



Children and Young Persons Act 1969

1969 CHAPTER 54

PART I

CARE AND OTHER TREATMENT OF JUVENILES THROUGH COURT PROCEEDINGS

Detention

^{F1}28

Textual Amendments

^{F1} S. 28 repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(6)(7), [Sch.15](#), (with [Sch. 14](#) paras. 1(1), 27(4)(6)); [S.I. 1991/828](#), [art.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\(2\)](#)

[^{F2}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 ^{F3}(1)] unless. . . ^{F4} 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.

^{F5}(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

^{F2} S. 29 substituted by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 121(1), [Sch. 6 para. 19\(b\)](#)

Status: Point in time view as at 03/12/2012.

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

- F3** 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**
- F4** Words repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170, Sch. 15 para. 36, **Sch. 16**
- F5** 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)

- C1** 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 [^{F6}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.

Textual Amendments

- F6** Words in s. 30(1) substituted (25.8.2000) by [2000 c. 6, ss. 165\(1\), 168\(1\)](#), **Sch. 9 para. 40**

31 ^{F7}

Textual Amendments

- F7** 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) ^{F8}
 - (b) ^{F9}
 - (c) ^{F10}
 - (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 [^{F11}(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)],

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is absent from premises at which he is required by. . . ^{F12} 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. . . ^{F12} 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. . . ^{F12} to the premises or other place aforesaid or such other premises as the authority. . . ^{F12} may direct.

[^{F13}(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 [^{F14}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][^{F15}paragraph 21(2) of Schedule 2 to the Criminal Justice and Immigration Act 2008] ; or

[^{F16}(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]

[^{F17}(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 [^{F18}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

[^{F19}(ia) to which he has been remanded under paragraph 10 of the Schedule to the Street Offences Act 1959; or]

^{F20}(iii)]

[^{F21}(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;

[^{F22}(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.

[^{F23}(1C) In this section “the responsible person” means, as the case may be—

(a) the person who made the arrangements under [^{F24}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;

[^{F25}(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 [^{F26}the Criminal Justice and Immigration Act 2008] ;

(c) the authority designated under [^{F27}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; ^{F28} ...

[^{F29}(ca) the authority designated under paragraph 10(5) of the Schedule to the Street Offences Act 1959;]

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- [^{F30}(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.]
- [^{F31}(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) [^{F32}, (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 [^{F33}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}[^{F34}Magistrates' Courts (Northern Ireland) Order 1981].
- [^{F35}(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 [^{F36}mentioned in subsection (1), [^{F37}(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) [^{F38}or (1D)] of this section applies, unless the information referred to in the said subsection (2) or (2A) is given by the [^{F39}responsible person][^{F40}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) [^{F41}, (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 [^{F42}level 5 on the standard scale] or both.

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- (4) The reference to a constable in [F43 subsections (1),(1A) [F44, (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 [F43 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

- E1** 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

- F8** S. 32(1)(a) repealed by **Child Care Act 1980 (c. 5, SIF 20)**, ss. 89, 90(1), **Sch. 6**
- F9** S. 32(1)(b) repealed by **Children Act 1975 (c. 72, SIF 49:9, 10)**, s. **68(1)(2)**
- F10** S. 32(1)(c) repealed by **Child Care Act 1980 (c. 5, SIF 20)**, ss. 89, 90(1), **Sch. 6**
- F11** 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
- F12** Words repealed by **Child Care Act 1980 (c. 5, SIF 20)**, ss. **89**, 90(1) **Sch. 6**
- F13** 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)**
- F14** 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)**
- F15** 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)**
- F16** 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)**
- F17** 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)**
- F18** 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)**
- F19** 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)**
- F20** 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)**)
- F21** 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)**)
- F22** 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)**)
- F23** 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)**
- F24** 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)**
- F25** 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)**

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- F26** 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)
- F27** 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)
- F28** 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)
- F29** 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)
- F30** 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))
- F31** 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)
- F32** 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)
- F33** 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**
- F34** Words substituted by S.I. 1981/1675 (N.I. 26), **Sch. 6 para. 17**
- F35** S. 32(2A)(2B) inserted by Children Act 1975 (c. 72, SIF 49:9, 10), **s. 68(1)(5)**
- F36** 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)
- F37** 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)
- F38** 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)
- F39** 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)**
- F40** 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)
- F41** 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)
- F42** 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**
- F43** Words substituted by Children Act 1975 (c. 72, SIF 49:9, 10), **s. 68(1)(7)**
- F44** 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)

- C2** 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).

[^{F13}32 Detention of absentees. **S+N.I.**

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

- (a) **F45**
 (b) **F46**

Status: Point in time view as at 03/12/2012.

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- (c)^{F47}
- (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 [^{F48}(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. . .^{F49} 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. . .^{F49} 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. . .^{F49} to the premises or other place aforesaid or such other premises as the authority. . .^{F49} may direct.

- [If a child or young person is absent, without the consent of the responsible person—^{F50}(1A) (a) from a place of safety to which he has been taken under [^{F14}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][^{F15}paragraph 21(2) of Schedule 2 to the Criminal Justice and Immigration Act 2008] ; or
 - [^{F16}(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]
 - [^{F17}(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 [^{F18}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
 - [^{F19}(ia) to which he has been remanded under paragraph 10 of the Schedule to the Street Offences Act 1959; or]
 - ^{F20}(iii)]
- [^{F21}(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) [^{F22}the place mentioned in subsection (1A)(c); or]
 - (c) such other place as the responsible person may direct, at the responsible person’s expense.

- [^{F23}(1C) In this section “the responsible person” means, as the case may be—
 - (a) the person who made the arrangements under [^{F24}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;
 - [^{F25}(aa) the person who made the arrangements under paragraph 9(3) of the Schedule to the Street Offences Act 1959;]

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- (b) the authority specified under paragraph 17(5) of Schedule 1 to [^{F26}the Criminal Justice and Immigration Act 2008] ;
 - (c) the authority designated under [^{F27}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; ^{F28} ...
 - [^{F29}(ca) the authority designated under paragraph 10(5) of the Schedule to the Street Offences Act 1959;]
 - [^{F30}(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.]
- [^{F31}(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) [^{F32}, (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 [^{F51}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}[^{F52}Magistrates’ Courts (Northern Ireland) Order 1981].
- [^{F53}(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 [^{F36}mentioned in subsection (1), [^{F37}(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) [^{F38}or (1D)] of this section applies, unless the information referred

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- to in the said subsection (2) or (2A) is given by the [F54responsible person][F40or 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) [F41, (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 [F55level 5 on the standard scale] or both.
- (4) The reference to a constable in [F56subsections (1),(1A) [F44, (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 [F56subsection (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

- E2** This version of this provision extends to Scotland and Northern Ireland only; a separate version has been created for England and Wales only.

Textual Amendments

- F13** 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\(2\)](#)
- F14** 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\(p\)\(xv\)](#)
- F15** 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\(p\)\(iii\)](#)
- F16** 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\(v\)](#)
- F17** 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\(p\)\(iii\)](#)
- F18** 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\(p\)\(xv\)](#)
- F19** S. 32(1A)(b)(iia) 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\(v\)](#)
- F20** 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\(2\)\(3\)](#))
- F21** 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\(2\)\(3\)](#))
- F22** 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\(2\)\(3\)](#))
- F23** 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\(p\)\(iii\)](#)

Status: Point in time view as at 03/12/2012.

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

- F24** 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)
- F25** 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)
- F26** 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)
- F27** 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)
- F28** 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)
- F29** 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)
- F30** 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))
- F31** 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)
- F32** 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)
- F36** 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)
- F37** 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)
- F38** 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)
- F40** 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)
- F41** 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)
- F44** 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)
- F45** S. 32(1)(a) repealed by Child Care Act 1980 (c. 5, SIF 20), ss. 89, 90(1), **Sch. 6**
- F46** S. 32(1)(b) repealed by Children Act 1975 (c. 72, SIF 49:9, 10), s. 68(1)(2)
- F47** S. 32(1)(c) repealed by Child Care Act 1980 (c. 5, SIF 20), ss. 89, 90(1), **Sch. 6**
- F48** 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
- F49** Words repealed by Child Care Act 1980 (c. 5, SIF 20), ss. 89, 90(1) Sch. 6
- F50** 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)**
- F51** 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**
- F52** Words substituted by S.I. 1981/1675 (N.I. 26), **Sch. 6 para. 17**
- F53** S. 32(2A)(2B) inserted by Children Act 1975 (c. 72, SIF 49:9, 10), s. 68(1)(5)
- F54** 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)**
- F55** 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**
- F56** Words substituted by Children Act 1975 (c. 72, SIF 49:9, 10), s. 68(1)(7)

Modifications etc. (not altering text)

- C3** 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)

Status: Point in time view as at 03/12/2012.

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

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).

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