

## SCHEDULES

### SCHEDULE 5

#### MINOR AND CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

##### *The Act of 1933*

- 2 In section 10 of the Act of 1933, after subsection (1) there shall be inserted the following subsection:—
- “(1A) Proceedings for an offence under this section shall not be instituted except by a local education authority; and before instituting such proceedings the authority shall consider whether it would be appropriate, instead of or as well as instituting the proceedings, to bring the child or young person in question before a juvenile court under section 1 of the Children and Young Persons Act 1969.”
- 3 In section 34(2) of the Act of 1933, after the words "be taken " there shall be inserted the words " by the person who arrested him " .
- 4 In section 46 of the Act of 1933, after subsection (1) there shall be inserted the following subsection:—
- “(1A) If a notification that the accused desires to plead guilty without appearing before the court is received by the clerk of a court in pursuance of section 1 of the Magistrates' Courts Act 1957 and the court has no reason to believe that the accused is a child or young person, then, if he is a child or young person he shall be deemed to have attained the age of seventeen for the purposes of subsection (1) of this section in its application to the proceedings in question.”
- 5 In section 55(1) of the Act of 1933, for the words "charged with" there shall be substituted the words " found guilty of " and after the word "care" there shall be inserted the words " or control " .
- 6 In section 56(1) of the Act of 1933, for the word "resides" there shall be substituted the words " habitually resides " .
- 7 Section 63 of the Act of 1933 shall cease to have effect.
- 8 In section 86(1) of the Act of 1933 for the words from "an order" to "approved school" there shall be substituted the words " a care order which is not an interim order has been made in respect of a child or young person " .
- 9 (1) In subsection (1) of section 87 of the Act of 1933, for the words from " an order has " to " same time, and " there shall be substituted the words " a care order which is not an interim order has been made in respect of a child or young person then, subject to section 62 of the Children and Young Persons Act 1969 " .
- (2) For subsection (2) of that section, there shall be substituted the following subsection:  
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*Status: This is the original version (as it was originally enacted).*

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- “(2) A contribution order in respect of a child or young person may be made on the application of the local authority entitled to receive contributions in respect of him.”
- (3) In subsection (3) of that section for the words from "in the case ", in the first place where they occur, onwards there shall be substituted the words " as long as the child or young person to whom it relates is in the care of the local authority concerned " .
- 10 (1) In subsection (1) of section 88 of the Act of 1933 for the words from " ordered " to " approved school" there shall be substituted the words " the subject of a care order (other than an interim order) " ; for the words " that court" there shall be substituted the words " the court which makes the order " ; for the words " the person who is " there shall be substituted the words " the local authority who are ", and for the words " the persons by whom, and in the circumstances in which " there shall be substituted the words " the local authorities by whom " .
- (2) In subsection (2)(c) of that section, for the words " person who was" there shall be substituted the words " local authority who were " .
- (3) In subsection (4) of that section, for paragraphs (a) and (b) there shall be substituted the words " after the child or young person to whom that order relates has ceased to be the subject of the care order by virtue of which the order under this " section was made or, where this section applies by virtue of section 23 of the Children Act 1948, after he has ceased to be in the care of a local authority under section 1 of that Act or, in either case, if he is allowed by the local authority to be under the charge and control of a parent, guardian, relative or friend, although remaining in the care of the local authority " .
- 11 In section 106(2)(a) of the Act of 1933, for the words from " fifty-seven " to " Schedule to " there shall be substituted the words " eighty-seven and eighty-eight of " .
- 12 (1) In section 107(1) of the Act of 1933, after the words " that is to say " there shall be inserted the following words:—
- “" care order " and " interim order " have the same meanings as in the Children and Young Persons Act 1969.”.
- (2) In the said section 107(1), in the definition of "place of safety ", for the words " any home provided by a local authority under Part II of the Children Act 1948 any remand home or " there shall be substituted the words " a community home provided by a local authority or a controlled community home, any
- (3) Section 107(2) of the Act of 1933 shall cease to have effect.