



Children and Young Persons Act 1969

1969 CHAPTER 54

PART I

CARE AND OTHER TREATMENT OF JUVENILES THROUGH COURT PROCEEDINGS

Care of children and young persons through juvenile courts

3 Further supplementary provisions relating to s. 1(2)(f)

- (1) In any care proceedings, no account shall be taken for the purposes of the condition set out in paragraph (f) of subsection (2) of section 1 of this Act (hereafter in this section referred to as " the offence condition ") of an offence alleged to have been committed by the relevant infant if—
 - (a) in any previous care proceedings in respect of him it was alleged that the offence condition was satisfied in consequence of the offence ; or
 - (b) the offence is a summary offence within the meaning of the Magistrates' Courts Act 1952 and, disregarding section 4 of this Act, the period for beginning summary proceedings in respect of it expired before the care proceedings were begun ; or
 - (c) disregarding section 4 of this Act, he would if charged with the offence be entitled to be discharged under any rule of law relating to previous acquittal or conviction.
- (2) In any care proceedings the court shall not entertain an allegation that the offence condition is satisfied in respect of the relevant infant unless the proceedings are brought by a local authority or a constable; but nothing in this or the preceding subsection shall prevent any evidence from being considered in care proceedings for any purpose other than that of determining whether the offence condition is satisfied in respect of the relevant infant.
- (3) If in any care proceedings the relevant infant is alleged to have committed an offence in consequence of which the offence condition is satisfied with respect to him, the court shall not find the offence condition satisfied in consequence of the offence unless, disregarding section 4 of this Act, it would have found him guilty of the

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offence if the proceedings had been in pursuance of an information duly charging him with the offence and the court had had jurisdiction to try the information; and without prejudice to the preceding provisions of this subsection the same proof shall be required to substantiate or refute an allegation that the offence condition is satisfied in consequence of an offence as is required to warrant a finding of guilty, or as the case may be, of not guilty of the offence.

- (4) A person shall not be charged with an offence if in care proceedings previously brought in respect of him it was alleged that the offence condition was satisfied in consequence of that offence.
- (5) If in any care proceedings in which it is alleged that the offence condition is satisfied in respect of the relevant infant it appears to the court that the case falls to be remitted to another court in pursuance of subsection (11) of the preceding section but that it is appropriate to determine whether the condition is satisfied before remitting the case, the court may determine accordingly; and any determination under this subsection shall be binding on the court to which the case is remitted.
- (6) Where in any care proceedings the court finds the offence condition satisfied with respect to the relevant infant in consequence of an indictable offence within the meaning of the Magistrates' Courts Act 1952 then, whether or not the court makes an order under section 1 of this Act—
 - (a) section 34 of that Act (which relates to compensation for loss of property or damage to it) shall apply as if the finding were a finding of guilty of the offence and as if the maximum amount of an award under that section were one hundred pounds; and
 - (b) the court shall if the relevant infant is a child, and may if he is not, order any sum awarded by virtue of this subsection to be paid by his parent or guardian instead of by him unless it is satisfied that the parent or guardian cannot be found or has not conduced to the commission of the offence by neglecting to exercise due care or control of him, so however that an order shall not be made in pursuance of this paragraph unless the parent or guardian has been given an opportunity of being heard or has been required to attend the proceedings and failed to do so; and
 - (c) any sum payable by a parent or guardian by virtue of the preceding paragraph may be recovered from him in like manner as if he had been convicted of the offence in question;

but where the finding in question is made in pursuance of the preceding subsection, the powers conferred by this subsection shall be exercisable by the court to which the case is remitted instead of by the court which made the finding.

For the purposes of this subsection an offence under section 14(1) of the Criminal Justice Administration Act 1914 (which provides for damage committed wilfully or maliciously to be punishable on summary conviction) shall be treated as an indictable offence within the meaning of the said Act of 1952.

- (7) Where in any care proceedings the court finds the offence condition satisfied with respect to the relevant infant and he is a young person, the court may if it thinks fit and he consents, instead of making such an order as is mentioned in section 1(3) of this Act, order him to enter into a recognisance for an amount not exceeding twenty-five pounds and for a period not exceeding one year to keep the peace or to be of good behaviour; and such an order shall be deemed to be an order under section 1 of this Act but no appeal to quarter sessions may be brought against an order under this subsection.

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- (8) Where in any care proceedings the court finds the offence condition satisfied with respect to the relevant infant in consequence of an offence which was not admitted by him before the court, then—
- (a) if the finding is made in pursuance of subsection (5) of this section and the court to which the case is remitted decides not to make any order under section 1 of this Act in respect of the relevant infant; or
 - (b) if the finding is not made in pursuance of that subsection and the court decides as aforesaid,
- the relevant infant may appeal to quarter sessions against the finding, and in a case falling within paragraph (a) of this subsection any notice of appeal shall be given within fourteen days after the date of the decision mentioned in that paragraph; and a person ordered to pay compensation by virtue of subsection (6) of this section may appeal to quarter sessions against the order.
- (9) An appeal in pursuance of the preceding subsection or subsection (12) of the preceding section against an order made by a court in consequence of a finding made by another court by virtue of subsection (5) of this section shall lie to the same quarter sessions as would have had jurisdiction to entertain an appeal under subsection (8) of this section against the finding if the court had decided not to make any order.