



# Children and Young Persons Act 1969

## 1969 CHAPTER 54

### PART I

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

#### *Supervision*

#### 11 Supervision orders.

Any provision of this Act authorising a court to make a supervision order in respect of any person shall be construed as authorising the court to make an order placing him under the supervision of

- [<sup>F1</sup>(a) a local authority designated by the order;
- (b) a probation officer; or
- (c) a member of a youth offending team,]

; and in this Act “supervision order” shall be construed accordingly and “supervised person” and “supervisor”, in relation to a supervision order, mean respectively the person placed or to be placed under supervision by the order and the person under whose supervision he is placed or to be placed by the order.

#### Textual Amendments

- F1** Words in s. 11 substituted (30.9.1998 for specified areas and otherwise 1.4.2000) by 1998 c. 37, s. 119, Sch. 8 para.17; S.I. 1998/2327, art. 3(1)(b), Sch.1; S.I. 2000/924, art. 2(c)

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

- C1** S. 11 extended (S.) by Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 189(4)
- C2** S. 11: (definition of "supervision order" and "supervisor") applied (31.10.1991) by Powers of Criminal Courts Act 1973 (c. 62, SIF 39:1), Sch. 3 para. 3(5) (as substituted (31.10.1991) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 94(2)(c); S.I. 1991/2208, art. 2(4), Sch. 3).

*Status: Point in time view as at 01/06/2000.*

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

**F<sup>2</sup>11A** .....

**Textual Amendments**

**F2** S. 11A (which was inserted by Children Act 1975 (c. 72, SIF 49:9), Sch. 3 para. 68) repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), Sch.15, (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, art. 3(2)

**[F<sup>3</sup>12 Power to include requirements in supervision orders.**

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

but it shall be for the supervisor to decide whether and to what extent he exercises any power to give directions conferred on him by virtue of this subsection and to decide the form of any directions; and a requirement imposed by a supervision order in pursuance of this subsection shall be subject to any such requirement of the order as is authorised by section 12B(1) of this Act.
- (3) The total number of days in respect of which a supervised person may be required to comply with directions given by virtue of paragraph (a), (b) or (c) of subsection (2) above in pursuance of a supervision order shall not exceed 90 or such lesser number, if any, as the order may specify for the purposes of this subsection; and for the purpose of calculating the total number of days in respect of which such directions may be given the supervisor shall be entitled to disregard any day in respect of which directions were previously given in pursuance of the order and on which the directions were not complied with.

[ Directions given by the supervisor by virtue of subsection (2)(b) or (c) above shall, as F<sup>4</sup>(4) far as practicable, be such as to avoid—

- (a) any conflict with the offender’s religious beliefs or with the requirements of any other community order (within the meaning of Part I of the <sup>M1</sup>Criminal Justice Act 1991) to which he may be subject; and
- (b) any interference with the times, if any, at which he normally works or attends school or any other educational establishment.]]

**Textual Amendments**

**F3** Ss. 12–12D substituted for s. 12 by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 128, Sch. 10 Pt. I

*Status: Point in time view as at 01/06/2000.*

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

**F4** S. 12(4) added (30.9.1998) by 1998 c. 37, s. 106, **Sch. 7 para.4**; S.I. 1998/2327, **art.2(1)(w)**

#### Marginal Citations

**M1** 1991 c.53.

### [<sup>F5</sup>12A Young offenders.

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

(3) Subject to the following provisions of this section and to section 19(13) of this Act, a supervision order to which subsection (1) of this section applies may require a supervised person—

(a) to do anything that by virtue of section 12(2) of this Act a supervisor has power, or would but for section 19(12) of this Act have power, to direct a supervised person to do;

[ to make reparation specified in the order to a person or persons so specified or to the community at large;]

<sup>F7</sup>(aa)

(b) to remain for specified periods between 6 p.m. and 6 a.m.—

(i) at a place specified in the order; or

(ii) at one of several places so specified;

(c) to refrain from participating in activities specified in the order—

(i) on a specified day or days during the period for which the supervision order is in force; or

(ii) during the whole of that period or a specified portion of it.

(4) Any power to include a requirement in a supervision order which is exercisable in relation to a person by virtue of this section or the following provisions of this Act may be exercised in relation to him whether or not any other such power is exercised.

(5) The total number of days in respect of which a supervised person may be subject to requirements imposed by virtue of [<sup>F8</sup>subsection (3)(a), (aa) or (b)] above shall not exceed 90.

(6) The court may not include requirements under subsection (3) above in a supervision order unless—

(a) it has first consulted the supervisor as to—

(i) the offender's circumstances; and

(ii) the feasibility of securing compliance with the requirements,

and is satisfied, having regard to the supervisor's report, that it is feasible to secure compliance with them;

(b) having regard to the circumstances of the case, it considers the requirements necessary for securing the good conduct of the supervised person or for preventing a repetition by him of the same offence or the commission of other offences; and

[ if the supervised person is under the age of sixteen, it has obtained and considered information about his family circumstances and the likely effect of the requirements on those circumstances.]

(7) The court shall not include in such an order by virtue of subsection (3) above—

*Status: Point in time view as at 01/06/2000.*

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

- (a) any requirement that would involve the co-operation of a person other than the supervisor and the supervised person unless that other person consents to its inclusion; or
- <sup>F10</sup> [ any requirement to make reparation to any person unless that person—
  - (aa) (i) is identified by the court as a victim of the offence or a person otherwise affected by it; and
  - (ii) consents to the inclusion of the requirement; or]
  - (b) any requirement requiring the supervised person to reside with a specified individual; or
  - (c) any such requirement as is mentioned in section 12B(1) of this Act.
- (8) The place, or one of the places, specified in a requirement under subsection (3)(b) above (“a night restriction”) shall be the place where the supervised person lives.
- (9) A night restriction shall not require the supervised person to remain at a place for longer than 10 hours on any one night.
- (10) A night restriction shall not be imposed in respect of any day which falls outside the period of three months beginning with the date when the supervision order is made.
- (11) A night restriction shall not be imposed in respect of more than 30 days in all.
- (12) A supervised person who is required by a night restriction to remain at a place may leave it if he is accompanied—
  - (a) by his parent or guardian;
  - (b) by his supervisor; or
  - (c) by some other person specified in the supervision order.
- (13) A night restriction imposed in respect of a period of time beginning in the evening and ending in the morning shall be treated as imposed only in respect of the day upon which the period begins.]

#### Textual Amendments

- F5** Ss. 12–12D substituted for s. 12 by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 128, [Sch. 10 Pt. I](#)
- F6** S. 12A(1) substituted (14.10.1991) for subsections (1) and (2) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(4)(6), [Sch. 12 para. 22](#), (with [Sch. 14 para. 1\(1\)](#)); [S.I. 1991/828](#), [art. 3\(2\)](#)
- F7** S. 12A(3)(aa) inserted (1.6.2000) by [1998 c. 37](#), [s. 71\(1\)](#); [S.I. 2000/924](#), [art. 5](#)
- F8** Words in s. 12A(5) substituted (1.6.2000) by [1998 c. 37](#), [s. 71\(2\)](#); [S.I. 2000/924](#), [art. 5](#)
- F9** S. 12A(6)(c) substituted (1.10.1997) by [1997 c. 43](#), [s. 38\(1\)](#); [S.I. 1997/2200](#), [art. 2\(1\)\(f\)](#) (with transitional savings in [art. 5\(1\)\(a\)](#))
- F10** S. 12A(7)(aa) inserted (1.6.2000) by [1998 c. 37](#), [s. 71\(3\)](#); [S.I. 2000/924](#), [art. 5](#)

#### [<sup>F77</sup> 12A Young offenders. **E+W**

- [ This subsection applies to any supervision order made under section 7(7) of this
- <sup>F78F79</sup>(1) Act unless it requires the supervised person to comply with directions given by the supervisor under section 12(2) of this Act.]
- (3) Subject to the following provisions of this section and to section 19(13) of this Act, a supervision order to which subsection (1) of this section applies may require a supervised person—

*Status: Point in time view as at 01/06/2000.*

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

- (a) to do anything that by virtue of section 12(2) of this Act a supervisor has power, or would but for section 19(12) of this Act have power, to direct a supervised person to do;
  - (b) to remain for specified periods between 6 p.m. and 6 a.m.—
    - (i) at a place specified in the order; or
    - (ii) at one of several places so specified;
  - (c) to refrain from participating in activities specified in the order—
    - (i) on a specified day or days during the period for which the supervision order is in force; or
    - (ii) during the whole of that period or a specified portion of it.
- (4) Any power to include a requirement in a supervision order which is exercisable in relation to a person by virtue of this section or the following provisions of this Act may be exercised in relation to him whether or not any other such power is exercised.
- (5) The total number of days in respect of which a supervised person may be subject to requirements imposed by virtue of subsection (3) (a) or (b) above shall not exceed 90.
- (6) The court may not include requirements under subsection (3) above in a supervision order unless—
  - (a) it has first consulted the supervisor as to—
    - (i) the offender’s circumstances; and
    - (ii) the feasibility of securing compliance with the requirements,and is satisfied, having regard to the supervisor’s report, that it is feasible to secure compliance with them;
  - (b) having regard to the circumstances of the case, it considers the requirements necessary for securing the good conduct of the supervised person or for preventing a repetition by him of the same offence or the commission of other offences; and
  - <sup>F80</sup>(c) [ if the supervised person is under the age of sixteen, it has obtained and considered information about his family circumstances and the likely effect of the requirements on those circumstances.]
- (7) The court shall not include in such an order by virtue of subsection (3) above—
  - (a) any requirement that would involve the co-operation of a person other than the supervisor and the supervised person unless that other person consents to its inclusion; or
  - (b) any requirement requiring the supervised person to reside with a specified individual; or
  - (c) any such requirement as is mentioned in section 12B(1) of this Act.
- (8) The place, or one of the places, specified in a requirement under subsection (3)(b) above (“a night restriction”) shall be the place where the supervised person lives.
- (9) A night restriction shall not require the supervised person to remain at a place for longer than 10 hours on any one night.
- (10) A night restriction shall not be imposed in respect of any day which falls outside the period of three months beginning with the date when the supervision order is made.
- (11) A night restriction shall not be imposed in respect of more than 30 days in all.

*Status: Point in time view as at 01/06/2000.*

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

- (12) A supervised person who is required by a night restriction to remain at a place may leave it if he is accompanied—
- (a) by his parent or guardian;
  - (b) by his supervisor; or
  - (c) by some other person specified in the supervision order.
- (13) A night restriction imposed in respect of a period of time beginning in the evening and ending in the morning shall be treated as imposed only in respect of the day upon which the period begins.]

[<sup>F78</sup>(14) In this section “make reparation” means make reparation for the offence otherwise than by the payment of compensation.]

#### Textual Amendments

- F77** Ss. 12–12D substituted for s. 12 by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 128, **Sch. 10 Pt. I**
- F78** S. 12A(14) added (1.1.2000) by [1999 c. 23, s. 67, Sch. 5 paras. 1, 2](#) (with [Sch. 7 paras. 3\(3\), 5\(2\)](#)); S.I. 1999/3427, **art. 2**
- F79** S. 12A(1) substituted (14.10.1991) for subsections (1) and (2) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(4)(6), **Sch. 12 para. 22**, (with [Sch. 14 para. 1\(1\)](#)); S.I. 1991/828, **art. 3(2)**
- F80** S. 12A(6)(c) substituted (1.10.1997) by [1997 c. 43, s. 38\(1\)](#); S.I. 1997/2200, **art. 2(1)(f)** (with transitional savings in [art. 5\(1\)\(a\)](#))

#### [<sup>F11</sup>12A Requirement for young offender to live in local authority accommodation.

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

[ that order imposed—
  - <sup>F12</sup>(b)
    - (i) a requirement under section 12, 12A or 12C of this Act; or
    - (ii) a residence requirement;
  - (c) he fails to comply with that requirement, or is found guilty of an offence committed while that order was in force; and
  - (d) the court is satisfied that—

*Status: Point in time view as at 01/06/2000.*

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

- (i) the failure to comply with the requirement, or the behaviour which constituted the offence, was due to a significant extent to the circumstances in which he was living; and
- (ii) the imposition of a residence requirement will assist in his rehabilitation;]

except that [<sup>F13</sup>sub-paragraph (i) of paragraph (d)] of this subsection does not apply where the condition in paragraph (b)(ii) is satisfied.

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

<sup>F14</sup>(8) .....

(9) A court shall not include a residence requirement in respect of a child or young person who is not legally represented at the relevant time in that court unless—

- (a) he has applied for legal aid for the purposes of the proceedings and the application was refused on the ground that it did not appear that his resources were such that he required assistance; or
- (b) he has been informed of his right to apply for legal aid for the purposes of the proceedings and has had the opportunity to do so, but nevertheless refused or failed to apply.

(10) In subsection (9) of this section—

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

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

<sup>F14</sup>(12) .....]

#### Textual Amendments

**F11** S. 12AA inserted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4)(6), **Sch. 12 para. 23**, (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**

**F12** S. 12AA(6)(b)(c)(d) substituted (1.4.1999) by 1998 c. 37, s. 71(4); S.I. 1998/3263, **art. 5(e)**.

**F13** Words in s. 12AA(6) substituted (1.4.1999) by 1998 c. 37, s. 71(4); S.I. 1998/3263, **art. 5(e)**.

**F14** S. 12AA(7)(8)(12) repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), **Sch. 13**; S.I. 1992/333, **art. 2(2)**, **Sch. 2**

#### [<sup>F15</sup>12B Requirements as to mental treatment.

- (1) Where a court which proposes to make a supervision order is satisfied, on the evidence of a [<sup>F16</sup>registered medical practitioner] approved for the purposes of section 12 of the Mental Health Act 1983, that the mental condition of a supervised person is such as requires and may be susceptible to treatment but is not such as to warrant [<sup>F16</sup>the making of a hospital order or guardianship order within the meaning] of that Act, the court may include in the supervision order a requirement that the supervised person

*Status: Point in time view as at 01/06/2000.*

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

shall, for a period specified in the order, submit to treatment of one of the following descriptions so specified, that is to say—

- (a) treatment by or under the direction of a [<sup>F17</sup>registered medical practitioner] specified in the order;
- [<sup>F18</sup>(aa) treatment by or under the direction of a chartered psychologist specified in the order;]
- (b) treatment as a non-resident patient at [<sup>F19</sup>an institution or place] specified in the order; or
- (c) treatment as a resident patient in a hospital or mental nursing home within the meaning of [<sup>F20</sup>the Mental Health Act 1983], but not a [<sup>F21</sup>hospital at which high security psychiatric services within the meaning of that Act are provided].

[ In subsection (1) of this section “registered medical practitioner” means a fully <sup>F22</sup>(1A) registered person within the meaning of the <sup>M2</sup>Medical Act 1983 and “chartered psychologist” means a person for the time being listed in the British Psychological Society’s Register of Chartered Psychologists.]

- (2) A requirement shall not be included in a supervision order in pursuance of subsection (1) above—
  - (a) in any case, unless the court is satisfied that arrangements have been or can be made for the treatment in question and, in the case of treatment as a resident patient, for the reception of the patient;
  - (b) in the case of an order made or to be made in respect of a person who has attained the age of 14, unless he consents to its inclusion;

and a requirement so included shall not in any case continue in force after the supervised person becomes 18.

[ Subsections (2) and (3) of section 54 of the <sup>M3</sup>Mental Health Act 1983 shall have effect <sup>F23</sup>(3) with respect to proof for the purposes of subsection (1) above of a supervised person’s mental condition as they have effect with respect to proof of an offender’s mental condition for the purposes of section 37(2)(a) of that Act.]]

#### Textual Amendments

- F15** Ss. 12–12D substituted for s. 12 by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 128, **Sch. 10 Pt. I**
- F16** Words in s. 12B(1) substituted (30.9.1998) by 1998 c. 37, s. 106, **Sch. 7 para. 5(1)(a)(b)**; S.I. 1998/2327, **art. 2(1)(w)**
- F17** Words in s. 12B(1)(a) substituted (30.9.1998) by 1998 c. 37, s. 106, **Sch. 7 para. 5(1)(c)**; S.I. 1998/2327, **art. 2(1)(w)**
- F18** S. 12B(1)(aa) inserted (30.9.1998) by 1998 c. 37, s. 106, **Sch. 7 para. 5(1)(d)**; S.I. 1998/2327, **art. 2(1)(w)**
- F19** Words in s. 12B(1)(b) substituted (30.9.1998) by 1998 c. 37, s. 106, **Sch. 7 para. 5(1)(e)**; S.I. 1998/2327, **art. 2(1)(w)**
- F20** Words in s. 12B(1)(c) substituted (30.9.1998) by 1998 c. 37, s. 106, **Sch. 7 para. 5(1)(f)**; S.I. 1998/2327, **art. 2(1)(w)**
- F21** Words in s. 12B substituted (1.4.2000) by S.I. 2000/90, art. 3(2), **Sch. 2 Pt. I para. 3** (with art. 2(5))
- F22** S. 12B(1A) inserted (30.9.1998) by 1998 c. 37, s. 106, **Sch. 7 para. 5(2)**; S.I. 1998/2327, **art. 2(1)(w)**.
- F23** S. 12B(3) added (30.9.1998) by 1998 c. 37, s. 106, **Sch. 7 para. 5(3)**; S.I. 1998/2327, **art. 2(1)(w)**.

#### Marginal Citations

- M2** 1983 c.54.



*Status: Point in time view as at 01/06/2000.*

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

**M3** 1983 c.20.

**[<sup>F24</sup>12C Requirements as to education.**

- (1) Subject to subsection (3) below, a supervision order to which section 12A(1) of this Act applies may require a supervised person, if he is of compulsory school age, to comply, for as long as he is of that age and the order remains in force, with such arrangements for his education as may from time to time be made by his parent, being arrangements for the time being approved by the local education authority.
- (2) The Court shall not include such a requirement in a supervision order unless it has consulted the local education authority with regard to its proposal to include the requirement and is satisfied that in the view of the local education authority arrangements exist for the child or young person to whom the supervision order will relate to receive efficient full-time education suitable to his age, ability and aptitude and to any special educational need he may have.
- (3) Expressions used in subsection (1) above and in [<sup>F25</sup>the <sup>M4</sup>Education Act 1996] have the same meaning there as in that Act.
- (4) The court may not include a requirement under subsection (1) above unless it has first consulted the supervisor as to the offender’s circumstances and, having regard to the circumstances of the case, it considers the requirement necessary for securing the good conduct of the supervised person or for preventing a repetition by him of the same offence or the commission of other offences.]

**Textual Amendments**

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

**F25** Words in s. 12C(3) substituted (1.11.1996) by 1996 c. 56, s. 582(1), **Sch. 37 Pt. I para.15** (with ss. 1(4), 561, 562, Sch. 39)

**Marginal Citations**

**M4** 1996 C. 56.

**<sup>F26</sup>12D .....**

**Textual Amendments**

**F26** 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)**

**13 Selection of supervisor.**

- (1) A court shall not designate a local authority as the supervisor by a provision of a supervision order unless the authority agree or it appears to the court that the supervised person resides or will reside in the area of the authority.

<sup>F27</sup>(2) .....

*Status: Point in time view as at 01/06/2000.*

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

(3) Where a provision of a supervision order places a person under the supervision of a probation officer, the supervisor shall be a probation officer appointed for or assigned to the petty sessions area named in the order in pursuance of section 18(2)(a) of this Act and selected under arrangements [<sup>F28</sup>made under section 4(1)(d) of the Probation Service Act 1993 (arrangements made by probation committee)]

[<sup>F29</sup>(4) Where a provision of a supervision order places a person under the supervision of a member of a youth offending team, the supervisor shall be a member of a team established by the local authority within whose area it appears to the court that the supervised person resides or will reside.]

**Textual Amendments**

**F27** S. 13(2) repealed (30.9.1998) by 1998 c. 37, ss. 71(5), 120(2), **Sch. 10**; S.I. 1998/2327, **art.2(1)(p)(aa)(3)(k)**.

**F28** Words in s. 13(3) substituted (5.2.1994) by virtue of 1993 c. 47, ss. 32, 33, **Sch. 3 para. 3(2)**.

**F29** S. 13(4) inserted (30.9.1998 for specified areas and otherwise 1.4.2000) by 1998 c. 37, s. 119, 121(2), **Sch. 8 para.19**; S.I. 1998/2327, art. 3(1)(b), **Sch.1**; S.I. 2000/924, **art. 2(c)**

**14 Duty of supervisor.**

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

<sup>F30</sup>**14A** .....

**Textual Amendments**

**F30** S. 14A (which was inserted by **Health and Social Services and Social Security Adjudications Act 1983** (c. 41, SIF 113:3), **Sch. 2 para. 11**) repealed (14.10.1991) by **Children Act 1989** (c. 41, SIF 20), s. 108(6)(7), **Sch. 15**, (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

**[15** <sup>F31</sup>**Variation and discharge of supervision orders.**

(1) If while a supervision order is in force in respect of a supervised person it appears to a relevant court, on the application of the supervisor or the supervised person, that it is appropriate to make an order under this subsection, the court may make an order discharging the supervision order or varying it—

- (a) by cancelling any requirement included in it in pursuance of section 12, 12A, 12AA, 12B, 12C or 18(2)(b) of this Act; or
- (b) by inserting in it (either in addition to or in substitution for any of its provisions) any provision which could have been included in the order if the court had then had power to make it and were exercising the power.

(2) The powers of variation conferred by subsection (1) above do not include power—

- (a) to insert in the supervision order, after the expiration of three months beginning with the date when the order was originally made, a requirement in pursuance of section 12B(1) of this Act, unless it is in substitution for such a requirement already included in the order; or

*Status: Point in time view as at 01/06/2000.*

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

- (b) to insert in the supervision order a requirement in pursuance of section 12A(3)(b) of this Act in respect of any day which falls outside the period of three months beginning with the date when the order was originally made.
- (3) If while a supervision order made under section 7(7) of this Act is in force in respect of a person it is proved to the satisfaction of a relevant court, on the application of the supervisor, that the supervised person has failed to comply with any requirement included in the supervision order in pursuance of section 12, 12A, 12AA, 12C or 18(2)(b) of this Act, the court—
- [ whether or not it also makes an order under subsection (1) above, may order
- <sup>F32</sup>(a) him to pay a fine of an amount not exceeding £1,000, or make in respect of him—
- (i) subject to section 16A(1) of this Act, an order under section 17 of the <sup>M5</sup>Criminal Justice Act 1982 (attendance centre orders); or
- (ii) subject to section 16B of this Act, an order under section 12 of the <sup>M6</sup>Criminal Justice Act 1991 (curfew orders);
- (b) if the supervision order was made by a [<sup>F33</sup>magistrates' court]], may discharge the order and deal with him, for the offence in respect of which the order was made, in any manner in which he could have been dealt with for that offence by the court which made the order if the order had not been made; or
- (c) if the order was made by the Crown Court, may commit him in custody or release him on bail until he can be brought or appear before the Crown Court.]
- [<sup>F34</sup>(4) Where a court deals with a supervised person under subsection (3)(c) above, it shall send to the Crown Court a certificate signed by a justice of the peace giving—
- (a) particulars of the supervised person's failure to comply with the requirement in question; and
- (b) such other particulars of the case as may be desirable;
- and a certificate purporting to be so signed shall be admissible as evidence of the failure before the Crown Court.
- (5) Where—
- (a) by virtue of subsection (3)(c) above the supervised person is brought or appears before the Crown Court; and
- (b) it is proved to the satisfaction of the court that he has failed to comply with the requirement in question,
- that court may deal with him, for the offence in respect of which the order was made, in any manner in which it could have dealt with him for that offence if it had not made the order.
- (6) Where the Crown Court deals with a supervised person under subsection (5) above, it shall discharge the supervision order if it is still in force.]
- [<sup>F35</sup>(7) A fine imposed under subsection (3) [<sup>F36</sup>or (5)] above shall be deemed, for the purposes of any enactment, to be a sum adjudged to be paid by a conviction.
- (8) In dealing with a supervised person under subsection (3) [<sup>F36</sup>or (5)] above, the court shall take into account the extent to which that person has complied with the requirements of the supervision order.
- [<sup>F37</sup>(8A) Where a supervision order has been made on appeal, for the purposes of subsection (3) above it shall be deemed—

*Status: Point in time view as at 01/06/2000.*

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

- (a) if it was made on an appeal brought from a magistrates' court, to have been made by that magistrates' court;
- (b) if it was made on an appeal brought from the Crown Court or from the criminal division of the Court of Appeal, to have been made by the Crown Court;

and, in relation to a supervision order made on appeal, subsection (3)(b) above shall have effect as if the words "if the order had not been made" were omitted and subsection (5) above shall have effect as if the words "if it had not made the order" were omitted.]

- (9) If a medical practitioner by whom or under whose direction a supervised person is being treated for his mental condition in pursuance of a requirement included in a supervision order by virtue of section 12B(1) of this Act is unwilling to continue to treat or direct the treatment of the supervised person or is of opinion—
- (a) that the treatment should be continued beyond the period specified in that behalf in the order; or
  - (b) that the supervised person needs different treatment; or
  - (c) that he is not susceptible to treatment; or
  - (d) that he does not require further treatment,
- the practitioner shall make a report in writing to that effect to the supervisor.
- (10) On receiving a report under subsection (9) above, the supervisor shall refer it to a relevant court; and on such a reference, the court may make an order cancelling or varying the requirement.
- (11) In this section "relevant court" means—
- (a) in the case of a supervised person who has not attained the age of eighteen, a youth court;
  - (b) in the case of a supervised person who has attained that age, a magistrates' court other than a youth court.
- (12) The provisions of this section shall have effect subject to the provisions of section 16 of this Act.

#### **Textual Amendments**

- F31** S. 15 substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53\)](#), ss. 66, 101(1), Sch. 7, **Sch. 12 para. 20**; S.I. 1992/333, art. 2(2), **Sch. 2**
- F32** S. 15(3)(a)(b)(c) substituted (30.9.1998) for s. 15(3)(a)(b) by 1998 c. 37, s. 72(1); S.I. 1998/2327, art. 2(1)(q)
- F33** Words in s. 15(3)(b) substituted (1.1.2000) by 1999 c. 23, s. 67, Sch. 5 paras. 1, 3(2) (with Sch. 7 paras. 3(3), 5(2)); S.I. 1999/3427, art. 2
- F34** S. 15(4)(5)(6) substituted (30.9.1998) by 1998 c. 37, s. 72(2); S.I. 1998/2327, art. 2(1)(q)
- F35** S. 15(7) substituted (20.9.1993) by 1993 c. 36, ss. 65(3), **Sch. 3 para. 6(1)**; S.I. 1993/1968, art. 2(2), **Sch. 2**.
- F36** Words in s. 15(7)(8) substituted (30.9.1998) by 1998 c. 37, s. 72(3); S.I. 1998/2327, art. 2(1)(q)
- F37** S. 15(8A) inserted (1.1.2000) by 1999 c. 23, s. 67, Sch. 5 paras. 1, 3(3) (with Sch. 7 paras. 3(3), 5(2)); S.I. 1999/3427, art. 2

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

- C3** S. 15 modified (1.10.1992) by [Criminal Justice Act 1991 \(c. 53\)](#), SIF 39:1, s. 101(1), **Sch. 12 para. 20(1)**; S.I. 1992/333, art. 2(2), **Sch. 2**

*Status: Point in time view as at 01/06/2000.*

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

**Marginal Citations**

**M5** 1982 c.48.

**M6** 1991 c.53.

**16 Provisions supplementary to s. 15.**

- (1) Where the supervisor makes an application or reference under the preceding section to a court he may bring the supervised person before the court, and subject to subsection (5) of this section a court shall not make an order under that section unless the supervised person is present before the court.
- (2) Without prejudice to any power to issue a summons or warrant apart from this subsection, a justice may issue a summons or warrant for the purpose of securing the attendance of a supervised person before the court to which any application or reference in respect of him is made under the preceding section; but [F38 subsections (3) and (4) of section 55 of the M7 Magistrates' Courts Act 1980] (which among other things restrict the circumstances in which a warrant may be issued) shall apply with the necessary modifications to a warrant under this subsection as they apply to a warrant under that section and as if in subsection (3) after the word "summons" there were inserted the word "cannot be served or".
- (3) Where the supervised person is arrested in pursuance of a warrant issued by virtue of the preceding subsection and cannot be brought immediately before the court referred to in that subsection, the person in whose custody he is—
  - (a) may make arrangements for his detention in a place of safety for a period of not more than seventy-two hours from the time of the arrest (and it shall be lawful for him to be detained in pursuance of the arrangements); and
  - (b) shall within that period, unless within it the [F39 supervised person] is brought before the court aforesaid, bring him before a justice;

F40 . . .

- [F41(3A) Where a supervised person is brought before a justice under subsection (3) of this section, the justice may—
- (a) direct that he be released forthwith; or
  - (b) subject to subsection [F42(4A)] of this section, remand him to local authority accommodation.

F43(3B) . . . . .

F43(3C) . . . . .]

- [F44(4) [F45 Subject to subsection (4A) of this section,] where an application is made to [F46 a youth court] under section 15(1) of this Act, the court may remand (or further remand) the supervised person to local authority accommodation if—
- (a) a warrant has been issued under subsection (2) of this section for the purpose of securing the attendance of the supervised person before the court; or
  - (b) the court considers that remanding (or further remanding) him will enable information to be obtained which is likely to assist the court in deciding whether and, if so, how to exercise its powers under section 15(1).]

- [F47(4A) Where a supervised person has attained the age of eighteen at the time when he is brought before a justice under subsection (3) of this section, or has attained that age at a time when (apart from this subsection) a youth court could exercise its powers

*Status: Point in time view as at 01/06/2000.*

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

- under subsection (4) of this section in respect of him, he shall not be remanded to local authority accommodation but may instead be remanded—
- (a) to a remand centre, if the justice or youth court has been notified that such a centre is available for the reception of persons under this subsection; or
  - (b) to a prison, if the justice or youth court has not been so notified.
- (4B) A court or justice remanding a person to local authority accommodation under this section shall designate, as the authority who are to receive him, the authority named in the supervision order.]
- (5) A court may make an order under the preceding section in the absence of the supervised person if the effect of the order is confined to one or more of the following, that is to say—
- (a) discharging the supervision order;
  - (b) cancelling a provision included in the supervision order in pursuance of section 12 [<sup>F48</sup>, 12A, [<sup>F49</sup>12AA], 12B or 12C] or section 18(2)(b) of this Act;
  - (c) reducing the duration of the supervision order or any provision included in it in pursuance of the said section 12 [<sup>F48</sup>, 12A, [<sup>F49</sup>12AA], 12B or 12C];
  - (d) altering in the supervision order the name of any area;
  - (e) changing the supervisor.
- (6) A [<sup>F50</sup>youth court] shall not—
- (a) exercise its powers under subsection (1) of the preceding section to make <sup>F51</sup> . . . an order discharging a supervision order or inserting in it a requirement authorised by section 12 [<sup>F52</sup>, 12A, [<sup>F53</sup>12AA] 12B or 12C] of this Act or varying or cancelling such a requirement except in a case where the court is satisfied that the supervised person either is unlikely to receive the care or control he needs unless the court makes the order or is likely to receive it notwithstanding the order;
  - (b) exercise its powers to make an order under [<sup>F54</sup>subsection (10)] of the preceding section except in such a case as is mentioned in paragraph (a) of this subsection;
  - (c) exercise its powers under the said subsection (1) to make an order inserting a requirement authorised by [<sup>F55</sup>section 12B(1)] of this Act in a supervision order which does not already contain such a requirement unless the court is satisfied as mentioned in the said [<sup>F55</sup>section 12B(1)] on such evidence as is there mentioned.
- (7) Where the supervised person has attained the age of fourteen, then except with his consent a court shall not make an order under the preceding section containing provisions which insert in the supervision order a requirement authorised by [<sup>F55</sup>section 12B(1)] of this Act or which alter such a requirement already included in the supervision order otherwise than by removing it or reducing its duration.
- (8) The supervised person <sup>F56</sup> . . . may appeal to [<sup>F57</sup>the Crown court] against—
- (a) any order made under the preceding section [<sup>F58</sup>by a relevant court (within the meaning of that section)], except an order made or which could have been made in the absence of the supervised person and an order containing only provisions to which he consented in pursuance of the preceding subsection;
  - (b) the dismissal of an application under that section to discharge a supervision order.

*Status: Point in time view as at 01/06/2000.*

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

(9) Where an application under the preceding section for the discharge of a supervision order is dismissed, no further application for its discharge shall be made under that section by any person during the period of three months beginning with the date of the dismissal except with the consent of a court having jurisdiction to entertain such an application.

<sup>F59</sup>(10) . . . . .

(11) In this and the preceding section references to a [<sup>F50</sup>youth court] or any other magistrates' court, in relation to a supervision order, are references to such a court acting for the petty sessions area for the time being named in the order in pursuance of section 18(2)(a) of this Act; and if while an application to a [<sup>F50</sup>youth court] in pursuance of the preceding section is pending the supervised person to whom it relates attains the age of <sup>F60</sup>. . . eighteen, the court shall deal with the application as if he had not attained the age in question.

#### Textual Amendments

- F38** Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154(2), **Sch. 7 para. 81**
- F39** Words in s. 16(3)(b) substituted (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 116, **Sch. 16 para. 4(2)(a)**; S.I. 1991/1883, art. 3, **Sch.**
- F40** Words in s. 16(3) repealed (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 116, 125(1), Sch. 16 para. 4(2)(b), **Sch. 20**, S.I. 1991/1883, art. 3, **Sch.**
- F41** S. 16(3A)–(3C) inserted (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 116, **Sch. 16 para 4(3)**; S.I. 1991/1883, art. 3, **Sch.**
- F42** Word in s. 16(3A) substituted (1.1.2000) by 1999 c. 23, s. 67, Sch. 5 paras. 1, **4(1)(2)** (with Sch. 7 paras. 3(3), 5(2)); S.I. 1999/3427, **art. 2**
- F43** S. 16(3B)(3C) omitted (1.1.2000) by virtue of 1999 c. 23, s. 67(2), Sch. 5 paras. 1, **4(1)(3)** and expressed to be repealed (14.4.2000) by 1999 c. 23, ss. 67(3), 68(3), **Sch. 6** (with Sch. 7 paras. 3(3), 5(2)); S.I. 2000/1034, art. 2, **Sch.**
- F44** S. 16(4) substituted (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 116, **Sch. 16 para. 4(4)**; S.I. 1991/1883, art. 3, **Sch.**
- F45** Words in s. 16(4) inserted (1.1.2000) by 1999 c. 23, s. 67(2), Sch. 5 paras. 1, **4(1)(4)** (with Sch. 7 paras. 3(3), 5(2)); S.I. 1999/3427, **art. 2**
- F46** Words in s. 16(4) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para. 7(1)**; S.I. 1992/333, art. 2(2), **Sch. 2**
- F47** S. 16(4A) inserted (1.1.2000) by 1999 c. 23, s. 67(2), Sch. 5 paras. 1, **4(1)(5)** (with Sch. 7 paras. 3(3), 5(2)); S.I. 1999/3427, **art. 2**
- F48** Words inserted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 128, **Sch. 10 Pt. II**
- F49** Words in s. 16(5)(b)(c) inserted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4)(6), **Sch. 12 para 25(3)** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)** and by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 116, **Sch. 16 para. 4(5)**; S.I. 1991/1883, art. 3, **Sch.**
- F50** Words in s. 16(6)(11) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para. 40(2)(g)**; S.I. 1992/333, art. 2(2), **Sch. 2**
- F51** Words in s. 16(6)(a) repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch. 15** (with Sch.14 para. 27(4)); S.I. 1991/828, **art. 3(2)**
- F52** Words inserted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 128, **Sch. 10 Pt. II**
- F53** Words in s. 16(6)(a) inserted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4)(6), **Sch. 12 para. 25(3)** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)** and by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 116, **Sch. 16 para. 4(5)**; S.I. 1991/1883, art. 3, **Sch.**
- F54** Words in s. 16(6)(b) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para. 7(2)**; S.I. 1992/333, art. 2(2), **Sch. 2**

*Status: Point in time view as at 01/06/2000.*

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

- F55** References to “section 12B(1)” substituted by virtue of [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 128, [Sch. 10 Pt. II](#)
- F56** Words in s. 16(8) inserted by [Children and Young Persons \(Amendment\) Act 1986 \(c. 28, SIF 20\)](#), s. 2(2), 6 and repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(6)(7), Sch. 14 para. 27(4), [Sch. 15](#); S.I. 1991/828, [art. 3\(2\)](#)
- F57** Words substituted by virtue of [Courts Act 1971 \(c. 23, SIF 37\)](#), s. 56(2), [Sch. 9 Pt. I](#)
- F58** Words in s. 16(8) inserted (30.9.1998) by 1998 c. 37, s. 119, [Sch. 8 para. 20\(1\)](#); S.I. 1998/2327, [art. 2\(1\)\(y\)\(2\)\(i\)](#)
- F59** S. 16(10) repealed (30.9.1998) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 20(2), [Sch. 10](#); S.I. 1998/2327, [art. 2\(1\)\(y\)\(aa\)\(2\)\(i\)\(3\)\(k\)](#)
- F60** Words in s. 16(11) repealed (30.9.1998) by 1998 c. 37, ss. 106, 120(2) Sch. 7 para. 6, Sch. 10; S.I. 1998/2327, [art. 2\(1\)\(w\)\(aa\)\(3\)\(k\)](#)

#### Marginal Citations

- M7** 1980 c. 43(82).

- <sup>F61</sup>16A
- (1) The provisions of section 17 of the Criminal Justice Act 1982 (attendance centre orders) shall apply for the purposes of [<sup>F62</sup>section 15(3)(a)] of this Act but as if—
- (a) in subsection (1), for the words from “has power” to “probation order” there were substituted the words “considers it appropriate to make an attendance centre order in respect of any person in pursuance of [<sup>F63</sup>section 15(3)(a)] of the Children and Young Persons Act 1969”;
  - (b) for references to an offender there were substituted references to a supervised person; and
  - (c) subsection (13) were omitted.
- (2) Sections 18 and 19 of the Criminal Justice Act 1982 (discharge and variation of attendance centre order and breach of attendance centre orders or attendance centre rules) shall also apply for the purposes of [<sup>F64</sup>section 15(3)(a) of this Act] but as if—
- (a) for the references to an offender there were substituted references to the person in respect of whom the attendance centre order has been made; and
  - (b) there were omitted—
    - (i) from [<sup>F65</sup>subsection (4A) of section 18 and] subsections (3) and (5) of section 19, the words “, for the offence in respect of which the order was made,” and “for that offence”; and
    - (ii) from [<sup>F66</sup>subsection (4B) of section 18 and subsection (6) of section 19], the words “for an offence”]

#### Textual Amendments

- F61** S. 16A inserted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 128, [Sch. 10 Pt. IV](#)
- F62** Words in s. 16A(1) substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 100, [Sch. 11 para. 8\(1\)](#); S.I. 1992/333, [art. 2\(2\)](#), [Sch. 2](#)
- F63** Words in s. 16A(1)(a) substituted (30.9.1998) by 1998 c. 37, s. 106, [Sch. 7 para. 7\(1\)](#); S.I. 1998/2327, [art.2\(1\)\(w\)](#)
- F64** Words in s. 16A(2) substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 100, [Sch. 11 para. 8\(2\)](#); S.I. 1992/333, [art. 2\(2\)](#), [Sch. 2](#)
- F65** Words in s. 16A(2)(b)(i) inserted (30.9.1998) by 1998 c. 37, s. 106, [Sch. 7 para. 7\(2\)\(a\)](#); S.I. 1998/2327, [art.2\(1\)\(w\)](#)



*Status: Point in time view as at 01/06/2000.*

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

**F66** Words in s. 16A(2)(b)(ii) substituted (30.9.1998) by 1998 c. 37, s. 106, **Sch. 7 para. 7(2)(b)**; S.I. 1998/2327, **art.2(1)(w)**

[<sup>F67</sup>**16B Application of section 12 of Criminal Justice Act 1991 etc.**

- (1) The provisions of section 12 of the Criminal Justice Act 1991 (curfew orders) shall apply for the purposes of section 15(3)(a) of this Act but as if—
  - (a) in subsection (1), for the words from the beginning to “before which he is convicted” there were substituted the words “Where a court considers it appropriate to make a curfew order in respect of any person in pursuance of section 15(3)(a) of the Children and Young Persons Act 1969, the court”; and
  - (b) in subsection (8), for the words “on conviction” there were substituted the words “on the date on which his failure to comply with a requirement included in the supervision order was proved to the court”.
- (2) Schedule 2 to the <sup>M8</sup>Criminal Justice Act 1991 (enforcement etc. of community orders), so far as relating to curfew orders, shall also apply for the purposes of that section but as if—
  - (a) the power conferred on the magistrates’ court by each of paragraphs 3(1)(d) and [<sup>F68</sup>7(2)(b)] to deal with the offender for the offence in respect of which the order was made were a power to deal with the offender, for his failure to comply with a requirement included in the supervision order, in any manner in which the relevant court could deal with him for that failure to comply if it had just been proved to the satisfaction of that court;
  - (b) the power conferred on the Crown Court by paragraph 4(1)(d) to deal with the offender for the offence in respect of which the order was made were a power to deal with the offender, for his failure to comply with such a requirement, in any manner in which that court could deal with him for that failure to comply if it had just been proved to its satisfaction;
  - (c) the reference in paragraph 7(1)(b) to the offence in respect of which the order was made were a reference to the failure to comply in respect of which the curfew order was made; and
  - (d) the power conferred on the Crown Court by paragraph 8(2)(b) to deal with the offender for the offence in respect of which the order was made were a power to deal with the offender, for his failure to comply with a requirement included in the supervision order, in any manner in which the relevant court (if that order was made by a magistrates’ court) or the Crown Court (if that order was made by the Crown Court) could deal with him for that failure to comply if it had just been proved to the satisfaction of that court.
- (3) For the purposes of the provisions mentioned in subsection (2)(a) and (d) above, as applied by that subsection, if the supervision order is no longer in force the relevant court’s powers shall be determined on the assumption that it is still in force.
- (4) In this section “relevant court” has the same meaning as in section 15 above.]

**Textual Amendments**

- F67** S. 16B inserted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 21**; S.I. 1998/2327, **art. 2(1)(y)(2)(i)**.  
**F68** Words in s. 16B(2)(a) substituted (27.9.1999) by 1999 c. 22, s. 66, **Sch. 9 para. 9(2)(a)** (with s. 107, Sch. 14 para. 7(2)); S.I. 1999/2657, **art. 2(b)**

*Status: Point in time view as at 01/06/2000.*

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

**Marginal Citations**

**M8** 1991 c.53.

**17 Termination of supervision.**

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

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

<sup>F69</sup>(b) .....

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

**Textual Amendments**

**F69** S. 17(b) repealed (14.10.1991) by *Children Act 1989* (c. 41, SIF 20), s. 108(6)(7), **Sch.15**, (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

**F70** S. 17(c) (added by *Child Abduction and Custody Act 1985* (c. 60, SIF 20), **s. 25(3)**) repealed (14.10.1991) by *Children Act 1989* (c. 41, SIF 20), s. 108(6)(7), **Sch.15**, (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

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

**C4** S. 17(a) restricted (S.) by *Criminal Procedure (Scotland) Act 1975* (c. 21, SIF 39:1), **ss. 189(5)(b), 390(5)(b)**

**18 Supplementary provisions relating to supervision orders.**

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

- (2) A supervision order—

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

- (b) may contain such prescribed provisions as the court aforesaid considers appropriate for facilitating the performance by the supervisor of his functions under section 14 of this Act, including any prescribed provisions for requiring visits to be made by the supervised person to the supervisor,

and in paragraph (b) of this subsection “prescribed” means prescribed by rules under [<sup>F71</sup>section 144 of the <sup>M9</sup>Magistrates’ Courts Act 1980].

- (3) A court which makes a supervision order or an order varying or discharging a supervision order shall forthwith send a copy of its order—

- (a) to the supervised person and, if the supervised person is a child, to his parent or guardian; and

- (b) to the supervisor and any person who has ceased to be the supervisor by virtue of the order; and

*Status: Point in time view as at 01/06/2000.*

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

- (c) to any local authority who is not entitled by virtue of the preceding paragraph to such a copy and whose area is named in the supervision order in pursuance of the preceding subsection or has ceased to be so named by virtue of the court's order; and
- (d) where the supervised person is required by the order, or was required by the supervision order before it was varied or discharged, to reside with an individual or to undergo treatment by or under the direction of an individual or at any place, to the individual or the person in charge of that place; and
- (e) where a petty sessions area named in the order or discharged order in pursuance of subsection (2) of this section is not that for which the court acts, to the clerk to the justices for the petty sessions area so named;

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

[<sup>F72</sup>(4) Where a supervision order—

- (a) requires compliance with directions given by virtue of section 12(2) of this Act; or
- (b) includes by virtue of [<sup>F73</sup>section 12A(3)] of this Act a requirement which involves the use of facilities for the time being specified in a scheme in force under section 19 of this Act for an area in which the supervised person resides or will reside,

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

#### Textual Amendments

**F71** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154(2), [Sch. 7 para. 82](#)

**F72** [S. 18\(4\)](#) substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 20(2)

**F73** Reference to “section 12A(3)” substituted by virtue of [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 128, [Sch. 10 Pt. II](#)

#### Marginal Citations

**M9** [1980 c. 43\(82\)](#).

### [<sup>F74</sup>19 **Facilities for the carrying out of supervisors' directions and requirements included in supervision orders by virtue of section 12(3C).**

- (1) It shall be the duty of a local authority, acting either individually or in association with other local authorities, to make arrangements with such persons as appear to them to be appropriate, for the provision by those persons of facilities for enabling—
  - (a) directions given by virtue of section 12(2) of this Act to persons resident in their area; and
  - (b) requirements that may only be included in a supervision order by virtue of [<sup>F75</sup>section 12A(3)] of this Act if they are for the time being specified in a scheme,to be carried out effectively.

---

*Status: Point in time view as at 01/06/2000.*

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

---

- (2) The authority or authorities making any arrangements in accordance with subsection (1) of this section shall consult each relevant probation committee as to the arrangements.
- (3) Any such arrangements shall be specified in a scheme made by the authority or authorities making them.
- (4) A scheme shall come into force on a date to be specified in it.
- (5) The authority or authorities making a scheme shall send copies of it to the clerk to the justices for each petty sessions area of which any part is included in the area to which the scheme relates.
- (6) A copy of a scheme shall be kept available at the principal office of every authority who are a party to it for inspection by members of the public at all reasonable hours, and any such authority shall on demand by any person furnish him with a copy of the scheme free of charge.
- (7) The authority or authorities who made a scheme may at any time make a further scheme altering the arrangements or specifying arrangements to be substituted for those previously specified.
- (8) A scheme which specifies arrangements to be substituted for those specified in a previous scheme shall revoke the previous scheme.
- (9) The powers conferred by subsection (7) of this section shall not be exercisable by an authority or authorities unless they have first consulted each relevant probation committee.
- (10) The authority or authorities who made a scheme shall send to the clerk to the justices for each petty sessions area of which any part is included in the area for which arrangements under this section have been specified in the scheme notice of any exercise of a power conferred by subsection (7) of this section, specifying the date for the coming into force, and giving details of the effect, of the new or altered arrangements, and the new or altered arrangements shall come into force on that date.
- (11) Arrangements shall not be made under this section for the provision of any facilities unless the facilities are approved or are of a kind approved by the Secretary of State for the purposes of this section.
- (12) A supervision order shall not require compliance with directions given by virtue of section 12(2) of this Act unless the court making it is satisfied that a scheme under this section is in force for the area where the supervised person resides or will reside; and no such directions may involve the use of facilities which are not for the time being specified in a scheme in force under this section for that area.
- (13) Subject to subsection (14) of this section, a supervision order may not include by virtue of [<sup>F75</sup>subsection 12A(3)] of this Act—
  - (a) any requirement that would involve the supervised person in absence from home—
    - (i) for more than 2 consecutive nights; or
    - (ii) for more than 2 nights in any one week; or
  - (b) if the supervised person is of compulsory school age, any requirement to participate in activities during normal school hours,

*Status: Point in time view as at 01/06/2000.*

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

unless the court making the order is satisfied that the facilities whose use would be involved are for the time being specified in a scheme in force under this section for the area in which the supervised person resides or will reside.

- (14) Subsection (13)(b) of this section does not apply to activities carried out in accordance with arrangements made or approved by the local education authority in whose area the supervised person resides or will reside.
- (15) It shall be the duty of every local authority to ensure that a scheme made by them in accordance with this section, either individually or in association with any other local authority, comes into force for their area not later than 30th April 1983 or such later date as the Secretary of State may allow.
- (16) In this section “relevant probation committee” means a probation committee for an area of which any part is included in the area to which a scheme under this section relates.
- (17) Expressions used in this section and in [<sup>F76</sup>the <sup>M10</sup>Education Act 1996] have the same meanings in this section as in that Act.]

#### Textual Amendments

- F74** S. 19 substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 21(1)
- F75** Reference to “section 12A(3)” substituted by virtue of [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 128, [Sch. 10 Pt. II](#)
- F76** Words in s. 19(17) substituted (1.11.1996) by [1996 c. 56, s. 582\(1\)](#), [Sch. 37 Pt. I para. 16](#) (with ss. 1(4), 561, 562, [Sch. 39](#))

#### Marginal Citations

- M10** [1996 c. 56](#).

**Status:**

Point in time view as at 01/06/2000.

**Changes to legislation:**

There are currently no known outstanding effects for the Children and Young Persons Act 1969,  
Cross Heading: Supervision.