



Children and Young Persons Act 1969

1969 CHAPTER 54

PART I

CARE AND OTHER TREATMENT OF JUVENILES THROUGH COURT PROCEEDINGS

[^{F1} Care of children and young persons through juvenile courts]

[^{F12} Provisions supplementary to s. 1.

- (1) If a local authority receive information suggesting that there are grounds for bringing care proceedings in respect of a child or young person who resides or is found in their area, it shall be the duty of the authority to cause enquiries to be made into the case unless they are satisfied that such enquiries are unnecessary.
- (2) If it appears to a local authority that there are grounds for bringing care proceedings in respect of a child or young person who resides or is found in their area, it shall be the duty of the authority to exercise their power under the preceding section to bring care proceedings in respect of him unless they are satisfied that it is neither in his interest nor the public interest to do so or that some other person is about to do so or to charge him with an offence.
- (3) No care proceedings shall be begun by any person unless that person has given notice of the proceedings to the local authority for the area in which it appears to him that the relevant infant resides or, if it appears to him that the relevant infant does not reside in the area of a local authority, to the local authority for any area in which it appears to him that any circumstances giving rise to the proceedings arose; but the preceding provisions of this subsection shall not apply where the person by whom the notice would fall to be given is the local authority in question.
- (4) 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 the relevant infant before the court in which care proceedings are brought or proposed to be brought in respect of him; but [^{F2}subsections (3) and (4) of section 55 of the ^{M1}Magistrates' Courts Act 1980] (which among other things restrict the circumstances in which a warrant may be issued) shall apply with the necessary

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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 words “cannot be served or”.

- (5) Where the relevant infant is arrested in pursuance of a warrant issued by virtue of the preceding subsection and cannot be brought immediately before the court aforesaid, 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 relevant infant is brought before the court aforesaid, bring him before a justice;

and the justice shall either make an interim order in respect of him or direct that he be released forthwith.

- (6) [^{F3}Section 97 of the ^{M2}Magistrates’ Courts Act 1980] (under which a summons or warrant may be issued to secure the attendance of a witness) shall apply to care proceedings as it applies to the hearing of a complaint.

- (7) In determining whether the condition set out in subsection (2)(b) of the preceding section is satisfied in respect of the relevant infant, it shall be assumed that no order under that section is to be made in respect of him.

- (8) In relation to the condition set out in subsection (2)(e) of the preceding section the references to a local authority in that section and subsections (1), (2) and (11) (b) of this section shall be construed as references to a local education authority; and in any care proceedings—

- (a) the court shall not entertain an allegation that that condition is satisfied unless the proceedings are brought by a local education authority; and
- (b) the said condition shall be deemed to be satisfied if the relevant infant is of the age mentioned in that condition and it is proved that he—
 - (i) is the subject of a school attendance order which is in force under section 37 of the ^{M3}Education Act 1944 and has not been complied with, or
 - (ii) is a registered pupil at a school which he is not attending regularly within the meaning of section 39 of that Act, or
 - (iii) is a person whom another person habitually wandering from place to place takes with him,

unless it is also proved that he is receiving the education mentioned in that condition;

but nothing in paragraph (a) of this subsection shall prevent any evidence from being considered in care proceedings for any purpose other than that of determining whether that condition is satisfied in respect of the relevant infant.

- (9) If on application under this subsection to the court in which it is proposed to bring care proceedings in respect of a relevant infant who is not present before the court it appears to the court that he is under the age of five and either—

- (a) it is proved to the satisfaction of the court, on oath or in such other manner as may be prescribed by rules under [^{F4}section 144 of the ^{M4}Magistrates’ Courts Act 1980], that notice of the proposal to bring the proceedings at the time and place at which the application is made was served on the parent or guardian of

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the relevant infant at what appears to the court to be a reasonable time before the making of the application; or

(b) it appears to the court that his parent or guardian is present before the court the court may if it thinks fit, after giving the parent or guardian if he is present an opportunity to be heard, give a direction under this subsection in respect of the relevant infant; and a relevant infant in respect of whom such a direction is given by a court shall be deemed to have been brought before the court under section 1 of this Act at the time of the direction, and care proceedings in respect of him may be continued accordingly.

(10) If the court before which the relevant infant is brought in care proceedings is not in a position to decide what order, if any, ought to be made under the preceding section in respect of him, [^{F5}the court may make—

(a) an interim order; or

(b) an interim hospital order within the meaning of [^{F6}section 38 of the ^{M5}Mental Health Act 1983]

in respect of him; but an order shall not be made in respect of the relevant infant in pursuance of paragraph (b) of this subsection unless the conditions which, under [^{F6}the said section 38], are required to be satisfied for the making of an interim hospital order in respect of a person convicted as mentioned in that section are satisfied in his case so far as they are applicable.]

(11) If it appears to the court before which the relevant infant is brought in care proceedings that he resides in a petty sessions area other than that for which the court acts, the court shall, unless it dismisses the case and subject to subsection (5) of the following section, direct that he be brought under the preceding section before a juvenile court acting for the petty sessions area in which he resides; and where the court so directs—

(a) it may make an interim order in respect of him and, if it does so, shall cause the clerk of the court to which the direction relates to be informed of the case;

(b) if the court does not make such an order it shall cause the local authority in whose area it appears to the court that the relevant infant resides to be informed of the case, and it shall be the duty of that authority to give effect to the direction within twenty-one days.

(12) The relevant infant [^{F7}or, in a case where a parent or guardian of his was a party to the care proceedings by virtue of an order under section 32A of this Act, the parent or guardian] may appeal to [^{F8}the Crown court] against any order made in respect of [^{F9}the relevant infant] under the preceding section except such an order as is mentioned in subsection (3)(a) of that section.

(13) Such an order as is mentioned in subsection (3)(a) of the preceding section shall not require the parent or guardian in question to enter into a recognisance for an amount exceeding [^{F10}£1,000] or for a period exceeding three years or, where the relevant infant will attain the age of eighteen in a period shorter than three years, for a period exceeding that shorter period; and [^{F11}section 120 of the ^{M6}Magistrates' Courts Act 1980] (which relates to the forfeiture of recognisances) shall apply to a recognisance entered into in pursuance of such an order as it applies to a recognisance to keep the peace.

(14) For the purposes of this Act, care proceedings in respect of a relevant infant are begun when he is first brought before a juvenile court in pursuance of the preceding section in connection with the matter to which the proceedings relate.]

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Textual Amendments

- F1** Ss. 1–3 repealed (*prosp.*) by Children Act 1989 (c. 41, SIF 20), s. 108(2)(6)(7), Sch. 14 para. 27(4), **Sch. 15**
- F2** Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154(2), **Sch. 7 para. 78(a)**
- F3** Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154(2), **Sch. 7 para. 78(b)**
- F4** Words substituted by virtue of Magistrates' Courts Act 1980 (c. 43, SIF 82), **Sch. 8 para. 5**
- F5** Words substituted by Mental Health (Amendment) Act 1982 (c. 51, SIF 85), **Sch. 3 para. 44**
- F6** Words substituted by Mental Health Act 1983 (c. 20, SIF 85), **Sch. 4 para. 26(c)**
- F7** Words inserted by Children and Young Persons (Amendment) Act 1986 (c. 28, SIF 20), **ss. 2(1), 6**
- F8** Words substituted by virtue of Courts Act 1971 (c. 23, SIF 37), s. 56(2), **Sch. 9 Pt. I**
- F9** Words substituted by Children and Young Persons (Amendment) Act 1986 (c. 28, SIF 20), **ss. 2(1), 6**
- F10** Words substituted by S.I. 1984/447, **Sch. 1**
- F11** Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154(2), **Sch. 7 para. 78(c)**

Modifications etc. (not altering text)

- C1** S. 2(11) restricted by S.I. 1988/913, **rules 13(1), 27(1)**
- C2** Power to amend s. 2(13) conferred by Magistrate's Courts Act 1980 (c. 43, SIF 82), **s. 143(2)(i)** (as added by Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 48(1)(b)**)

Marginal Citations

- M1** 1980 c. 43(82).
- M2** 1980 c. 43(82).
- M3** 1944 c. 31(41:1).
- M4** 1980 c. 43(82).
- M5** 1983 c. 20(85).
- M6** 1980 c. 43(82).

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