

**Status:** Point in time view as at 16/08/1993.

**Changes to legislation:** Children and Young Persons Act 1933 is up to date with all changes known to be in force on or before 06 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

## SCHEDULES

FIRST SCHEDULE **E+W** Sections 13, 14, 15, 40, 41, 42, 43, 63, 67,  
99 and 108.

### OFFENCES AGAINST CHILDREN AND YOUNG PERSONS, WITH RESPECT TO WHICH SPECIAL PROVISIONS OF THIS ACT APPLY

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

**C1** Sch. 1 extended by Indecency with Children Act 1960 (c. 33), s. 1(3) and Suicide Act 1961 (c. 60), Sch. 1 Pt. 1

The murder or manslaughter of a child or young person.

Infanticide.

Any offence under sections twenty-seven, . . . <sup>F1</sup> or fifty-six of the Offences against the <sup>M1</sup>Person Act 1861, and any offence against a child or young person under sections five, . . . <sup>F2</sup> . . . <sup>F1</sup> of that Act. . . . <sup>F1</sup>

#### Textual Amendments

**F1** Words repealed by Sexual Offences Act 1956 (c. 69), s. 52, Sch 4

**F2** Words repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170(2), Sch. 16

#### Marginal Citations

**M1** 1861 c. 100.

[<sup>F3</sup>Common assault, or battery.] . . . <sup>F4</sup>

#### Textual Amendments

**F3** Words inserted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170(1), Sch. 15 para. 8

**F4** Entry repealed by Sexual Offences Act 1956 (c. 69), s. 52, Sch. 4

Any offence under sections one, . . . <sup>F1</sup> three, four, eleven or twenty-three of this Act.

[<sup>F5</sup>Any offence against a child or young person under any of the following sections of the <sup>M2</sup>Sexual Offences Act 1956, that is to say sections two to seven, ten to sixteen, nineteen, twenty, twenty-two to twenty-six and twenty-eight, and any attempt to commit against a child or young person an offence under section two, five, six, seven, ten, eleven, twelve, twenty-two or twenty-three of that Act: Provided that for the purposes of subsection (2) of section ninety-nine of this Act this entry shall apply so far only as it relates to offences under sections ten, eleven, twelve, fourteen, fifteen, sixteen, twenty and twenty-eight of the <sup>M3</sup>Sexual Offences Act 1956, and attempts to commit offences under sections ten, eleven, and twelve of that Act.]

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**Textual Amendments**

**F5** Words inserted by [Sexual Offences Act 1956 \(c. 69\)](#), **Sch. 3**

**Marginal Citations**

**M2** [1956 c. 69](#).

**M3** [1956 c. 69](#).

Any other offence involving bodily injury to a child or young person.

[<sup>F6</sup>SCHEDULE 2] **E+W**

CONSTITUTION OF [<sup>F7</sup>YOUTH COURTS]

**Textual Amendments**

**F6** [Sch. 2](#) substituted by [Children and Young Persons Act 1963 \(c. 37\)](#), s. 17(1), **Sch. 2**

**F7** Words in [Sch. 2](#) substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 100, **Sch. 11 para. 40(2)(a)**; S.I. 1992/333, art. 2(2), **Sch. 2**

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

**C2** [Sch. 2](#) amended by S.I. 1985/1383, **art. 3(6)**

**C3** References to the metropolitan stipendiary court area amended by virtue of [Administration of Justice Act 1964 \(c. 42, SIF 82\)](#), s. **12(1)**

**C4** Functions of the Secretary of State in [Sch. 2](#) transferred (1.4.1992) to the Lord Chancellor by virtue of S.I. 1992/709, art. 2(1)(c), **Sch. 1**.

[Sch. 2](#) modified (*temp.* from 19.7.2000) by S.I. 2000/1920, **art. 4**

**PART I **E+W****

OUTSIDE METROPOLITAN AREA

[<sup>F8</sup>Youth court panels]

**Textual Amendments**

**F8** Words in [Sch. 2](#) substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 100, **Sch. 11 para. 41(2)(a)**; S.I. 1992/333, art. 2(2), **Sch. 2**

1 The following provisions of this Part of this Schedule shall have effect as respects any area outside the metropolitan stipendiary court area and the City of London.

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<sup>x12</sup> A justice shall not be qualified to sit as a member of a [<sup>F9</sup>youth court] unless he is a member of a [<sup>F10</sup>youth court panel], that is to say, a panel of justices specially qualified to deal with juvenile cases.

#### Editorial Information

**X1** The insertion of the new heading "Qualification to sit as member of youth court" in Sch. 2 Pt. I on 31.8.2000 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

#### Textual Amendments

- F9** Words in Sch. 2 para. 2 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para. 40(2)(a)**; S.I. 1992/333, art. 2(2), **Sch. 2**
- F10** Words in Sch. 2 para. 2 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para. 41(1)(2)(a)**; S.I. 1992/333, art. 2(2), **Sch.2**.

VALID FROM 31/08/2000

#### *[<sup>F11</sup> Constitution by single District Judge (Magistrates' Courts)]*

#### Textual Amendments

- F11** Crossheading in Sch. 2 inserted (31.8.2000) by 1999 c. 22, s. 78(2), **Sch. 11 para. 12(4)** (with Sch. 14 para. 7(2)); S.I. 2000/1920, **art. 3(a)**

[<sup>F12A</sup> A youth court may consist of a District Judge (Magistrates' Courts) sitting alone.]

#### Textual Amendments

- F12** Sch. 2 para. 2A inserted (31.8.2000) by 1999 c. 22, s. 78(2), **Sch. 11 para. 12(4)** (with Sch. 14 para. 7(2)); S.I. 2000/1920, **art. 3(a)**

#### *[<sup>F13</sup> Youth court panels.]*

#### Textual Amendments

- F13** Crossheading in Sch. 2 inserted (31.8.2000) by 1999 c. 22, s. 78(2), **Sch. 11 para. 12(4)** (with Sch. 14 para. 7(2)); S.I. 2000/1920, **art. 3(a)**

3 Subject to the following provisions of this Part of this Schedule, a [<sup>F14</sup>youth court panel] shall be formed for every petty sessions area.

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**Textual Amendments**

**F14** Words in Sch. 2 para. 3 substituted (1.10.1992) by Criminal Justice Act 1991 (c.53, SIF 39:1), s. 100, Sch. 11 para. 41(2)(a); S.I. 1992/333, art. 2(2), Sch. 2.

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

**C5** Sch. 2 para. 3 excluded (27.9.1999) by 1999 c. 22, ss. 105, 108(3)(e), Sch. 14 Pt. V para. 28(1) (with Sch. 14 para. 7(2)); S.I. 1999/2657, art. 2(d)(i)

*Combined [F15]youth court panels]*

**Textual Amendments**

**F15** Words in Sch. 2 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, Sch. 11 para. 41(2)(a); S.I. 1992/333, art. 2(2), Sch.2

- 4 A magistrates' courts committee may make recommendations to the [F16]Lord Chancellor]—
- (a) for the formation of a combined [F17]youth court panel] for two or more petty sessions areas, or
  - (b) for the dissolution of any such combined [F17]youth court panel],
- if the committee's area comprises at least one of the petty sessions areas concerned.

**Textual Amendments**

**F16** Words in Sch. 2 para. 4 substituted (1.4.1992) by S.I. 1992/709, art. 2(1)(3), Sch. 1

**F17** Words in Sch. 2 para. 4 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, Sch. 11 para. 41(2)(a); S.I. 1992/333, art. 2(2), Sch. 2

- 5 It shall be the duty of the magistrates' courts committee for any area, if directed to do so by the [F18]Lord Chancellor], to review the functioning of [F19]youth courts] in their area and on completion of the review to submit to the [F18]Lord Chancellor] either a report making such recommendations as are mentioned in paragraph 4 of this Schedule or a report giving reasons for making no such recommendations.

**Textual Amendments**

**F18** Words in Sch. 2 para. 5 substituted (1.4.1992) by S.I. 1992/709, art. 2(3)

**F19** Words in Sch. 2 para. 5 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, Sch. 11 para. 40(2)(a); S.I. 1992/333, art. 2(2), Sch.2.

- 6 Subject to the provisions of this Schedule—

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- (a) where a magistrates' courts committee make such recommendations to the [<sup>F20</sup>Lord Chancellor], he may make an order giving effect to them subject to any modifications he thinks fit; and
- (b) where a magistrates' courts committee fail to comply within six months with a direction of the [<sup>F20</sup>Lord Chancellor] under the preceding paragraph, or [<sup>F20</sup>Lord Chancellor] is dissatisfied with the report submitted in pursuance of such a direction, he may make such order as he thinks fit for the purposes mentioned in paragraph 4 of this Schedule.

**Textual Amendments**

**F20** Words in Sch. 2 para. 6 substituted (1.4.1992) by S.I. 1992/709, art. 2(3)

*Effect of order establishing combined panel*

- 7 Where a combined [<sup>F21</sup>youth court panel] is formed for any petty sessions areas any justice who is a member of the panel may exercise in relation to each of the areas any jurisdiction exercisable by him as a member of a [<sup>F22</sup>youth court].

**Textual Amendments**

**F21** Words in Sch. 2 para. 7 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, Sch. 11 para. 41(2)(a); S.I. 1992/333, art. 2(2), Sch. 2

**F22** Words in Sch. 2 para. 7 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, Sch. 11 para. 40(2)(a); S.I. 1992/333, art. 2(2), Sch. 2

*Restrictions on formation of combined panels*

- 8 No order under this Schedule shall provide for the formation of a combined [<sup>F23</sup>youth court panel] for an area which includes—
- (a) a county or part of a county and the whole or part of another county; . . . <sup>F24</sup>
  - (b) . . . . . <sup>F24</sup>

**Textual Amendments**

**F23** Words in Sch. 2 para. 8 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, Sch. 11 para. 41(2)(a); S.I. 1992/333, art. 2(2), Sch. 2

**F24** Word and para. 8(b) repealed by Local Government Act 1972 (c. 70), Sch. 30

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

**C6** Sch. 2 para. 8 amended (1.4.1996) by: S.I. 1996/674, reg. 2, Sch. Pt. II para. 5(2)(k); S.I. 1996/675, art. 2, Sch. Pt. II para. 7(2)(k)

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- [<sup>F25</sup>8A In paragraph 8 above, a reference to a county or part of a county includes a reference to an outer London area (within the meaning of section 2 of the Justices of the Peace Act 1979) or part of such an area.]

**Textual Amendments**

- F25** Sch. 2 para. 8A inserted by S.I. 1985/1383, art. 8, Sch. para. 1, for the purposes of para. (3)(c)(i) of that S.I.

- 9 An order under this Schedule providing for the formation of a combined [<sup>F26</sup> youth court panel] for an area which comprises a borough having a separate magistrates' courts committee shall not be made except with the consent of every magistrates' courts committee the whole or part of whose area is included in the area for which the combined panel is formed.

**Textual Amendments**

- F26** Words in Sch. 2 para. 9 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, Sch. 11 para. 41(2)(a); S.I. 1992/333, art. 2(2), Sch. 2

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

- C7** Sch. 2 para. 9 restricted (conditionally) (27.9.1999) by 1999 c. 22, ss. 105, 108(3)(e), Sch. 14 Pt. V para. 28(2) (with Sch. 14 para. 7(2)); S.I. 1999/2657, art. 2(d)(i) (which restriction fell (*prosp.*) by reason of the repeal of Sch. 14 para. 28(2) (*prosp.*) by 1999 c. 22, ss. 106, 108(1), Sch. 15 Pt. V(6) (with Sch. 14 paras. 7(2), 36(9)))

*Consultations and notices*

- 10 A magistrates' courts committee, before submitting recommendations for an order under this Schedule, shall consult and, when submitting any such recommendations, shall give notice to—
- (a) the justices acting for any petty sessions area concerned which is within the committee's area (except where the committee's area is a borough); and
  - (b) any other magistrates' courts committee the whole or part of whose area is concerned;
- and shall also consult the said justices before commenting on any recommendations on which they are consulted under this paragraph by another magistrates' courts committee.

- 11 Where the [<sup>F27</sup>Lord Chancellor] proposes to make an order under this Schedule in a case where either no recommendations have been made to him or the proposed order departs from the recommendations made to him, he shall send a copy of the proposed order to the magistrates' courts committee for any area the whole or part of which is concerned and to the justices acting for any petty sessions area concerned.

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#### Textual Amendments

**F27** Words in [Sch. 2 para. 11](#) substituted (1.4.1992) by [S.I. 1992/709, art. 2\(1\)\(3\)](#)

- 12 Where notice of recommendations or a copy of a proposed order is required to be sent under the preceding paragraphs to any justices or committee, the [<sup>F28</sup>Lord Chancellor] shall, before making an order, consider any representations made to him by the justices or committee, or by any [<sup>F29</sup>youth court panel] concerned, within one month from the time the notice was given or the copy of the proposed order was sent.

#### Textual Amendments

**F28** Words in [Sch. 2 para. 12](#) substituted (1.4.1992) by [S.I. 1992/709, art. 2\(3\)](#)

**F29** Words in [Sch. 2 para. 12](#) substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\), s. 100, Sch. 11 para. 41\(2\)\(a\)](#); [S.I. 1992/333, art. 2\(2\)](#), [Sch. 2](#)

## PART II **E+W**

### METROPOLITAN AREA

- 13 The following provisions of this Part of this Schedule shall have effect as respects [<sup>F30</sup>the inner London area] and the City of London (in this Part of this Schedule referred to as the metropolitan area).

#### Textual Amendments

**F30** Words substituted by virtue of [Administration of Justice Act 1964 \(c. 42\), s. 12\(1\)](#)

- 14 [<sup>F31</sup>Youth courts] shall be constituted for the whole of the metropolitan area but shall sit for such divisions and in such places as the [<sup>F32</sup>Lord Chancellor] may by order specify, without prejudice, however, to their jurisdiction with respect to the whole area.

#### Textual Amendments

**F31** Words in [Sch. 2 para. 14](#) substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\), s. 100, Sch. 11 para. 40\(2\)\(a\)](#); [S.I. 1992/333, art. 2\(2\)](#), [Sch. 2](#)

**F32** Words in [Sch. 2 para. 14](#) substituted (1.4.1992) by [S.I. 1992/709, art. 2\(3\)](#)

- 15 Subject to the following provisions of this Schedule—  
(a) each [<sup>F33</sup>youth court] shall consist of a chairman and two other members and shall have both a man and a woman among its members;

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- (b) the chairman shall be a person nominated by [<sup>F34</sup>the Lord Chancellor] to act as chairman of [<sup>F33</sup>youth courts] for the metropolitan area and shall be either a metropolitan stipendiary magistrate or [<sup>F35</sup>a lay justice for the inner London area] selected, in such manner as may be provided by an order of [<sup>F34</sup>the Lord Chancellor], from a panel of such justices from time to time nominated by him; and
- (c) the other members shall be justices so selected from that panel.

#### Textual Amendments

- F33** Words in Sch. 2 para. 15(a)(b) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, Sch. 11 para. 40(2)(a); S.I. 1992/333, art. 2(2), Sch.2
- F34** Words substituted by virtue of Administration of Justice Act 1964 (c. 42), s. 12(3)
- F35** Words substituted by virtue of Administration of Justice Act 1964 (c. 42), s. 12(2)

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

- C8** Power to amend paras. 15-18 conferred by Magistrates' Courts Act 1980 (c. 43), ss. 146(4), 155(7)

- [<sup>F36</sup>15A(1) Where, in the the case of any sitting of a [<sup>F37</sup>youth court], a person nominated under paragraph 15(b) of this Schedule—
- (a) is available to act as chairman; but
- (b) considers that it would be appropriate for another member of the court to act as chairman,
- he may nominate that member to act as chairman at that sitting.
- (2) A member of a [<sup>F37</sup>youth court] nominated to act as chairman under sub-paragraph (1) shall only so act while the person making the nomination continues to sit as a member of the court.]

#### Textual Amendments

- F36** Sch. 2 para. 15A inserted by virtue of Administration of Justice Act 1985 (c. 61, SIF 76:1), s. 61
- F37** Words in Sch. 2 para. 15A substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, Sch. 11 para. 40(2)(a); S.I. 1992/333, art. 2(2), Sch.2

- 16 If at any time, by reason of illness or other emergency, no person nominated under paragraph 15(b) of this Schedule is available to act as chairman of a [<sup>F38</sup>youth court], any metropolitan stipendiary magistrate or, with the consent of [<sup>F39</sup>the Lord Chancellor] any justice of the peace selected as aforesaid from the said panel, may act temporarily as chairman.

#### Textual Amendments

- F38** Words in Sch. 2 para. 16 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, Sch. 11 para. 40(2)(a); S.I. 1992/333, art. 2(2), Sch. 2
- F39** Words substituted by virtue of Administration of Justice Act 1964 (c. 42), s. 12(3)



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

**C9** Power to amend paras. 15-18 conferred by [Magistrates' Courts Act 1980 \(c. 43\)](#), **ss. 146(4)**, 155(7)

17 Where it appears to the chairman that a [<sup>F40</sup>youth court] cannot, without adjournment, be fully constituted, and that an adjournment would not be in the interests of justice, the chairman may sit with one other member (whether a man or a woman) or, if a metropolitan stipendiary magistrate, may sit alone.

**Textual Amendments**

**F40** Words in [Sch. 2 para. 17](#) substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 100, [Sch. 11 para. 40\(2\)\(a\)](#); S.I. 1992/333, art. 2(2), [Sch. 2](#)

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

**C10** Power to amend paras. 15-18 conferred by [Magistrates' Courts Act 1980 \(c. 43\)](#), **ss. 146(4)**, 155(7)

18 [<sup>F41</sup>The Lord Chancellor], in nominating any persons under this Part of this Schedule shall have regard to the previous experience of the persons available and their special qualifications for dealing with juvenile cases; and every such nomination shall be for a specified period and shall be revocable by [<sup>F42</sup>the Lord Chancellor].

**Textual Amendments**

**F41** Words substituted by virtue of [Administration of Justice Act 1964 \(c. 42\)](#), **s. 12(2)**

**F42** Words substituted by virtue of [Administration of Justice Act 1964 \(c. 42\)](#), **s. 12(3)**

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

**C11** Power to amend paras. 15-18 conferred by [Magistrates' Courts Act 1980 \(c. 43\)](#), **ss. 146(4)**, 155(7)

*F43*

19

**Textual Amendments**

**F43** [Sch. 2 para. 19](#) repealed by virtue of [Administration of Justice Act 1964 \(c. 42, SIF 82\)](#), s. 48(1), [Sch. 5](#)

**PART III** **E+W**

GENERAL

20 An order of the [<sup>F44</sup>Lord Chancellor] under this Schedule shall be made by statutory instrument and may be revoked or varied by a subsequent order thereunder.

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#### Textual Amendments

**F44** Words in [Sch. 2 para. 20](#) substituted (1.4.1992) by [S.I. 1992/709](#), [art. 2\(1\)\(3\)](#)

21 Any such order may contain supplementary, incidental and consequential provisions.

VALID FROM 03/04/2006

22 The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this Schedule.

### F45F45 THIRD SCHEDULE **E+W**

#### Textual Amendments

**F45** [S. 60](#) and [Sch. 3](#) repealed by [Magistrates' Courts Act 1952 \(c. 55\)](#), [s. 132](#), [Sch. 6](#)

F45

### FOURTH SCHEDULE **E+W**

Sections 81 and 106.

#### PROVISIONS AS TO ADMINISTRATION OF APPROVED SCHOOLS AND TREATMENT OF PERSONS SENT THERETO

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

**C12** [Sch. 4](#) (except paras. 1-3, 7, 14) extended by [Children and Young Persons Act 1963 \(c. 37\)](#), [s. 11\(2\)\(4\)](#)

#### General Provisions

- F46**<sub>1</sub> (1) The Secretary of State may make rules for the management and discipline of approved schools, and different rules may be made as respects different schools or classes of school.
- (2) The managers of an approved school may make supplementary rules for the management and discipline of the school, but rules so made shall not have effect unless approved by the Secretary of State.

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**Textual Amendments**

**F46** Para. 1 repealed (prosp.) by Children and Young Persons Act 1969 (c. 54), ss. 72, 73(2), Sch. 6.

<sup>F47</sup><sub>2</sub> No substantial addition to, or diminution or alteration of, the buildings or grounds of an approved school shall be made without the approval in writing of the Secretary of State.

**Textual Amendments**

**F47** Para. 2 repealed (prosp.) by Children and Young Persons Act 1969 (c. 54), ss. 72, 73(2), Sch. 6

*Treatment of Pupils*

<sup>F48</sup><sub>3</sub> A minister of the religious persuasion to which a person in an approved school belongs may visit him at the school on such days, at such times, and on such conditions, as may be fixed by rules made by the Secretary of State for the purpose of affording him religious assistance and instruction.

**Textual Amendments**

**F48** Para. 3 repealed (prosp.) by Children and Young Persons Act 1969 (c. 54), ss. 72, 73(2), Sch. 6

4—13. . . . . <sup>F49</sup>

**Textual Amendments**

**F49** Ss. 26(6), 29(3), 32, 35, 44(2), 54, 55(2), 57, 62–76, 77(1)(3), 78, 79(4), 81(2), 82–85, 90, 91, 94, 107(2), 108(2)(3), Sch. 4 paras. 4–13 repealed by Children and Young Persons Act 1969 (c. 54), s. 72, Sch. 6

*Superannuation of Officers*

<sup>F50</sup><sub>14</sub> The Managers of any approved school may, as part of the expenses of the management of the school, pay, or contribute towards the payment of—

- (a) a superannuation allowance or gratuity—
  - (i) to any officer who retires by reason of old age or permanent infirmity of mind or body;
  - (ii) to any officer, who, in accordance with the terms of his appointment, is required to vacate his office by reason of the death, or the retirement on account of old age or permanent infirmity, of another officer.
- (b) a gratuity to any dependant of an officer who has died in the service of the school:

Provided that no payment or contribution in respect of any such superannuation allowance or gratuity shall be made unless it is made in accordance with rules approved by the Secretary of State with the concurrence of the Treasury for regulating the grant of such allowances and gratuities, or unless it is specially sanctioned by the Secretary of State.

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#### Textual Amendments

**F50** Para. 14 repealed (prosp.) by Children and Young Persons Act 1969 (c. 54), ss. 72, 73(2), Sch. 6

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

**C13** Para 14 extended by Superannuation (Miscellaneous Provisions) Act 1948 (c. 33), s. 14

## FIFTH SCHEDULE **E+W**

Section 103.

### TRANSITORY PROVISIONS

- 1 Any Order in Council, order, or regulation made, any certificate given, any deposition taken, and anything done, under any enactment repealed by this Act shall, for the purposes of this Act, be deemed to have been made, given, taken or done, under the corresponding provisions of this Act.
- 2 Any rule, byelaw, warrant or licence under any enactment repealed either by the <sup>M4</sup>Children and Young Persons Act 1932 (hereinafter referred to as the Act of 1932) or by this Act and re-enacted, with or without modifications, by this Act shall have the like effect, and the like proceedings may be had thereon and in respect thereof, as if it had been made, made and confirmed, or granted, under this Act:

Provided that this paragraph shall not apply to rules made under section fifty-four of the <sup>M5</sup>Children Act 1908 (hereinafter referred to as the Act of 1908) for the management and discipline of a certified school or to byelaws made under section ninety-one of the <sup>M6</sup>Education Act 1921, with respect to street trading.

#### Marginal Citations

**M4** 1932 c. 46.  
**M5** 1908 c. 67.  
**M6** 1921 c. 51.

- 3 Any person who at the commencement of the Act of 1932 is under section twenty of the Act of 1908 being detained in a place of safety may be so detained until he can be brought before a juvenile court under this Act.
- 4 Nothing in this Act or in the Act of 1932 shall render invalid any summons pending at the commencement of that Act for bringing a child or young person before a petty sessional court with a view to his being committed under section twenty-one or under Part IV of the Act of 1908 to the care of a relative or other fit person or with a view to his being sent to a certified school, but the petty sessional court before which the child or young person is brought under the summons, if it is constituted as a juvenile court, shall proceed as if he had been brought before it as being a child or young person in need of care or protection, and if it is not constituted as a juvenile court, shall adjourn the case until it can be so constituted and shall then proceed as aforesaid.

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*Status: Point in time view as at 16/08/1993.*

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- 5 Where before the commencement of the Act of 1932 an order has been made under the Act of 1908 or under section forty-five of the Education Act 1921, committing a child or young person to the care of a relative or other fit person, this Act shall have effect in relation to the child or young person as if the order were an order made under this Act:

Provided that notwithstanding anything in this Act the order shall not have effect for any longer period than the period for which it would have had effect if neither this Act nor the Act of 1932 had passed.

- 6 This Act shall apply in relation to a school which at the commencement of the Act of 1932 was a certified reformatory school or a certified industrial school as if the certificate for the school were a certificate of approval issued under this Act.

- 7 The Secretary of State may, if he thinks fit, approve for the purposes of this Act any school which on the twelfth day of July nineteen hundred and thirty-two was a certified day industrial school, and if he so approves any such school the provisions of this Act shall apply in relation to that school and to children previously sent or thereafter to be sent thereto, subject to such adaptations, modifications and exceptions as he may from time to time by order direct.

- 8 Where a child or young person had at the commencement of the Act of 1932 been ordered to be sent to a certified school but has not reached his school, the like proceedings may be had and the like things done for the purpose of securing that he is sent to a school, and with respect to his custody in the meantime, as might have been had or done if neither this Act nor the Act of 1932 had passed.

- 9 Subject to the provisions of this Schedule, this Act shall apply in relation to persons who at or after the commencement of the Act of 1932 are lawfully detained in, or out on licence or under supervision from, or are absentees from, a certified school, as if they were persons detained in, or out on licence, or under supervision from, or absentees from, an approved school under the provisions of this Act:

Provided that the periods for which such persons are liable to be detained in approved schools and to remain under the supervision of the managers shall (except so far as increased by virtue of the provisions of this Act relating to persons guilty of misconduct in schools or of escaping running away or refusing to return when recalled) be such as if neither this Act nor the Act of 1932 had passed.

- 10 Where a child or young person has before the commencement of the Act of 1932 been ordered to be sent to a certified school, it shall be the duty of the local authority, if any, who under the Act of 1908 were liable to provide for his reception and maintenance in the school to make such contributions in respect of him as would by this Act be required to be made if he had been sent to the School under an approved school order and they were the local authority named in that order as being the authority within whose district he was resident: and if in any such case as aforesaid—

- (a) it had not been determined at the commencement of the Act of 1932 who are the authority who are responsible as aforesaid; or

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- (b) proceedings might but for the passing of this Act and the Act of 1932 have been had for varying a determination as to that question,  
 the like proceedings may be had for determining the question and for varying any determination in respect thereof as might have been had if neither this Act nor the Act of 1932 had passed.
- 11 Where a child or young person has before the commencement of the Act of 1932 been ordered to be sent to a certified school at the instance of a poor law authority or of the managers of a district poor law school, the poor law authority concerned shall be under the like obligation to make contributions to the expenses of the managers of the school as they would be under if he had been sent to the school by virtue of an approved school order made on their application in their capacity as a poor law authority.
- 12 Where before the commencement of the Act of 1932 a child or young person has been committed to the care of a relative or other fit person or has been ordered to be sent to a certified school and an order is in force at the commencement of the said Act requiring any person liable to maintain him to contribute to his maintenance, or requiring the whole or any part of any payment under an affiliation order to be paid to a person named in the order, this Act shall apply in relation to the order as if it had been made under this Act, and where the order provides for the making of payments to the chief inspector of reformatory and industrial schools it shall, by virtue of this Act and without more, be deemed to provide that the payments shall be made to the council of the county or county borough within which the person liable to make the payments is from time to time resident.
- 13 Where in pursuance of section fifty-three of the Act of 1908 a child has been boarded out by the managers of a certified school, this Act shall apply in relation to that child—
- (a) if the managers are a local authority, as if he had been committed under this Act to their care and had been boarded out by them under this Act;
  - (b) if the managers are not a local authority, as if he were out on licence from the school.
- 14 Where before the commencement of the Act of 1932 a child or young person has entered into a recognisance under the proviso to subsection (4) of section fifty-eight of the Act of 1908 or under section sixty of that Act, the provisions of section sixty-six of this Act shall apply as if such an order as is mentioned in that section had been made placing him under the supervision of a probation officer, and the recognisance shall cease to have effect.
- 15 The repeal by the Act of 1932 of the provisions of the Act of 1908 relating to places of detention shall not render illegal the custody of a child or young person in such a place unless and until a remand home for the area in question has been provided in substitution therefor, and when such a home has been provided, the children or young persons in custody in the place of detention shall be transferred to and kept in custody in the home.

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F51F51 SIXTH  
SCHEDULE E+W

**Textual Amendments**

**F51** S. 109(2)(4) and Sch. 6 repealed by [Statute Law Revision Act 1950 \(c. 6\)](#)

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F51

**Status:**

Point in time view as at 16/08/1993.

**Changes to legislation:**

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