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## SCHEDULES

### SCHEDULE 7

#### PRE-CONSOLIDATION AMENDMENTS: POWERS OF CRIMINAL COURTS

##### *Children and Young Persons Act 1969 (c. 54)*

- 3 After subsection (8) of section 7 of the 1969 Act (alterations in treatment of young offenders etc.) there shall be added the following subsection—
- “(9) The reference in subsection (8) above to a person’s parent shall be construed in accordance with section 1 of the Family Law Reform Act 1987 (and not in accordance with section 70(1A) of this Act).”
- 4 In section 12 of the 1969 Act (power to include requirements in supervision orders), after subsection (3) there shall be added the following subsection—
- “(4) Directions given by the supervisor by virtue of subsection (2)(b) or (c) above shall, as far as practicable, be such as to avoid—
- (a) any conflict with the offender’s religious beliefs or with the requirements of any other community order (within the meaning of Part I of the Criminal Justice Act 1991) to which he may be subject; and
  - (b) any interference with the times, if any, at which he normally works or attends school or any other educational establishment.”
- 5 (1) In subsection (1) of section 12B of the 1969 Act (power to include in supervision order requirements as to mental treatment)—
- (a) for the words “medical practitioner”, in the first place where they occur, there shall be substituted the words “registered medical practitioner”;
  - (b) for the words “his detention in pursuance of a hospital order under Part III” there shall be substituted the words “the making of a hospital order or guardianship order within the meaning”;
  - (c) in paragraph (a), for the words “fully registered medical practitioner” there shall be substituted the words “registered medical practitioner”;
  - (d) after that paragraph there shall be inserted the following paragraph—
    - “(aa) treatment by or under the direction of a chartered psychologist specified in the order;”;
  - (e) in paragraph (b), for the words “a place” there shall be substituted the words “an institution or place”; and
  - (f) in paragraph (c), for the words “the said Act of 1983” there shall be substituted the words “the Mental Health Act 1983”.
- (2) After that subsection there shall be inserted the following subsection—
- “(1A) In subsection (1) of this section “registered medical practitioner” means a fully registered person within the meaning of the Medical Act 1983 and

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“chartered psychologist” means a person for the time being listed in the British Psychological Society’s Register of Chartered Psychologists.”

- (3) After subsection (2) of that section there shall be added the following subsection—
- “(3) Subsections (2) and (3) of section 54 of the Mental Health Act 1983 shall have effect with respect to proof for the purposes of subsection (1) above of a supervised person’s mental condition as they have effect with respect to proof of an offender’s mental condition for the purposes of section 37(2)(a) of that Act.”
- 6 In section 16(11) of the 1969 Act (provisions supplementary to section 15), the words “seventeen or” shall cease to have effect.
- 7 (1) In subsection (1)(a) of section 16A of the 1969 Act (application of sections 17 to 19 of Criminal Justice Act 1982), for the words “section 15(2A) or (4)” there shall be substituted the words “section 15(3)(a)”.
- (2) In subsection (2)(b) of that section—
- (a) in sub-paragraph (i), after the word “from” there shall be inserted the words “subsection (4A) of section 18 and”; and
- (b) in sub-paragraph (ii), for the words “subsection (6)” there shall be substituted the words “subsection (4B) of section 18 and subsection (6) of section 19”.
- 8 In section 34(1)(c) of the 1969 Act (power of Secretary of State to amend references to young person), the words “7(7), 7(8),” shall cease to have effect.
- 9 Section 69(5) of the 1969 Act (power to include in commencement order certain consequential provisions) shall cease to have effect.
- 10 In section 70 of the 1969 Act (interpretation), for subsections (1A) and (1B) there shall be substituted the following subsections—
- “(1A) In the case of a child or young person—
- (a) whose father and mother were not married to each other at the time of his birth, and
- (b) with respect to whom a residence order is in force in favour of the father,
- any reference in this Act to the parent of the child or young person includes (unless the contrary intention appears) a reference to the father.
- (1B) In subsection (1A) of this section, the reference to a child or young person whose father and mother were not married to each other at the time of his birth shall be construed in accordance with section 1 of the Family Law Reform Act 1987 and “residence order” has the meaning given by section 8(1) of the Children Act 1989.”
- 11 In Schedule 6 to the 1969 Act (repeals), the entries relating to sections 55, 56(1) and 59(1) of the 1933 Act (which entries have never come into force or are spent) are hereby repealed.