

1970 No. 1882

CHILDREN AND YOUNG PERSONS**The Children and Young Persons Act 1969 (Transitional
Modifications of Part I) Order 1970***Laid before Parliament in draft**Made - - - 11th December 1970**Coming into Operation 1st January 1971*

In exercise of the powers conferred upon me by section 34 of the Children and Young Persons Act 1969(a), I hereby make the following Order :—

1. This Order may be cited as the Children and Young Persons Act 1969 (Transitional Modifications of Part I) Order 1970 and shall come into operation on 1st January 1971.

2. In this Order “the Act” means the Children and Young Persons Act 1969.

3. Any reference to a child in section 13(2) (selection of supervisor) or 28(4) or (5) (detention of children and young persons by constables) of the Act shall be construed as excluding a child who has attained the age of 10 years.

4.—(1) Any reference to a young person in any provision of the Act specified in paragraph (2) of this Article shall be construed as including a child who has attained the age of 10 years.

(2) The provisions of the Act referred to in paragraph (1) of this Article are sections 5(8) (decision to lay an information against a young person to be notified to the appropriate local authority), 7(7) (orders in criminal proceedings against young persons), 7(8) (remittals), 9(1) (investigations by local authorities), 23(1) (remand to care of local authorities) and 29(1) (release or further detention of arrested children and young persons).

5. The age of 10 years is hereby specified for the purposes of section 34(2) and (3) of the Act (which, in relation to proceedings against persons who have attained an age to be specified, provide for notice of the proceedings to be

given to a probation officer and for the modification of a local authority's duty under section 9 to make investigations and provide the court with information).

R. Maudling,
One of Her Majesty's Principal
Secretaries of State.

Home Office,
Whitehall.
11th December 1970.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order relates to references to ages in certain provisions of Part I of the Children and Young Persons Act 1969 which are brought into force on 1st January 1971 by the Children and Young Persons Act 1969 (Commencement No. 3) Order 1970 (S.I. 1970/1498).

The provisions in question, as enacted, differentiate between persons of different ages, in the main, between "children" and "young persons" respectively defined as persons under the age of 14 years and persons over that age but under the age of 17 years. In the case of some of the provisions, the differentiation is consequential on the prohibition on the prosecution of children contained in section 4; that section, however, has not been brought into force and, accordingly, children over the age of 10 years remain liable to prosecution.

Article 3 provides, first, that the restrictions contained in section 13(2) on the placing of a child under the supervision of a probation officer shall not apply in the case of a child over the age of 10 years and, secondly, that the special provisions of section 28(4) and (5) (detention by the police) applicable to children shall not apply to children over the age of 10 years; accordingly, the relevant provisions of the Act will apply to children over that age in like manner as they apply to young persons.

Article 4 provides that specified provisions of the Act shall similarly apply to children over the age of 10 years as they apply to young persons. The provisions in question are set out in paragraph (2) of the Article and are concerned mainly with criminal proceedings.

Section 34(2) and (3), read with Article 5, provides that where care or criminal proceedings are brought in the case either of a child over the age of 10 years or of a young person, prior notice must be given to a probation officer and that, where arrangements have been made for the probation officer to make enquiries into the child's or young person's home surroundings etc., the local authority shall be relieved of their duty under section 9(1) to make those enquiries.

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