, without prejudice to any liability apart from this subsection, be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding [F130]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 M4[F131]Magistrates' Courts (Northern Ireland) Order 1981].

- [F132](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 [F97]mentioned in subsection (1), [F98](1A)(a), (aa) or (b)(i), (ii) or (ia)] or (1D) of this section is in premises] specified in the information, issue a search warrant authorising a constable to search the premises for that person.

- (2B) A court shall not issue a summons or search warrant under subsection (2) or (2A) of this section in any case where the person who is absent is a person to whom subsection (1A) [F99]or (1D)] of this section applies, unless the information referred to in the said subsection (2) or (2A) is given by the [F133]responsible person][F101]or the responsible officer, as the case may be.]]

- (3) A person who knowingly compels, persuades, incites or assists another person to become or continue to be absent as mentioned in subsection (1) [F102, (1A) or (1D)] of this section shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or a fine of an amount not exceeding [F134]level 5 on the standard scale] or both.

- (4) The reference to a constable in [F135]subsections (1),(1A) [F105, (1D)] and (2A)] of this section includes a reference to a person who is a constable under the law of any part of the United Kingdom, to a member of the police in Jersey and to an officer of police within the meaning of section 43 of the Larceny (Guernsey) Law 1958 or any corresponding law for the time being in force, and in [F135]subsection (1)]"the relevant Northern Ireland authority" means in the case of a person committed to the care of a fit person, the fit person, and in the case of a person sent to a remand home, special reception centre or training school, the person in charge of that home or centre or the managers of that school.

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

Extent Information

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

Status: Point in time view as at 01/04/2013. This version of this part contains provisions that are prospective.

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

- F74** 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)**
- F75** Words in s. 32(1A)(a) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 101(2)(a)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(xv)
- F76** Words in s. 32(1A)(a) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 17(2)(a)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)
- F77** S. 32(1A)(aa) inserted (1.4.2010) by Policing and Crime Act 2009 (c. 26), s. 116(1), **Sch. 7 para. 18(2)(a)**; S.I. 2010/507, art. 5(v)
- F78** S. 32(1A)(b) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 17(2)(b)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)
- F79** Words in s. 32(1A)(b)(ii) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 101(2)(b)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(xv)
- F80** S. 32(1A)(b)(ia) inserted (1.4.2010) by Policing and Crime Act 2009 (c. 26), s. 116(1), **Sch. 7 para. 18(2)(b)**; S.I. 2010/507, art. 5(v)
- F81** S. 32(1A)(b)(iii) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 12 para. 10(2)(a)**; S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))
- F82** S. 32(1A)(c) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 12 para. 10(2)(b)**; S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))
- F83** S. 32(1B)(ba) substituted for word (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 12 para. 10(3)**; S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))
- F84** S. 32(1C) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 17(3)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)
- F85** Words in s. 32(1C)(a) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 101(3)(a)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(xv)
- F86** S. 32(1C)(aa) inserted (1.4.2010) by Policing and Crime Act 2009 (c. 26), s. 116(1), **Sch. 7 para. 18(3)(a)**; S.I. 2010/507, art. 5(v)
- F87** Words in s. 32(1C)(b) substituted (1.4.2010) by Policing and Crime Act 2009 (c. 26), s. 116(1), **Sch. 7 para. 18(3)(b)**; S.I. 2010/507, art. 5(v)
- F88** Words in s. 32(1C)(c) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 101(3)(b)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(xv)
- F89** Word in s. 32(1C)(c) repealed (1.4.2010) by Policing and Crime Act 2009 (c. 26), s. 116(1), Sch. 7 para. 18(3)(c), **Sch. 8 Pt. 2**; S.I. 2010/507, art. 5(v)(x)
- F90** S. 32(1C)(ca) inserted (1.4.2010) by Policing and Crime Act 2009 (c. 26), s. 116(1), **Sch. 7 para. 18(3)(c)**; S.I. 2010/507, art. 5(v)
- F91** S. 32(1C)(d)(e) substituted for s. 32(1C)(d) (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 12 para. 10(4)**; S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))
- F92** S. 32(1D)(1E) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 17(4)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)
- F93** Words in s. 32(2) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 17(5)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)
- F97** Words in s. 32(2A) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 17(6)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)
- F98** Words in s. 32(2A) substituted (1.4.2010) by Policing and Crime Act 2009 (c. 26), s. 116(1), **Sch. 7 para. 18(4)**; S.I. 2010/507, art. 5(v)
- F99** Words in s. 32(2B) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 17(7)(a)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)
- F101** Words in s. 32(2B) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 17(7)(b)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)
- F102** Words in s. 32(3) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 17(8)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)

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- F105** Word in s. 32(4) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 17(9)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)
- F124** S. 32(1)(a) repealed by Child Care Act 1980 (c. 5, SIF 20), ss. 89, 90(1), **Sch. 6**
- F125** S. 32(1)(b) repealed by Children Act 1975 (c. 72, SIF 49:9, 10), **s. 68(1)(2)**
- F126** S. 32(1)(c) repealed by Child Care Act 1980 (c. 5, SIF 20), ss. 89, 90(1), **Sch. 6**
- F127** Words in s. 32(1)(d) inserted (4.11.1996) by S.I. 1995/756, **art. 7(4)**; S.R. (N.I.) 1996/297, art. 3
- F128** Words repealed by Child Care Act 1980 (c. 5, SIF 20), **ss. 89, 90(1)** Sch. 6
- F129** 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)**
- F130** 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**
- F131** Words substituted by S.I. 1981/1675 (N.I. 26), **Sch. 6 para. 17**
- F132** S. 32(2A)(2B) inserted by Children Act 1975 (c. 72, SIF 49:9, 10), **s. 68(1)(5)**
- F133** 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)**
- F134** 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**
- F135** Words substituted by Children Act 1975 (c. 72, SIF 49:9, 10), **s. 68(1)(7)**

Modifications etc. (not altering text)

- C9** S. 32(3) excluded (14.10.1991) by Children Act 1989 (c. 41, SIF 20), **s. 51(5)–(7)**, (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- S. 32(3) restricted (4.11.1996) by S.I. 1995/755, **art. 70(6)(7)(d)**; S.R. (N.I.) 1996/297, art. 2(2)
- S. 32(3) restricted (S.) (12.12.1996 for certain purposes and 1.4.1997 for all remaining purposes) by 1995 c. 36, **s. 38(4)(b)** (with ss. 90, 103(1)); S.I. 1996/3201, **arts. 3(1)(7)**

Marginal Citations

- M3** 1968 c. 34. (N.I.)
- M4** S.I. 1981/1675 (N.I. 26).

Conflict of interest between parent and child or young person

F106 **32A**

Textual Amendments

- F106** 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)**

F107 **32B**

Textual Amendments

- F107** 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)**

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F108 32C

Textual Amendments
F108 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 F109

Textual Amendments
F109 S. 33 repealed by Legal Aid Act 1974 (c. 4, SIF 77:1), Sch. 5 Pt. I

Transitional modifications of Part I for persons of specified ages

34 Transitional modifications of Part I for persons of specified ages.

- (1) The Secretary of State may by order provide—
 - F110(a)
 - (b)
 - (c) that any reference to a young person in section 5(8), F111 . . . 9(1)^{F112}... or 29(1) of this Act shall be construed as including a child who has attained such age as may be so specified;
 - (d) F113
 - F114(e) F115
 - (f)
- (2) In the case of a person who has not attained [^{F116}the age of eighteen] but has attained such lower age as the Secretary of State may by order specify, no proceedings ^{F117}. . . 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 ^{F117}. . . 5(8) of this Act, given notice of the proceedings to [^{F118}an officer of a local probation board][^{F119}, or an officer of a provider of probation services, acting in the area] for which the court acts; ^{F117}. . .
- (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 [^{F120}local probation board] acting for [^{F121}, or a provider of probation services operating in,] any relevant area, arrangements are in force for information with respect to his home surroundings to be furnished to the court in question by [^{F118}an officer of a local probation board][^{F122}or an officer of a provider of probation services].
- (4) Except in relation to section 13(2) of this Act, references to a child in subsection (1) of this section do not include references to a person under the age of ten.
- (5) F123

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

Textual Amendments

- F110** S. 34(1)(a) repealed (30.9.1998) by 1998 c. 37, s. 120(2), **Sch. 10**; S.I. 1998/2327, **art. 2(1)(aa)**.
- F111** Words in s. 34(c) repealed (30.9.1998) by 1998 c. 37, ss. 106, 120(2), Sch. 7 para. 8, **Sch. 10**; S.I. 1998/2327, **art. 2(1)(w)(aa)(3)(k)**.
- F112** Words in s. 34(1)(c) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 12 para. 11(a)**; S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))
- F113** S. 34(1)(d) repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 16**
- F114** S. 34(1)(e) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 12 para. 11(b)**; S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))
- F115** S. 34(1)(f) repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170(2), **Sch. 16**
- F116** Words in s. 34(2) substituted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 9**; S.I. 1995/127, art. 2(1), **Sch. 1** Appendix A
- F117** 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)**
- F118** Words in s. 34(2)(3) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. I para. 4(2)**; S.I. 2001/919, **art. 2(f)(i)**
- F119** Words in s. 34(2) substituted (1.4.2008) by The Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), art. 1, **Sch. 1 para. 3(2)(a)**
- F120** Words in s. 34(3) substituted (1.4.2001) by virtue of 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 40**; S.I. 2001/919, **art. 2(f)(ii)**
- F121** Words in s. 34(3) inserted (1.4.2008) by The Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), art. 1, **Sch. 1 para. 3(2)(b)(i)**
- F122** Words in s. 34(3) inserted (1.4.2008) by The Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), art. 1, **Sch. 1 para. 3(2)(b)(ii)**
- F123** S. 34(5) repealed by Criminal Law Act 1977 (c. 45, SIF 39:1), **Sch. 13**

Status:

Point in time view as at 01/04/2013. This version of this part contains provisions that are prospective.

Changes to legislation:

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