

Children and Young Persons (Scotland) Act 1937

1937 CHAPTER 37 1 Edw 8 and 1 Geo 6



PROTECTION OF CHILDREN AND YOUNG PERSONS IN RELATION TO CRIMINAL PROCEEDINGS

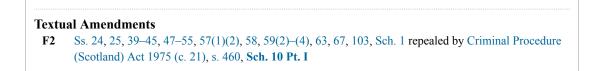
Modifications etc. (not altering text)C1Pt. IV amended by Social Work (Scotland) Act 1968 (c. 49), Sch. 2 Pt. I paras, 1, 2

39—^{F1} S

 Textual Amendments

 F1
 Ss. 24, 25, 39–45, 47–55, 57(1)(2), 58, 59(2)–(4), 63, 67, 103, Sch. 1 repealed by Criminal Procedure (Scotland) Act 1975 (c. 21), s. 460, Sch. 10 Pt. I

General Provisions as to Proceedings in Court



Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons (Scotland) Act 1937, Part IV. (See end of Document for details)

F³46 Power to prohibit publication of certain matter in newspapers. S

(1) In relation to any proceedings in any court ... ^{F4}, the court may direct that—

- (a) no newspaper report of the proceedings shall reveal the name, address, or school, or include any particulars calculated to lead to the identification, of [^{F5}a person under the age of seventeen years] concerned in the proceedings, either as being the person [^{F6}by or against] or in respect of whom the proceedings are taken, or as being a witness therein;
- (b) no picture shall be published in any newspaper as being or including a picture of [^{F5}a person under the age of seventeen years] so concerned in the proceedings as aforesaid;

except in so far (if at all) as may be permitted by the direction of the court.

(2) Any person who publishes any matter in contravention of any such direction shall on summary conviction be liable in respect of each offence to a fine not exceeding [^{F7}level 4 on the standard scale].

Textual Amendments

- F3 S. 46 repealed (E.W.)(S.) by Criminal Procedure (Scotland) Act 1975 (c. 21), s. 460, Sch. 10 Pt. I so far as relating to criminal proceedings; extended by Children and Young Persons Act 1963 (c. 37), s. 57(3)(4)
- F4 Words repealed by Children and Young Persons Act 1963 (c. 37), s. 64, Sch. 5
- F5 Words substituted by Social Work (Scotland) Act 1968 (c. 49), Sch. 2 para. 7
- F6 Words substituted by Children and Young Persons Act 1963 (c. 37), s. 57(1)
- F7 Words substituted by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G and by 1995 c. 40, ss. 3, 7(2), Sch. 1 para. 3(1), Sch. 2 Pt. II it is provided (1.4.1996) that s. 46(2) shall have effect as if the maximum fine that may be imposed on a summary conviction for the offence mentioned therein were a fine not exceeding level 4 on the standard scale instead of a fine not exceeding £50

Modifications etc. (not altering text)

- C2 S. 46 extended with modifications by Cable and Broadcasting Act 1984 (c. 46, SIF 96), s. 57(1), Sch. 5 para. 5(3)
- C3 S. 46 applied with modifications by Broadcasting Act 1990 (c. 42, SIF 96), s. 203(1), Sch. 20 para. 4(2)
- C4 S. 46 applied (4.4.2005) by Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8), ss. 111(5), 145(2); S.S.I. 2004/420, art. 3, sch. 5

47—	 F8	S	
54.			

Textual Amendments

F8 Ss. 24, 25, 39–45, 47–55, 57(1)(2), 58, 59(2)–(4), 63, 67, 103, Sch. 1 repealed by Criminal Procedure (Scotland) Act 1975 (c. 21), s. 460, Sch. 10 Pt. I

Part IV-	and Young Persons (Scotland) Act 1937 (c. 37) Protection of Children and Young Persons in relation to Criminal Proceedings t Generated: 2024-05-08
Document	Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons (Scotland) Act 1937, Part IV. (See end of Document for details)
	Juvenile Offenders
55	^{F9} S
Textu	al Amendments
F9	Ss. 24, 25, 39–45, 47–55, 57(1)(2), 58, 59(2)–(4), 63, 67, 103, Sch. 1 repealed by Criminal Procedure (Scotland) Act 1975 (c. 21), s. 460, Sch. 10 Pt. I
56	^{F10} S
Textu F10	al Amendments Ss. 56, 64 repealed by Criminal Justice (Scotland) Act 1949 (c. 94), Sch. 12
57	Punishment of certain grave crimes. S 1)
```	<ul> <li>3) A person detained pursuant to the directions of the Secretary of State under [^{F12}secti [^{F13}205 or 206]of the ^{M1}Criminal Procedure (Scotland) Act 1975]shall, while detained, be deemed to be in legal custody.</li> </ul>
(4	4)
Textu F11	<b>al Amendments</b> Ss. 24, 25, 39–45, 47–55, 57(1)(2), 58, 59(2)–(4), 63, 67, 103, Sch. 1 repealed by Criminal Procedure (Scotland) Act 1975 (c. 21), s. 460, <b>Sch. 10 Pt. I</b>
F12 F13 F14	Words substituted by Criminal Procedure (Scotland) Act 1975 (c. 21), Sch. 9 para. 7 Words substituted by Prisons (Scotland) Act 1989 (c. 45, SIF 39:1), s. 45(1), Sch. 2 para. 1 S. 57(4) repealed by Statute Law (Repeals) Act 1975 (c. 10), Sch. Pt. XIV
Marg M1	inal Citations 1975 c. 21.
^{F16} 58]	F15 S
Textu F15	<b>al Amendments</b> Ss. 24, 25, 39–45, 47–55, 57(1)(2), 58, 59(2)–(4), 63, 67, 103, Sch. 1 repealed by Criminal Procedure

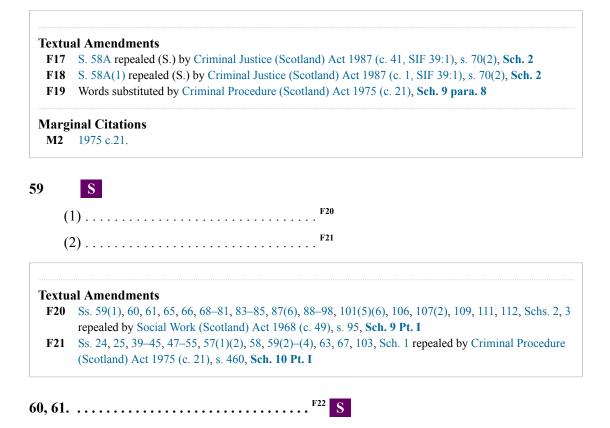
- (Scotland) Act 1975 (c. 21), s. 460, Sch. 10 Pt. I
- F16 S. 58A inserted by Social Work (Scotland) Act 1968 (c. 49), Sch. 2 para. 16

and Young Persons (Scotland) Act 1937, Part IV. (See end of Document for details)

### [^{F17}58A Committal for residential training. S

#### 

- (2) A child detained pursuant to the directions of the Secretary of State under [^{F19}section 413 of the ^{M2}Criminal Procedure (Scotland) Act 1975] shall, while so detained, be deemed to be in legal custody.
- (3) Any child so detained as aforesaid may at any time be released conditionally or unconditionally by the Secretary of State, and any such child conditionally released shall be liable to recall on the directions of the Secretary of State and if he fails to comply with any condition of his release he may be apprehended without warrant and taken to the place from which he was released.]



# Textual Amendments F22 Ss. 59(1), 60, 61, 65, 66, 68–81, 83–85, 87(6), 88–98, 101(5)(6), 106, 107(2), 109, 111, 112, Schs. 2, 3 repealed by Social Work (Scotland) Act 1968 (c. 49), s. 95, Sch. 9 Pt. I

# 62 Power of Secretary of State to send certain juvenile offenders to approved schools. S

The Secretary of State may by order direct that-

(a) a person who is under the age of eighteen years and is undergoing detention in a Borstal institution; or

- (b) a child or young person with respect to whom he is authorised to give directions under [^{F23}...^{F24} section 206 of the ^{M3}Criminal Procedure (Scotland) Act 1975; or]
- (c) a young person who has been ordered to be imprisoned and has been pardoned by His Majesty on condition of his agreeing to undergo training in a [^{F25}residential establishment],

shall be transferred or sent to and detained in [^{F25}a residential establishment] specified in the order; and any such order shall be an authority for the detention of the person to whom it relates until such date as may be specified in the order:

Provided that the date to be so specified shall be not later than that on which he will in the opinion of the Secretary of State attain the age of nineteen years nor later—

- (a) in the case of a person who was . . . ^{F26} sentenced to detention under the said subsection (2), than the date on which his detention would have expired; or
- (b) in the case of a young person who has been ordered to be imprisoned and has been pardoned as aforesaid, than three years from the date as from which the order for his imprisonment began to run.
- [^{F27}(c) in the case of a person who was undergoing detention in a Borstal institution, than the end of the period for which he would have been liable to be detained therein.]

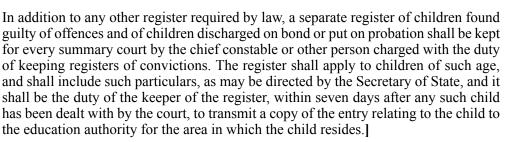
### **Textual Amendments**

- F23 Words substituted by Criminal Procedure (Scotland) Act 1975 (c. 21), Sch. 9 para. 9
- F24 Words repealed by Prisons (Scotland) Act 1989 (c. 45, SIF 39:1), s. 45(2), Sch. 3
- F25 Words substituted by Social Work (Scotland) Act 1968 (c. 49), Sch. 2 para. 18
- F26 Words repealed by Criminal Justice (Scotland) Act 1949 (c. 94), Sch. 12
- F27 S. 62 proviso (c) added by Criminal Justice (Scotland) Act 1949 (c. 94), Sch. 11

### **Marginal Citations**

**M3** 1975 c. 21.

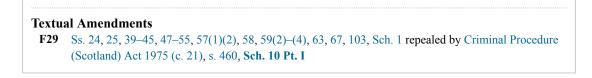
# [^{F28}63 Register of children found guilty of offences. S



### **Textual Amendments** F28 S. 63 inserted (1.4.1996) by 1995 c. 40 ss. 5, 7(2), Sch. 4 para. 3(1)(2)

63 .....^{F29} S

Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons (Scotland) Act 1937, Part IV. (See end of Document for details)



64 .....^{F30} S

Textual AmendmentsF30Ss. 56, 64 repealed by Criminal Justice (Scotland) Act 1949 (c. 94), Sch. 12

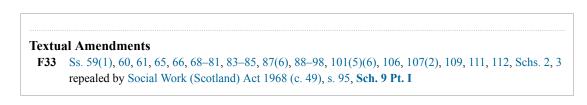
65, 66. .....^{F31} S

Textual Amendments		
F31	Ss. 59(1), 60, 61, 65, 66, 68–81, 83–85, 87(6), 88–98, 101(5)(6), 106, 107(2), 109, 111, 112, Schs. 2, 3	
	repealed by Social Work (Scotland) Act 1968 (c. 49), s. 95, Sch. 9 Pt. I	

67 .....^{F32} S

Textual Amendments			
F32	Ss. 24, 25, 39–45, 47–55, 57(1)(2), 58, 59(2)–(4), 63, 67, 103, Sch. 1 repealed by Criminal Procedure		
	(Scotland) Act 1975 (c. 21), s. 460, Sch. 10 Pt. I		

68—80 .....^{F33} S



# Changes to legislation:

There are currently no known outstanding effects for the Children and Young Persons (Scotland) Act 1937, Part IV.