



# Children and Young Persons Act 1969

## 1969 CHAPTER 54

### PART III

#### MISCELLANEOUS AND GENERAL

#### *Supplemental*

68 .....<sup>F1</sup>

#### Textual Amendments

**F1** S. 68 repealed by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), [Sch. 30](#)

#### 69 Orders and regulations etc.

- (1) Any power conferred on the Secretary of State by this Act to make an order or regulations, except an order under section 25, . . .<sup>F2</sup> or paragraph 23 or 24 of Schedule 4, shall be exercisable by statutory instrument; and any statutory instrument made in pursuance of this subsection, except an instrument containing only regulations under paragraph 8(2) of Schedule 3 or an order under section 1(6), 26, 46, ,<sup>F2</sup> 72(2) or 73(2), or paragraph 11(2) of Schedule 3, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) A statutory instrument containing regulations under subsection (4) of section 5 or an order under section 34 of this Act shall not be subject to annulment as aforesaid, but no such regulations or order shall be included in a statutory instrument containing provisions which do not require approval in pursuance of the said subsection (4) or, as the case may be, to which subsection (7) of the said section 34 does not apply.
- (3) An order made or directions given by the Secretary of State under any provision of this Act, except an order under section 7(5), may be revoked or varied by a subsequent order or subsequent directions under that provision.

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- (4) Any order or regulations made by the Secretary of State under this Act may—
- (a) make different provision for different circumstances;
  - (b) provide for exemptions from any provisions of the order or regulations; and
  - (c) contain such incidental and supplemental provisions as the Secretary of State considers expedient for the purposes of the order or regulations.
- [<sup>F3</sup>(5) The power conferred by subsection (4)(c) of this section shall be construed in its application to orders under section 73(2) of this Act as authorising the inclusion in any such order of a provision directing that—
- (a) the words “child or” wherever occurring in section 55 of the <sup>M1</sup>Children and young Persons Act 1933 (power to order parent or guardian to pay fine etc. ); and
  - (b) the words from “except” to the end of section 17(4) of the <sup>M2</sup>Criminal Justice Act 1982 (limit of aggregate number of hours for which an attendance centre order may require an offender under 14 years of age to attend at an attendance centre),
- shall cease to have effect on a day specified in the order.]

#### Textual Amendments

**F2** Words repealed by [Child Care Act 1980 \(c. 5, SIF 20\)](#), s. 89, [Sch. 6](#)

**F3** S. 69(5) added by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 14 para. 28](#)

#### Marginal Citations

**M1** [1933 c. 12\(20\)](#).

**M2** [1982 c. 48\(39:1\)](#).

## 70 Interpretation and ancillary provisions.

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

“the <sup>M3</sup>Act of 1933” means the Children and Young Persons Act 1933;

“the <sup>M4</sup>Act of 1963” means the Children and Young Persons Act 1963;

“approved school order”, “guardian” and “place of safety” have the same meanings as in the Act of 1933;

[<sup>F4</sup> “care order” has the meaning assigned to it by section 20 of this Act;]

“child”, except in Part II (including Schedule 3) and sections 27, 63, 64 and 65 of this Act, means a person under the age of fourteen, and in that Part (including that Schedule) and those sections means a person under the age of eighteen and a person who has attained the age of eighteen and is the subject of a care order;

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[<sup>F4</sup> “interim order” has the meaning assigned to it by section 20 of this Act;]

“local authority” [<sup>F6</sup>except in relation to proceedings under section 1 of this Act instituted by a local education authority, means the council of a non-metropolitan county or of a metropolitan district] or London borough or the Common Council of the City of London;

[<sup>F7</sup> “local authority accommodation” means accommodation provided by or on behalf of a local authority (within the meaning of the Children Act 1989)]

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“petty sessions area” has the same meaning as in [F8the M5Magistrates’ Courts Act 1980] except that, in relation to a juvenile court constituted for the metropolitan area within the meaning of Part II of Schedule 2 to the Act of 1963, it means such a division of that area as is mentioned in paragraph 14 of that Schedule;

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

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“reside” means habitually reside, and cognate expressions shall be construed accordingly except in section [F912(4) and (5)][F912B(1) and (2)] of this Act;

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

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“young person” means a person who has attained the age of fourteen and is under the age of seventeen;

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

[F10(1A) Where, in the case of a child whose father and mother were not married to each other at the time of his birth, an order of any court is in force giving the right to the actual custody of the child to the father, any reference in this Act to the parent of the child includes, unless the contrary intention appears, a reference to the father.

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

[F11(1B) In subsection (1A) of this section the reference to a child whose father and mother were not married to each other at the time of his birth shall be construed in accordance with section 1 of the Family Law Reform Act 1987 and “actual custody”, in relation to a child, means actual possession of his person.]

(2) Without prejudice to any power apart from this subsection to bring proceedings on behalf of another person, any power to make an application which is exercisable by a child or young person by virtue of section 15(1), [F1221(2), 22(4) or (6) or 28(5)] of this Act shall also be exercisable on his behalf by his parent or guardian; and in this subsection “guardian” includes any person who was a guardian of the child or young person in question at the time when any supervision order, [F12care order or warrant] to which the application relates was originally made.

(3) In section 99(1) of the Act of 1933 (under which the age which a court presumes or declares to be the age of a person brought before it is deemed to be his true age for the purposes of that Act) the references to that Act shall be construed as including references to this Act.

(4) Subject to the following subsection, any reference in this Act to any enactment is a reference to it as amended, and includes a reference to it as applied, by or under any other enactment including this Act.

(5) Any reference in this Act to an enactment of the Parliament of Northern Ireland shall be construed as a reference to that enactment as amended by any Act of that Parliament, whether passed before or after this Act, and to any enactment of that Parliament for the time being in force which re-enacts the said enactment with or without modifications.

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### Textual Amendments

- F4** Definitions repealed (*prosp.*) by Children Act 1989 (c. 41, SIF 20), s. 108(2)(6)(7), Sch. 14 para. 27(4), **Sch. 15**
- F5** Definitions repealed by Child Care Act 1980 (c. 5, SIF 20), s. 89, **Sch. 6**
- F6** Words substituted by Local Government Act 1972 (c. 70, SIF 81:1), **Sch. 23 para. 16**
- F7** Definition inserted (*prosp.*) by Children Act 1989 (c. 41, SIF 20), s. 108(2)(4)(6), Sch. 12 para. 29(a), **Sch. 14 para. 1(1)**
- F8** Words “substituted by Magistrates” Courts Act 1980 (c. 43, SIF 82), **s. 154(2) Sch. 7 para. 85**
- F9** “12B(1) and (2)” substituted (*prosp.*) for “12(4) and (5)” by Children Act 1989 (c. 41, SIF 20), s. 108(2)(4)(6), Sch. 12 para. 29(b), **Sch. 14 para. 1(1)**
- F10** S. 70(1A) inserted by Family Law Reform Act 1987 (c. 42, SIF 49:7), **s. 8(1)**
- F11** S. 70(1B) inserted by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 33(1), **Sch. 2 para. 26**
- F12** Words repealed (*prosp.*) by Children Act 1989 (c. 41, SIF 20), s. 108(2)(6)(7), Sch. 14 para. 27(4), **Sch. 15**

### Marginal Citations

- M3** 1933 c. 12(20).
- M4** 1963 c. 37(20).
- M5** 1980 c. 43(82).

## 71 Application to Isles of Scilly.

This Act shall have effect, in its application to the Isles of Scilly, with such modifications as the Secretary of State may by order specify.

## 72 Transitional provisions, minor amendments and repeals etc.

- (1) The transitional provisions and savings set out in Part I of Schedule 4 to this Act shall have effect.
- (2) The transitional provisions set out in Part II of Schedule 4 to this Act shall have effect until such day as the Secretary of State may by order specify for the purposes of this subsection (being the day on and after which those provisions will in his opinion be unnecessary in consequence of the coming into force of provisions of the <sup>M6</sup>Social Work (Scotland) Act 1968) and shall be deemed to have been repealed on that day by an Act of Parliament passed after this Act.
- <sup>X1</sup>(3) The enactments mentioned in Schedule 5 to this Act shall have effect subject to the amendments specified in that Schedule (which are minor amendments and amendments consequential on the provisions of this Act).
- <sup>X1</sup>(4) Subject to subsection (1) of this section, the enactments mentioned in the first and second columns of Schedule 6 to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (5) .....

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#### Editorial Information

- X1** The text of s. 72(3)(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Textual Amendments

- F13** S. 72(5) repealed by [Foster Children Act 1980 \(c. 6, SIF 20\)](#), [Sch. 3](#)

#### Marginal Citations

- M6** [1968 c. 49\(81:3\)](#).

### 73 Citation, commencement and extent.

- (1) This Act may be cited as the Children and Young Persons Act 1969, and this Act and the Children and Young Persons Acts 1933 to 1963 may be cited together as the Children and Young Persons Acts 1933 to 1969.
- (2) This Act shall come into force on such day as the Secretary of State may by order appoint, and different days may be appointed under this subsection for different provisions of this Act or for different provisions of this Act so far as they apply to such cases only as may be specified in the order.
- (3) Without prejudice to the generality of section 69(4) of this Act, an order under the preceding subsection may make such transitional provision as the Secretary of State considers appropriate in connection with the provisions brought into force by the order, including such adaptations of those provisions and of any other provisions of this Act then in force as appear to him appropriate for the purposes or in consequence of the operation of any provision of this Act before the coming into force of any other provision of this Act or of a provision of the <sup>M7</sup>Social Work (Scotland) Act 1968.
- (4) This section and the following provisions only of this Act extend to Scotland, that is to say—
  - (a) sections 10(1) and (2), [<sup>F14</sup>32(1), (3) and (4)] [<sup>F14</sup>32(1) to (1C) and (2A) to (4)], 56 and 57(1);
  - (b) section 72(2) and Part II of Schedule 4;
  - (c) paragraphs 25, 26, 33, 35, 38, 42, 43, 53, 54 and 57 to 83 of Schedule 5 and section 72(3) so far as it relates to those paragraphs;
  - (d) section 72(4) and Schedule 6 so far as they relate to the <sup>M8</sup>Merchant Shipping Act 1894, the <sup>M9</sup>Superannuation (Miscellaneous Provisions) Act 1948, sections 10, 53, 55 and 59 of the Act of 1963, the <sup>M10</sup>Family Allowances Act 1965 and the <sup>M11</sup>Social Work (Scotland) Act 1968.
- (5) This section and the following provisions only of this Act extend to Northern Ireland, that is to say—
  - (a) sections 25 and 32;
  - (b) section 72(3) and Schedule 5 so far as they relate to section 29 of the <sup>M12</sup>Criminal Justice Act 1961 and provisions of the Social Work (Scotland) Act 1968 which extend to Northern Ireland; and
  - (c) section 72(4) and Schedule 6 so far as they relate to section 83 of the Act of 1933, paragraph 13 of Schedule 2 to the <sup>M13</sup>Children and Young Persons (Scotland) Act 1937, section 29 of the Criminal Justice Act 1961, sections

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10(1) and (2), 53(1) and 65(5) of, and paragraphs 27, 34 and 50 of Schedule 3 to, the Act of 1963 and sections 73(2), 76(1) and (2) and 77(1)(b) of the Social Work (Scotland) Act 1968;

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- (6) Section 26 of this Act and this section, and section 72(4) of this Act and Schedule 6 to this Act so far as they relate to paragraph 13 of Schedule 2 to the Children and Young Persons (Scotland) Act 1937 and section 53(1) of, and paragraph 34 of Schedule 3 to, the Act of 1963, extend to the Channel Islands and the Isle of Man, and section [F1632(1) [F17, 1A]] [F1632(1) to (1C)] and (4) of this Act and this section extend to the Channel Islands.
- (7) It is hereby declared that the provisions of sections 69 and 70 of this Act extend to each of the countries aforesaid so far as is appropriate for the purposes of any other provisions of this Act extending to the country in question.

#### Subordinate Legislation Made

- P1** Power of appointment conferred by s. 73(2) exercised: [S.I. 1969/1552](#), 1565, 1970/1498, 1883 and 1971/588

#### Textual Amendments

- F14** “32(1) to (1C) and (2A) to (4)” substituted (*prosp.*) for “32(1), (3) and (4)” by [Children Act 1989](#) (c. 41, SIF 20), s. 108(2)(4)(6), Sch. 12 para. 30(a), [Sch. 14 para. 1\(1\)](#)
- F15** Words repealed by [Northern Ireland Constitution Act 1973](#) (c. 36, SIF 29:3), [Sch. 6 Pt. I](#)
- F16** “32(1) to (1C)” substituted (*prosp.*) for “32(1), (1A)” by [Children Act 1989](#) (c. 41, SIF 20), s. 108(2)(4)(6), Sch. 12 para. 30(b), [Sch. 14 para. 1\(1\)](#)
- F17** Words inserted by [Health and Social Services and Social Security Adjudications Act 1983](#) (c. 41, SIF 113:3), [Sch. 2 para. 19](#)

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

- C1** [S. 73\(2\)\(3\)](#) extended by [Powers of Criminal Courts Act 1973](#) (c. 62, SIF 39:1), [Sch. 4 para 2\(1\)](#)

#### Marginal Citations

- M7** [1968 c. 49\(81:3\)](#).
- M8** [1894 c. 60\(111\)](#).
- M9** [1948 c. 33\(101A:1\)](#).
- M10** [1965 c. 53](#).
- M11** [1968 c. 49\(81:3\)](#).
- M12** [1961 c. 39\(39:1\)](#).
- M13** [1937 c. 37\(20\)](#).

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