



Children and Young Persons Act 1969

1969 CHAPTER 54

PART I

CARE AND OTHER TREATMENT OF JUVENILES THROUGH COURT PROCEEDINGS

Supervision

15 Variation and discharge of supervision orders.

(1) If while a supervision order is in force in respect of a supervised person who has not attained the age of eighteen it appears to a juvenile 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 by—

- (a) cancelling any requirement included in it in pursuance of section 12 ^{F1}, 12A, ^{F2}12AA] 12B or 12C] or section 18(2)(b) of this Act; or
- (b) 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,

^{F3} . . . ; but the powers of variation conferred by this subsection do not include power to insert in the supervision order, after the expiration of ^{F4}three months beginning with the date when the order was originally made], a requirement in pursuance of ^{F5}section 12B(1)] of this Act, unless. . . ^{F6} it is in substitution for such a requirement already included in the order ^{F7}or power to insert in the supervision order a requirement in pursuance of ^{F5}section 12A(3)] (b) of this Act in respect of any day which falls outside the period of 3 months beginning with the date when the order was originally made.]

(2) If on an application in pursuance of the preceding subsection, in a case where the supervised person has attained the age of seventeen ^{F8}. . . , it appears to the court appropriate to do so it may proceed as if the application were in pursuance of subsection (3) or, if it is made by the supervisor, in pursuance of subsections (3) and (4) of this section and as if in that subsection or those subsections, as the case may

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be, the word “seventeen” were substituted for the word “eighteen” and the words “a magistrates’ court other than” were omitted.

[^{F9}(2A) If while a supervision order made under section 7(7) of this Act ^{F10} . . . is in force in respect of a person who has not attained the age of 18 it is proved to the satisfaction of a juvenile 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 [^{F11}12AA] 12C or 18(2)(b) of this Act, the court—

- (a) may order him to pay a fine of an amount not exceeding £100; or
- (b) subject to section 16A(1) of this Act, may make an attendance centre order in respect of him,

whether or not it also makes an order under subsection (1) of this section.]

(3) If while a supervision order is in force in respect of a supervised person who has attained the age of eighteen it appears to a magistrates’ court other than a juvenile 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 by—

- (a) inserting in it a provision specifying the duration of the order or altering or cancelling such a provision already included in it; or
- (b) substituting for the provisions of the order by which the supervisor is designated or by virtue of which he is selected such other provisions in that behalf as could have been included in the order if the court had then had power to make it and were exercising the power; or
- (c) substituting for the name of an area included in the order in pursuance of section 18(2)(a) of this Act the name of any other area of a local authority or petty sessions area, as the case may be, in which it appears to the court that the supervised person resides or will reside; or
- (d) cancelling any provision included in the order by virtue of section 18(2)(b) of this Act or inserting in it any provision prescribed for the purposes of that paragraph; or
- (e) cancelling any requirement included in the order in pursuance of section [^{F12}12, 12A, [^{F13}12AA], 12B or 12C] of this Act.

[^{F14}(4) If while a supervision order made under section 7(7) of this Act ^{F15} . . . is in force in respect of a person who has attained the age of 18 it is proved to the satisfaction of a magistrates’ court [^{F16}other than a juvenile 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 [^{F17}12AA] 12C or 18(2)(b) of this Act, the court—

- (a) whether or not it also makes an order under subsection (3) of this section, may order him to pay a fine of an amount not exceeding £100 or, subject to section 16A(1) of this Act, may make an attendance centre order in respect of him;
- (b) if it also discharges the supervision order, may make an order imposing on him any punishment other than a sentence of detention in a young offender institution which it could have imposed on him if it had then had power to try him for the offence in consequence of which the supervision order was made and had convicted him in the exercise of that power;

and in a case where the offence in question is of a kind which the court . . . has no power to try or has no power to try without appropriate consents—

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- (i) the punishment imposed by virtue of paragraph (b) of this subsection shall not exceed that which any court having power to try such an offence could have imposed in respect of it; and
 - (ii) if the punishment imposed is a fine, it shall not in any event exceed £2,000.
- (4A) If while a supervision order is in force in respect of a person it is proved to the court under subsection (2A) or (4) above that the supervised person has failed to comply with any requirement included in the supervision order in pursuance of section 12A(3) (a) of this Act directing the supervised person to participate in specified activities, the court may, if it also discharges the supervision order, make an order imposing on him any sentence which it could have imposed on him if it had then had power to try him for the offence in consequence of which the supervision order was made and had convicted him, or found him guilty, in the exercise of that power.
- (4B) In a case where the offence in question is of a kind which the court has no power to try or has no power to try without appropriate consents, the sentence imposed shall not exceed that which any court having power to try such an offence could have imposed in respect of it and shall not in any event exceed a custodial sentence for a term of six months and a fine—
- (a) if the offender has not attained the age of 18, of £400; and
 - (b) if he has attained that age, of £2,000.
- (4C) A court may not make an order by virtue of subsection (4A) of this section unless the court which made the supervision order made a statement under section 12D(1) of this Act.
- (4D) For the purposes of subsection (4C) above a certificate under section 12D of this Act shall be evidence of the making of the statement to which it relates.]
- (5) 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 [F18section 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; and on receiving a report under this subsection the supervisor shall refer it to a juvenile court, and on such a reference the court may make an order cancelling or varying the requirement.
- (6) The preceding provisions of this section shall have effect subject to the provisions of the following section.

Textual Amendments

- F1** Words in s. 15(1)(a) inserted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 128, [Sch. 10 Pt. II](#)
- F2** Words in s. 15(1)(a) inserted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(4)(6), [Sch. 12 para.24\(1\)](#), (with Sch. 14 para. 1(1)); [S.I. 1991/828](#), [art. 3\(2\)](#)
- F3** Words in s. 15(1) repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(6)(7), [Sch.15](#), (with Sch. 14 paras. 1(1), 27(4), 36(3)(b)); [S.I. 1991/828](#), [art. 3\(2\)](#)

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- F4** Words in s. 15(1) substituted, except in relation to supervision orders made before 17.7.1978, by **Criminal Law Act 1977 (c. 45, SIF 39:1), Sch. 12**
- F5** References to “sections 12B(1)” and “section 12A(3)” substituted by virtue of **Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 128, Sch. 10 Pt. II**
- F6** Words in s. 15(1) repealed, except in relation to supervision orders made before 17.7.1978, by **Criminal Law Act 1977 (c. 45, SIF 39:1), Sch. 13**
- F7** Words in s. 15(1) added by **Criminal Justice Act 1982 (c. 48, SIF 39:1), Sch. 14 para. 25**
- F8** Words in s. 15(2) repealed (14.10.1991) by **Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), Sch.15,** (with Sch. 14 paras. 1(1), 27(4)); **S.I. 1991/828, art. 3(2)**
- F9** **S. 15(2A)** substituted by **Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 128, Sch. 10 Pt. III para. 1** (s. 15(2A) originally inserted by **Criminal Law Act 1977 (c. 45, SIF 39:1), s. 37(2)(3)** except in relation to supervision orders made before 17.7.1978)
- F10** Words in s. 15(2A) 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)**
- F11** Words in s. 15(2A) inserted (14.10.1991) by **Children Act 1989 (c. 41, SIF 20), s. 108(4)(6), Sch. 12 para.24(1),** (with Sch. 14 para. 1(1)); **S.I. 1991/828, art. 3(2)**
- F12** Words in s. 15(3)(e) substituted by **Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 128, Sch. 10 Pt. III para. 2**
- F13** Words in s. 15(3)(e) inserted (14.10.1991) by **Children Act 1989 (c. 41, SIF 20), s. 108(4)(6), Sch. 12 para.24(1),** (with Sch. 14 para. 1(1)); **S.I. 1991/828, art. 3(2)**
- F14** **S. 15(4)–(4D)** substituted for s. 15(4) by **Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 128, Sch. 10 Pt. III para. 3**
- F15** Words in s. 15(4) 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)**
- F16** Words in s. 15(4) substituted (14.10.1991) by **Children Act 1989 (c. 41, SIF 20), s. 108(4)(6), Sch. 12 para.24(2),**(with Sch. 14 para. 1(1)); **S.I. 1991/828, art. 3(2)**
- F17** Words in s. 15(4) inserted (14.10.1991) by **Children Act 1989 (c. 41, SIF 20), s. 108(4)(6), Sch. 12 para. 24(1),** (with Sch. 14 para. 1(1)); **S.I. 1991/828, art. 3(2)**
- F18** Reference to “section 12B(1)” substituted by virtue of **Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 128, Sch. 10 Pt. II**

Modifications etc. (not altering text)

- C1** **S. 15(1)** amended (14.10.1991) by **Children Act 1989 (c. 41, SIF 20), ss.90(2)(b), 108(6),** (with Sch. 14 para. 1(1)); **S.I. 1991/828, art. 3(2)**
- C2** Power to amend s. 15(2A)(4) conferred by **Magistrates' Courts Act 1980 (c. 43, SIF 82) s. 143, Sch. 6A** (as inserted by **Criminal Justice Act 1982 (c. 48, SIF 39:1), Sch. 5**)
- C3** **S. 15(4)** restricted (S.) by **Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 189(5)(a), 390(5)(a)**

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