



# Children and Young Persons Act 1969

## 1969 CHAPTER 54

### PART I

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

##### *Supervision*

#### [15] <sup>F1</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(a) to insert in the supervision order, after the expiration of three months beginning with the date when the order was originally made, a requirement in pursuance of section 12B(1) of this Act, unless it is in substitution for such a requirement already included in the order; or
  - (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Act in respect of any day which falls outside the period of three months beginning with the date when the order was originally made.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—

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*Status: Point in time view as at 30/09/1998. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons Act 1969, Section 15. (See end of Document for details)*

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- [ whether or not it also makes an order under subsection (1) above, may order
- <sup>F2</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>M1</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>M2</sup>Criminal Justice Act 1991 (curfew orders);
- (b) if the supervision order was made by a relevant 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>F3</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>F4</sup>(7) A fine imposed under subsection (3) [<sup>F5</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>F5</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.
- (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.

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- (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

- F1** 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**
- F2** 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)**
- F3** S. 15(4)(5)(6) substituted (30.9.1998) by 1998 c. 37, **s. 72(2)**; S.I. 1998/2327, **art.2(1)(q)**
- F4** 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**.
- F5** 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)**

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

- C1** 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**

#### Marginal Citations

- M1** 1982 c.48.  
**M2** 1991 c.53.

**Status:**

Point in time view as at 30/09/1998. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Children and Young Persons Act 1969, Section 15.