



Children and Young Persons Act 1963

CHAPTER 37

LONDON

HER MAJESTY'S STATIONERY OFFICE

PRICE 3s. 6d. NET

Children and Young Persons Act 1963

CHAPTER 37

ARRANGEMENT OF SECTIONS

PART I

CARE AND CONTROL OF CHILDREN AND YOUNG PERSONS

Welfare powers of local authorities

Section

1. Extension of power to promote welfare of children.

Children and young persons in need of care, protection or control

2. Children and young persons in need of care, protection or control.
3. Children and young persons beyond control.
4. Power to send case under s. 62 of principal Act to local juvenile court.

Supervision orders and powers of court to deal with persons under supervision or in care of local authority

5. Supervision orders.
6. Extension of s. 66 of principal Act.
7. Extension of powers of juvenile court to deal with persons in the care of local authorities.

Approved schools

8. Selection of approved school.
9. Temporary committal of persons ordered to be sent to approved schools.
10. Escape of persons subject to approved school orders.
11. Designation of remand homes as classifying centres for persons ordered to be sent to approved schools.
12. Contributions in respect of persons transferred from schools in Scotland or Northern Ireland.
13. Contributions by persons detained in approved schools.
14. Duty of parents to notify changes of address to approved school or fit person.
15. Effect of approved school order on fit person or local authority.

*Juvenile courts and proceedings in connection
with children and young persons*

Section

16. Offences committed by children.
17. Constitution and place of sitting of juvenile courts.
18. Jurisdiction of magistrates' courts in certain cases involving children and young persons.
19. Assessors for recorder in appeals and committals from juvenile courts.
20. Constitution of London Sessions for purposes of committals from juvenile courts.
21. Abolition of special time limit for indictable offences in Sch. 1 to principal Act.
22. Children and young persons arrested and not released.
23. Children and young persons detained in places of safety.
24. Age limits for children sent to special reception centres.
25. Attendance at court of parents of child or young person brought before court.
26. Medical evidence by certificate.
27. Evidence of children in committal proceedings for sexual offences.
28. Form of oath for use in juvenile courts and by children and young persons in other courts.
29. Provisions as to persons between the ages of 17 and 18.

Recovery of arrears of contributions

30. Recovery of arrears of contributions.

Increase of certain penalties

31. Increase of penalty for cruelty.
32. Increase of penalty for sales of tobacco, etc., to persons under 16.

New appeals

33. New appeals.

PART II

EMPLOYMENT OF CHILDREN AND YOUNG PERSONS

General provisions as to employment

34. Hours of employment.
35. Street trading.
36. Increase of certain penalties.

Entertainment

37. Restriction on persons under 16 taking part in public performances, etc.

Section

- 38. Restriction on licences for performances by children under 13.
- 39. Supplementary provisions as to licences under section 37.
- 40. Offences.
- 41. Licences for training persons between 12 and 16 for performances of a dangerous nature.
- 42. Licences for children and young persons performing abroad.
- 43. Extended powers of entry.

Construction of Part II

- 44. Construction of Part II.

PART III

MISCELLANEOUS AND GENERAL

Research and financial assistance

- 45. Research.
- 46. Financial assistance under s. 20 of Children Act 1948.
- 47. Power of local authority to guarantee apprenticeship deeds etc. of persons in their care.

Children in respect of whom parental rights may be or have been assumed by local authority

- 48. Extension of power of local authority to assume parental rights.
- 49. Harboursing or concealing child required to return to local authority.
- 50. Extension of power to appoint guardian.

Persons under supervision changing country of residence

- 51. Supervision of persons moving to Scotland.
- 52. Supervision orders by Scottish courts in respect of persons residing in England.

Children and young persons escaping to other parts of British Islands

- 53. Arrest in one part of British Islands of children or young persons escaping in other part.

Amendment of Adoption Act 1958

- 54. Extension of scope of Adoption Rules.
- 55. Emigration with consent of Secretary of State.

Miscellaneous

Section

56. Prosecution of offences under Part I or Part II of principal Act.
57. Newspaper and broadcast reports of proceedings involving children and young persons.
58. Power of local authority to visit and assist persons formerly in their care.
59. Adjustment between local authorities of expenses of maintaining persons in remand homes.

Supplementary provisions

60. Expenses.
61. Effect of Act on general grants in England and Wales.
62. Effect of Act on general grants in Scotland.
63. Interpretation.
64. Amendments, transitional provisions, and repeals.
65. Citation, construction, commencement and extent.

SCHEDULES:

Schedule 1—Supervision orders.

Schedule 2—Constitution of juvenile courts.

Schedule 3—Minor and consequential amendments.

Schedule 4—Transitional provisions.

Schedule 5—Enactments repealed.

ELIZABETH II



1963 CHAPTER 37

An Act to amend the law relating to children and young persons; and for purposes connected therewith.

[31st July 1963]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

CARE AND CONTROL OF CHILDREN AND YOUNG PERSONS

Welfare powers of local authorities

1.—(1) It shall be the duty of every local authority to make available such advice, guidance and assistance as may promote the welfare of children by diminishing the need to receive children into or keep them in care under the Children Act 1948, the principal Act or the principal Scottish Act or to bring children before a juvenile court; and any provisions made by a local authority under this subsection may, if the local authority think fit, include provision for giving assistance in kind or, in exceptional circumstances, in cash.

Extension of power to promote welfare of children.

(2) In carrying out their duty under subsection (1) of this section a local authority may make arrangements with voluntary organisations or other persons for the provision by those organisations or other persons of such advice, guidance or assistance as is mentioned in that subsection.

(3) Where any provision which may be made by a local authority under subsection (1) of this section is made (whether by that or any other authority) under any other enactment the local authority shall not be required to make the provision under this section but shall have power to do so.

PART I

(4) A local authority shall from time to time, and at least once in every twelve months, make to the Secretary of State such reports on the nature of the provisions made by them under this section as he may specify.

(5) In this section "child" means a person under the age of eighteen.

Children and young persons in need of care, protection or control

Children
and young
persons in
need of care,
protection
or control.

2.—(1) A child or young person is in need of care, protection or control within the meaning of this Act if—

- (a) any of the conditions mentioned in subsection (2) of this section is satisfied with respect to him, and he is not receiving such care, protection and guidance as a good parent may reasonably be expected to give; or
- (b) he is beyond the control of his parent or guardian.

(2) The conditions referred to in subsection (1)(a) of this section are that—

- (a) he is falling into bad associations or is exposed to moral danger; or
- (b) the lack of care, protection or guidance is likely to cause him unnecessary suffering or seriously to affect his health or proper development; or
- (c) any of the offences mentioned in Schedule 1 to the principal Act has been committed in respect of him or in respect of a child or young person who is a member of the same household; or
- (d) he is a member of the same household as a person who has been convicted of such an offence in respect of a child or young person; or
- (e) the child or young person is a female member of a household a member of which has committed or attempted to commit an offence under section 10 of the Sexual Offences Act 1956.

(3) References in any enactment to a child or young person in need of care or protection shall be construed as references to a child or young person in need of care, protection or control within the meaning of this Act.

Children
and young
persons beyond
control.

3.—(1) No child or young person shall be brought before a juvenile court by his parent or guardian on the ground that he is unable to control him; but where the parent or guardian of a child or young person has, by notice in writing, requested the local authority within whose area the child or young person resides to bring him before a juvenile court under section 62 of the principal Act and the local authority refuse to do so or fail to do so within twenty-eight days from the date on which the notice is given the parent or guardian may apply by complaint to a juvenile court for an order directing them to do so.

(2) Where a complaint has been made under this section for an order against a local authority, the local authority shall make available to the court such information as to the home surroundings, school record, health and character of the child or young person as appears to them likely to assist the court and shall for that purpose make such investigations as may be necessary.

(3) On the hearing of a complaint under this section the child or young person shall not be present.

4. Where a child or young person is brought, under section 62 of the principal Act, before a juvenile court other than one acting for the petty sessions area in which he resides and the court is of opinion that he might be found to be in need of care, protection or control, the court may, instead of dealing with the case, direct that he be brought before a juvenile court acting for the petty sessions area in which he resides; and where the court so directs—

Power to send case under s. 62 of principal Act to local juvenile court.

- (a) it shall be the duty of the local authority in whose area the child or young person resides to bring him before such a court under the said section 62 within twenty-one days; and
- (b) the court may give such directions as appear to it necessary with regard to the custody of the child or young person until he can be brought before that juvenile court and shall cause the clerk of that juvenile court to be informed.

Supervision orders and powers of court to deal with persons under supervision or in care of local authority

5.—(1) Any supervision order (that is to say, any order made under any provision of the principal Act placing a child or young person under the supervision of a probation officer or of some other person appointed for the purpose by the court) which is made or amended after the commencement of this Act shall name the petty sessions area in which the person placed under supervision resides or will reside; and any powers exercisable by a juvenile court—

Supervision orders.

- (a) in relation to a supervision order so made or amended, shall be exercisable by a juvenile court acting for the petty sessions area for the time being named in the order; and
- (b) in relation to a supervision order made before and not amended after the commencement of this Act, shall be exercisable by a juvenile court acting for the petty sessions area in which the person placed under supervision resides.

PART I

(2) Any supervision order (whether made before or after the commencement of this Act) which places a person under the supervision of a probation officer shall have effect as an order placing him under the supervision of a probation officer appointed for or assigned to the petty sessions area for the time being named in the order (or, if none is named in the order, the petty sessions area in which that person resides) and selected in accordance with Schedule 1 to this Act.

(3) A local authority may be appointed as the person under whose supervision a person is placed by a supervision order but, except where that person resides or will reside in their area, shall not be so appointed without their consent.

(4) The provisions of Schedule 1 to this Act (which reproduce the effect of certain enactments relating to supervision orders with amendments consequential on the preceding provisions of this section and certain other amendments) shall have effect with regard to supervision orders, whether made before or after the commencement of this Act.

(5) In this section and Schedule 1 to this Act, "petty sessions area" includes a division of the metropolitan area referred to in Part II of Schedule 2 to this Act.

Extension
of s. 66 of
principal Act.

6.—(1) The powers of the juvenile court before which a person is brought under section 66(1) of the principal Act by a probation officer or other person under whose supervision he was placed by an order under that Act shall include power—

- (a) to order his parent or guardian to enter into a recognizance to exercise proper care and guardianship; and
- (b) in a case where the court orders him to be sent to an approved school or commits him to the care of a fit person, to revoke the order placing him under the supervision of the person by whom he is brought before the court;

and where the court exercises its power under paragraph (b) of this subsection to revoke the order mentioned therein, section 76 of the principal Act (which authorises committal to the care of a local authority) shall apply as it applies where no such order is in force.

The Magistrates' Courts Act 1952 shall apply in relation to a recognizance under this subsection as it applies in relation to a recognizance to be of good behaviour.

(2) The age up to which a person may be brought before the court and dealt with under the said section 66 shall be eighteen instead of seventeen years.

7.—(1) For section 65 of the principal Act there shall be substituted the following section:—

“ 65.—(1) Where a local authority satisfy a juvenile court that a child or young person in their care under section 1 of the Children Act 1948 is refractory and the court thinks it expedient to do so, the court may—

- (a) order him to be sent to an approved school ; or
- (b) commit him to the care of a fit person (other than that local authority) whether a relative or not, who is willing to undertake the care of him ;

and where the court commits him to the care of a fit person and that person consents, it may also, if it thinks it expedient to do so, make an order placing the child or young person for a specified period, not exceeding three years, under the supervision of a probation officer or of some other person appointed for the purpose by the court.

(2) Where a child or young person is in the care of a local authority by virtue of an order under the Matrimonial Proceedings (Children) Act 1958 or the Matrimonial Proceedings (Magistrates' Courts) Act 1960 the local authority may, with the leave of the court having power to vary or revoke the order, apply to a juvenile court under this section ; and if on such an application they satisfy the juvenile court that the child or young person is refractory and the court thinks it expedient to do so, the court may order him to be sent to an approved school.”

(2) For subsection (8) of section 84 of the principal Act there shall be substituted the following subsection:—

“(8) Where a local authority are of opinion that it is desirable to do so in the interests of a child or young person who has been committed to their care, they may apply to a juvenile court, and that court may, if it thinks it desirable in his interests to do so, revoke the order committing him to their care and, where it revokes that order—

- (a) commit him to the care of another fit person, whether a relative or not, who is willing to undertake the care of him ; or
- (b) order him to be sent to an approved school ; or
- (c) order his parent or guardian to enter into a recognizance to exercise proper care and guardianship ; or
- (d) without making any other order, or in addition to an order under paragraph (a) or paragraph (c) of this subsection, make an order placing him for a specified period, not exceeding three years, under the supervision of a probation officer, or of some other person appointed for the purpose by the court.

PART I

Extension of powers of juvenile court to deal with persons in the care of local authorities.

PART I

The Magistrates' Courts Act 1952 shall apply in relation to a recognizance under this subsection as it applies in relation to a recognizance to be of good behaviour."

Approved schools

Selection of approved school.

8.—(1) The school to which a person is to be sent in pursuance of an approved school order shall not be specified in the order ; but the order shall be authority for his detention in any approved school and the school in which he is to be detained at any time shall be determined by the Secretary of State.

(2) In determining the approved school in which a person is to be detained the Secretary of State shall, where practicable, select a school for persons of the religious persuasion to which he belongs.

(3) If the parent, guardian or nearest adult relative of a person in respect of whom an approved school order has been made applies to a juvenile court for an order under this subsection and proves to the court that the religious persuasion of that person is not as declared (under section 70(1) of the principal Act) by the approved school order, the court shall by order declare the religious persuasion of that person to be that so proved and send a copy of its order to the Secretary of State ; but no such application with respect to a person under the care of the managers of an approved school shall be made later than thirty days after his arrival there.

(4) An application under subsection (3) of this section may be made—

- (a) if the approved school order was made by a juvenile or other magistrates' court, to a juvenile court acting for the same petty sessions area as that court ;
- (b) in any other case, to a juvenile court acting for the petty sessions area in which the applicant resides.

Temporary committal of persons ordered to be sent to approved schools.

9.—(1) Every approved school order shall take effect immediately, but shall provide for such time (if any) as may elapse before the person to whom it relates can be sent to an approved school by committing him either—

- (a) to custody in a place specified in accordance with subsection (3) of this section ; or
- (b) to the custody of a fit person to whose care he might have been committed under the principal Act.

(2) Any provision made in pursuance of subsection (1) of this section shall, unless extended under this subsection, cease to have effect at the expiration of twenty-eight days ; and any such provision may, on the application of any person, be varied, and from time to time extended for not more than twenty-eight days, by a juvenile court, and may be so extended in the absence of the person to whom it relates.

(3) The places to which a person may be committed in custody in pursuance of subsection (1)(a) of this section are—

- (a) if the approved school order is made on a conviction or finding of guilt, any place to which he might have been committed on remand ; and
- (b) in any other case, any place of safety.

(4) If a juvenile court which proposes to make or vary such a provision as is mentioned in subsection (1) of this section in respect of a person who has attained the age of fourteen is satisfied that he is of so unruly a character that he cannot safely be detained in a remand home or other place of safety or of so depraved a character that he is not fit to be so detained, and the court has been notified by the Secretary of State that a remand centre is available for the reception from that court of persons of his class or description, the remand centre may for the purposes of that provision be treated as a place of safety.

(5) Subsections (2) to (4) of section 6 of the Children and Young Persons Act 1938 (which make provision for children and young persons needing medical treatment while in a place of safety) shall with the necessary modifications apply in relation to an approved school order providing for the temporary detention of a person in a remand home or other place of safety as they apply in relation to such orders as are mentioned in subsection (2) of that section.

10.—(1) If a person has, in pursuance of section 9 of this Act, been committed by an approved school order to custody in any place other than a prison, remand home, remand centre or special reception centre or to the custody of a fit person, and he escapes or is without lawful authority taken from that custody, he may be arrested without warrant in any part of the United Kingdom, the Channel Islands or the Isle of Man.

Escape of persons subject to approved school orders.

(2) Subject to subsection (3) of this section, a person arrested under subsection (1) of this section shall be brought back to the place from which, or as the case may be to the person from whom, he escaped or was taken.

(3) If the occupier of that place or that person is not willing to receive him, he shall be brought before a juvenile court with a view to the variation of the approved school order under subsection (2) of the said section 9.

(4) Any person who is arrested under section 82(1) of the principal Act (which relates to the escape of persons sent to approved schools) after having escaped from any hospital, home or institution or after having run away from the person in whose charge he was may, instead of being brought back to

PART I

his school, be brought back to the hospital, home or institution from which he escaped or, as the case may be, to the person in whose charge he was ; and the expenses of bringing a person back in accordance with this subsection shall be borne by the managers of his school.

(5) Subsection (2) of the said section 82 (which provides for increasing the period of detention of a person brought back to his school) shall extend to any person brought back (whether to his school or elsewhere) after escaping or being taken away from the place in which or the person in whose custody he was after the making of an approved school order in respect of him.

(6) Any person who—

- (a) knowingly assists or induces a person to escape from any such custody as is referred to in subsection (1) of this section, or
- (b) without lawful authority takes a person away from such custody, or
- (c) knowingly harbours or conceals a person who has so escaped or has been so taken away or prevents him from returning,

shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both.

Designation of remand homes as classifying centres for persons ordered to be sent to approved schools.

11.—(1) The Secretary of State may with the consent of a local authority providing a remand home designate the remand home as a classifying centre for persons who have been ordered to be sent to an approved school and may at any time cancel such a designation.

(2) To the extent that a remand home for the time being designated under this section is used as a classifying centre the provisions of the enactments specified in subsection (4) of this section shall apply in relation to it and to persons detained in it as they apply in relation to an approved school and to persons detained in an approved school ; and accordingly section 78(4) of the principal Act (which relates to persons escaping from remand homes) shall not apply in relation to persons detained in a classifying centre in pursuance of this section.

(3) The Secretary of State may, after consulting the local authority providing a remand home which has been or is to be designated under this section, direct that so much of their expenses in providing and maintaining the home as is attributable to its use as a classifying centre shall be treated for the purposes of sections 90 and 104 of the principal Act as if they were expenses incurred by the authority as managers of an approved school.

(4) The enactments referred to in subsection (2) of this section are—

- (a) in the principal Act, sections 58, 72, 81 to 83 and 106 and Schedule 4 except paragraphs 1 to 3, 7 and 14 ;
- (b) section 72 of the Criminal Justice Act 1948 ;
- (c) section 79 of the Mental Health Act 1959 ;
- (d) sections 15 to 17 of the Criminal Justice Act 1961 ;
- (e) any enactment contained in this Act.

12. Where a person has been transferred to an approved school under section 83 of the principal Act (which enables persons detained in schools in Scotland or Northern Ireland to be transferred to approved schools in England or Wales) sections 86 to 89 of that Act (which relate to contributions) shall apply in relation to him as if the order under which he was detained before his transfer were an approved school order.

Contributions in respect of persons transferred from schools in Scotland or Northern Ireland.

13. Notwithstanding anything in section 24 of the Children Act 1948, no person under the care of the managers of an approved school shall be liable under section 86 of the principal Act to make contributions in respect of himself to a local authority ; but any such person who is engaged in remunerative work shall pay to the managers such weekly sum towards their expenses as the Secretary of State may determine, but not in respect of any period during which he is out from the school under supervision.

Contributions by persons detained in approved schools.

14.—(1) The parent of a person who is detained in an approved school or is in the care of a fit person in pursuance of an order under the principal Act shall keep the managers of the approved school or, as the case may be, the fit person informed of the parent's address.

Duty of parents to notify changes of address to approved school or fit person.

(2) Where a person is transferred from one approved school to another the managers of the school from which he is transferred shall, where possible, inform his parents of the transfer ; and until his parent has been so informed, the parent's duty under subsection (1) of this section shall be deemed to be duly discharged if he keeps the managers of the first-mentioned school informed of his address.

(3) Where, in pursuance of subsection (1) of this section, the managers of an approved school or a local authority are informed of a change in a parent's address they shall give notice of the new address to the local authority in whose area the parent was residing before the change.

(4) A parent of a person who, knowing that that person is detained in an approved school or in the care of a fit person as mentioned in subsection (1) of this section, fails to comply with that subsection shall be liable on summary conviction to

PART I

a fine not exceeding five pounds; but in any proceedings under this subsection it shall be a defence to prove that the defendant was residing at the same address as the other parent and had reasonable cause to believe that the other parent had kept the managers or fit person informed of the address of both.

(5) Section 87(5) of the principal Act (which requires a person on whom a contribution order has been made to notify changes in his address) shall cease to have effect.

Effect of approved school order on fit person or local authority.

15.—(1) Where a person has been committed by order of a court to the care of a fit person and, while the order is in force, an approved school order is made in respect of him, the order committing him to the care of that person shall be of no effect while he is under the care of the managers of an approved school; but this section shall not affect the power of the Secretary of State under subsection (4) of section 84 of the principal Act to discharge him from the care of the person to whose care he has been committed by the first-mentioned order or the power of the court under subsection (6) of that section to vary or revoke that order.

(2) Where a person has ceased to be in the care of a local authority by virtue of subsection (1) of this section or of section 6(3) of the Children Act 1948 (which makes similar provision with respect to children in the care of a local authority under section 1 of that Act), or where a juvenile court, under section 84(8) of the principal Act, has revoked an order committing a person to the care of a local authority and made an approved school order in respect of him, the local authority may, while that person is under the care of the managers of an approved school but not out under supervision, cause him to be visited and befriended, and may, in exceptional circumstances, make payments for his welfare.

Juvenile courts and proceedings in connection with children and young persons

Offences committed by children.

16.—(1) Section 50 of the principal Act shall be amended by substituting therein the word “ten” for the word “eight”.

(2) In any proceedings for an offence committed or alleged to have been committed by a person of or over the age of twenty-one, any offence of which he was found guilty while under the age of fourteen shall be disregarded for the purposes of any evidence relating to his previous convictions; and he shall not be asked, and if asked shall not be required to answer, any question relating to such an offence, notwithstanding that the question would otherwise be admissible under section 1 of the Criminal Evidence Act 1898.

Constitution and place of sitting of juvenile courts.

17.—(1) For Schedule 2 to the principal Act (which relates to the constitution of juvenile courts) there shall be substituted Schedule 2 to this Act.

(2) In section 47(2) of the principal Act (which relates to sittings of juvenile courts) for the words from "subject as hereinafter provided" to "other courts are held" there shall be substituted the words "not sit in a room in which sittings of a court other than a juvenile court are held if a sitting of that other court has been or will be held there within an hour before or after the sitting of the juvenile court".

18. Notwithstanding section 46(1) of the principal Act (which restricts the jurisdiction of magistrates' courts which are not juvenile courts in cases where a child or young person is charged with an offence) a magistrates' court which is not a juvenile court may hear an information against a child or young person if he is charged—

Jurisdiction of magistrates' courts in certain cases involving children and young persons.

- (a) with aiding, abetting, causing, procuring, allowing or permitting an offence with which a person who has attained the age of seventeen is charged at the same time; or
- (b) with an offence arising out of circumstances which are the same as or connected with those giving rise to an offence with which a person who has attained the age of seventeen is charged at the same time.

19.—(1) Where a court of quarter sessions for a borough deals with a case on appeal from a juvenile court or with the case of a person committed by a juvenile court to quarter sessions under section 28 of the Magistrates' Courts Act 1952 or section 67 of the Mental Health Act 1959, the recorder shall, where practicable, be assisted by two members of a juvenile court panel, who shall sit with him and act as assessors.

Assessors for recorder in appeals and committals from juvenile courts.

(2) Where in any case only one such member is available the recorder may sit with that member, and where in any case no such member is available and it appears to the recorder that an adjournment would not be in the interests of justice, he may sit alone.

(3) The Lord Chancellor may by rules made by statutory instrument make provision for the selection of justices to act under subsection (1) of this section and for securing their presence on the bench, and those rules shall secure that, so far as practicable, of any two justices assisting the recorder one is a man and one a woman.

(4) Except where rules under the preceding subsection otherwise provide, the said justices shall be selected from the juvenile court panel for the borough (or, if the borough is part of an area for which a combined panel has been formed in pursuance of Schedule 2 to this Act, the juvenile court panel for that area).

PART I

(5) Rules under subsection (3) of this section may provide, in the case of any borough or class of borough, either—

- (a) that the said justices shall be selected also from the juvenile court panel for any other area which includes part of the county in which the borough is situated (or, in the case of a county borough, of a county which has a common boundary with it); or
- (b) that they shall be so selected instead of being selected from the panel mentioned in subsection (4) of this section.

Constitution of London Sessions for purposes of committals from juvenile courts.

20. For the purpose of dealing with the case of a person committed by a juvenile court under section 28 of the Magistrates' Courts Act 1952 or section 67 of the Mental Health Act 1959 a court of quarter sessions for the county of London shall be constituted in accordance with the provisions of section 8 of the Summary Jurisdiction (Appeals) Act 1933, as modified in their application to appeals from a juvenile court by section 18(4) of the Criminal Justice Administration Act 1956.

Abolition of special time limit for indictable offences in Sch. 1 to principal Act.

21. Section 14(3) of the principal Act (which, as respects the summary trial of the offences mentioned in Schedule 1 to that Act, makes provision, similar to that made as respects summary trial generally by section 104 of the Magistrates' Courts Act 1952, for limiting the time within which proceedings may be begun but, unlike that section, extends to summary trial under section 19, 20 or 21 of the said Act of 1952) is hereby repealed.

Children and young persons arrested and not released.

22.—(1) Where a person apparently under the age of seventeen has been arrested without warrant for an offence and is neither brought forthwith before a magistrates' court nor released, he shall be brought before a magistrates' court within seventy-two hours unless an officer of police of a rank not less than inspector certifies to a magistrates' court within that period that by reason of illness or accident the said person cannot be brought before the court.

(2) Where in pursuance of this section a person is brought before a magistrates' court or a certificate relating to any person is produced to a magistrates' court, the court may remand him.

Children and young persons detained in places of safety.

23.—(1) A court or justice of the peace—

- (a) authorising any person under section 26(6) or section 67(1) of the principal Act to take a child or young person to a place of safety; or
- (b) issuing a warrant under section 40 of that Act authorising a constable to take a child or young person to a place of safety; or
- (c) ordering the removal of a child or young person to a place of safety under section 7 of the Children Act 1958 or section 43 of the Adoption Act 1958;

shall specify in the warrant, authority or order a period, which shall not exceed twenty-eight days, beyond which the child or young person must not be detained in a place of safety without being brought before a juvenile court; and accordingly the child or young person shall be brought before a juvenile court not later than the end of that period unless he has been released or received into the care of a local authority.

(2) Where a child or young person has taken refuge in a place of safety or has been taken there otherwise than under the authority of a court or justice of the peace, he shall be brought before a juvenile court or a justice of the peace within the period of eight days beginning with the day when he arrived at the place of safety, unless he has been released or received into the care of a local authority.

(3) A child or young person required to be brought before a juvenile court or a justice of the peace under subsection (1) or subsection (2) of this section shall (if not otherwise brought before the court or justice) be brought before the court or justice by the local authority in whose area the place of safety is situated; and the person occupying or in charge of a place of safety not provided by that local authority shall as soon as practicable notify that local authority whenever a child or young person takes refuge there or is taken there as mentioned in subsection (1) or subsection (2) of this section.

(4) Notwithstanding anything in the preceding provisions of this section, where the person to be brought before a court or justice is under the age of five or cannot be brought before the court or justice by reason of illness or accident, the duty to bring him before the court or justice may be discharged by the making of an application for an order under subsection (5) of this section.

(5) Where a person is brought before a juvenile court or justice of the peace in pursuance of subsection (3) of this section or an application is made in respect of any person to a juvenile court or justice of the peace in pursuance of subsection (4) thereof, the court or justice may either order him to be released or make an interim order for his detention in a place of safety, or for his committal to the care of a fit person, whether a relative or not, who is willing to undertake the care of him.

(6) An interim order under this section shall cease to have effect—

- (a) if made by a juvenile court, not later than twenty-eight days after it is made; and
- (b) if made otherwise than by a juvenile court, not later than twenty-eight days after the person in respect of whom it is made arrived at the place of safety;

but if before the expiration of that period a juvenile court thinks it expedient to do so it may make a further interim order under

PART I

this section, and, where the person concerned is under the age of five or cannot be brought before the court by reason of illness or accident, may do so in his absence.

(7) Subsections (2) to (4) of section 6 of the Children and Young Persons Act 1938 (which make provision for children and young persons needing medical treatment while in a place of safety) shall with the necessary modifications apply in relation to orders under this section as they apply in relation to such orders as are mentioned in subsection (2) of that section.

(8) In this section "young person" includes a person of or over the age of seventeen who is about to be brought before a juvenile court under section 66 of the principal Act.

Age limits for children sent to special reception centres.

24.—(1) In the proviso to subsection (1) and in subsection (5A) of section 27 of the Criminal Justice Act 1948 (which empower a court which remands a child under the age of twelve to send him to a special reception centre or to transfer him to or from such a centre) for the words "twelve years of age" there shall be substituted the words "fifteen years of age".

(2) On the coming into force of an Order in Council under section 35 of the Education Act 1944 (which enables the compulsory school age to be raised to sixteen years) subsection (1) of this section shall have effect as if for the word "fifteen" there were substituted the word "sixteen".

(3) After subsection (5B) of the said section 27 there shall be inserted the following subsection:—

"(5C) Before exercising its powers under the proviso to subsection (1) of this section or under subsection (5A) of this section in relation to a person who has attained the age of twelve the court, unless to do so would in its opinion cause undue delay, shall permit the local authority providing the centre to make representations to the court as to the exercise of those powers and shall consider any representation so made."

Attendance at court of parents of child or young person brought before court.

25.—(1) For section 34 of the principal Act there shall be substituted the following section:—

"34.—(1) Where a child or young person is charged with any offence or is for any other reason brought before a court, any person who is a parent or guardian of his may be required to attend at the court before which the case is heard or determined during all the stages of the proceedings, and any such person shall be so required at any stage where the court thinks it desirable, unless the court is satisfied that it would be unreasonable to require his attendance.

(2) Where a child or young person is arrested or taken to a place of safety, such steps shall be taken as may be

practicable to inform at least one person whose attendance may be required under this section ”.

(2) Where a person apparently under the age of seventeen who has been arrested and charged with an offence is released under section 32(1) of the principal Act on his parent or guardian entering into a recognizance to secure his attendance upon the hearing of the charge, the recognizance may be conditioned for the attendance at the hearing of the parent or guardian as well as the person charged.

26. In any proceedings, other than proceedings for an offence, before a juvenile court, and on any appeal from a decision of a juvenile court in any such proceedings, any document purporting to be a certificate of a fully registered medical practitioner as to any person's physical or mental condition shall be admissible as evidence of that condition. Medical evidence by certificate.

27.—(1) In any proceedings before a magistrates' court inquiring into a sexual offence as examining justices— Evidence of children in committal proceedings for sexual offences.

- (a) a child shall not be called as a witness for the prosecution ; but
- (b) any statement made in writing by or taken in writing from the child shall be admissible in evidence of any matter of which his oral testimony would be admissible ;

except in a case where the application of this subsection is excluded under subsection (2) of this section.

(2) Subsection (1) of this section shall not apply—

- (a) where at or before the time when such a statement is tendered in evidence the defence objects to the application of that subsection ; or
- (b) where the prosecution requires the attendance of the child for the purpose of establishing the identity of any person ; or
- (c) where the court is satisfied that it has not been possible to obtain from the child a statement that may be given in evidence under this section ; or
- (d) where the inquiry into the offence takes place after the court has discontinued to try it summarily and the child has given evidence in the summary trial.

(3) Section 23 of the Magistrates' Courts Act 1952 (which, in a case where an inquiry into an offence is followed by summary trial, treats evidence given for the purposes of the inquiry as having been given for the purposes of the trial) shall not apply to any statement admitted in pursuance of subsection (1) of this section.

(4) In this section “ sexual offence ” means any offence under the Sexual Offences Act 1956 or the Indecency with Children Act 1960, or any attempt to commit such an offence.

PART I

Form of oath for use in juvenile courts and by children and young persons in other courts.

28.—(1) Subject to subsection (2) of this section, in relation to any oath administered to and taken by any person before a juvenile court or administered to and taken by any child or young person before any other court, section 2 of the Oaths Act 1909 shall have effect as if the words “I promise before Almighty God” were set out in it instead of the words “I swear by Almighty God that”.

(2) Where in any oath otherwise duly administered and taken either of the forms mentioned in this section is used instead of the other, the oath shall nevertheless be deemed to have been duly administered and taken.

Provisions as to persons between the ages of 17 and 18.

29.—(1) Where proceedings in respect of a young person are begun before a juvenile court under section 62 or section 65 of the principal Act and he attains the age of seventeen before the conclusion of the proceedings, the court may continue to deal with the case and make any order which it could have made if he had not attained that age.

(2) Where, in any such proceedings, or in proceedings under section 66, 84(8) or 85(1) of the principal Act, a court makes in respect of a person who has attained the age of seventeen an order sending him to an approved school, committing him to the care of a fit person, or placing him under the supervision of a probation officer or of some other person appointed for the purpose by the court, the provisions of any enactment relating to the making of such an order and of any enactment relating to persons so sent, committed or placed, shall apply in relation to him as they apply in relation to persons who have not attained the age of seventeen.

Recovery of arrears of contributions

Recovery of arrears of contributions.

30.—(1) Where during any period (in this section referred to as “the period of default”)—

(a) a person was liable to make contributions in respect of a child; but

(b) no order was in force requiring him to make the contributions;

a magistrates’ court acting for the petty sessions area where he is for the time being residing may, on the application of the person who would have been entitled to receive payment under such an order, make an order (in this section referred to as an “arrears order”) requiring him to pay such weekly sum, for such period, as the court, having regard to his means, thinks fit; but the aggregate of the payments required to be made by any person under an arrears order shall not exceed the aggregate that, in the opinion of the court, would have been payable by him under a contribution order in respect of the

period of default or, if it exceeded three months, the last part thereof, less the aggregate of the payments (if any) made by him in respect of his liability during that period or, as the case may be, the last part thereof.

For the purposes of this subsection the last part of the period of default shall be taken to be the last three months thereof and such time, if any, preceding the last three months as is equal to the time during which it continued after the making of the application for the arrears order.

(2) No application for an arrears order shall be made later than three months after the end of the period of default.

(3) An arrears order shall be treated as a contribution order, and payments under it as contributions, for the purposes of the following enactments, that is to say—

in the principal Act, subsections (3) and (4) of section 86, sections 87(4), 89 and 102(1)(c),

the Maintenance Orders Act 1950,

the Maintenance Orders Act 1958,

paragraph 2 of Schedule 8 to the Local Government Act 1958.

(4) Where the person who was liable to make contributions resides in Scotland or Northern Ireland, subsection (1) of this section shall have effect as if for the magistrates' court therein mentioned there were substituted a magistrates' court acting for the petty sessions area where the applicant is for the time being residing or, where the applicant is a local authority, a magistrates' court acting for the area or part of the area of the local authority.

(5) A person liable to make payments under an arrears order shall, except at a time when he is under a duty to give information of his address under section 14(1) of this Act, keep the person to whom the payments are to be made informed of his address; and if he fails to do so he shall be liable on summary conviction to a fine not exceeding five pounds.

(6) In this section—

“child” has the same meaning as in the Children Act 1948,

“contributions” means contributions under section 86 of the principal Act, and

“contribution order” means an order under section 87 of the principal Act.

PART I

Increase of certain penalties

Increase of penalty for cruelty.

31. In section 1 of the principal Act (cruelty to persons under sixteen) paragraph (b) of subsection (1) (which provides for a fine not exceeding twenty-five pounds on summary conviction) shall be amended, as respects offences committed after the commencement of this Act, by the substitution for the words "twenty-five pounds" of the words "one hundred pounds".

Increase of penalty for sales of tobacco, etc., to persons under 16.

32. Section 7 of the principal Act and section 18 of the principal Scottish Act (which, in subsection (1), prohibit the sale of tobacco and cigarette papers to persons apparently under the age of sixteen and, in subsection (2), enable a court to order measures to be taken to prevent the use by such persons of automatic machines for the sale of tobacco) shall each be amended, as respects offences committed after the commencement of this Act, by substituting—

(a) in subsection (1) (which provides for fines not exceeding two, five and ten pounds on a first, second or subsequent conviction) for the words "two", "five" and "ten" the words "twenty-five", "fifty" and "one hundred", respectively; and

(b) in subsection (2) (which provides for fines not exceeding five pounds for failure to comply with the order of the court and further fines not exceeding one pound for each day during which the offence continues) for the words "five" and "one" the words "fifty" and "ten", respectively.

New appeals

New appeals.

33.—(1) Any person aggrieved by the decision of a juvenile court given after the commencement of this Act on an application under section 84(6) of the principal Act for the variation or revocation of an order committing a person to the care of a fit person may appeal against the decision to a court of quarter sessions.

(2) The grounds upon which a local authority named in an approved school order made after the commencement of this Act may appeal and the court substitute the name of another local authority under subsection (2) of section 90 of the principal Act shall include the ground that the person to whom the order relates is not known to have been resident within the district of any local authority and that the authority named in the order was not, but that other authority was, the local authority or one of the local authorities within whose district the offence was committed or the circumstances arose rendering him liable to be sent to an approved school.

PART II

EMPLOYMENT OF CHILDREN AND YOUNG PERSONS

General provisions as to employment

34. For paragraph (c) of section 18(1) of the principal Act (which prohibits the employment of children before six o'clock in the morning or after eight o'clock in the evening) and for paragraph (c) of section 28(1) of the principal Scottish Act (which prohibits such employment before six o'clock in the morning or after seven o'clock in the evening, or at certain times of the year eight o'clock in the evening) there shall be substituted the following paragraph:—

“(c) before seven o'clock in the morning or after seven o'clock in the evening on any day ; or ”.

Hours of
employment.

35.—(1) In section 20(1) of the principal Act (which, subject to certain exceptions, prohibits persons under the age of sixteen from engaging or being employed in street trading) for the word “sixteen”, in both places where it occurs, there shall be substituted the word “seventeen”.

Street
trading.

(2) Nothing in the said section 20 or section 30 of the principal Scottish Act or in any byelaw made under either of those sections shall restrict the engagement or employment of any person in the carrying on in any place of a retail trade or business (within the meaning of the Shops Act 1950) on any occasion on which it is customary for retail trades or businesses to be carried on in that place.

(3) At the end of the said section 20 there shall be added the following subsection:—

“(3) No person under the age of eighteen shall on a Sunday engage or be employed in street trading of a description to which, notwithstanding section 58 of the Shops Act 1950 (which extends certain provisions to any place where a retail trade or business is carried on), those provisions do not extend.”

36. Section 21 of the principal Act and section 31 of the principal Scottish Act (which impose penalties for contraventions of the general provisions of those Acts as to employment) shall each be amended, as respects offences committed after the commencement of this Act, as follows:—

Increase
of certain
penalties

(a) in subsection (1) (which provides for fines not exceeding five pounds and twenty pounds for first and subsequent offences respectively) for the words “five pounds” there shall be substituted the words “twenty pounds” and for the words “twenty pounds” the words “fifty pounds”; and

PART II

- (b) in subsection (3) (which provides for fines of twenty shillings and forty shillings for first and subsequent offences respectively) for the words "twenty shillings" there shall be substituted the words "ten pounds" and for the words "forty shillings" the words "twenty pounds".

Entertainment

Restriction
on persons
under 16
taking part
in public
performances,
etc.

37.—(1) Subject to the provisions of this section, a child shall not take part in a performance to which this section applies except under the authority of a licence granted by the local authority in whose area he resides or, if he does not reside in Great Britain, by the local authority in whose area the applicant or one of the applicants for the licence resides or has his place of business.

(2) This section applies to—

- (a) any performance in connection with which a charge is made (whether for admission or otherwise);
- (b) any performance in licensed premises within the meaning of the Licensing Act 1953 or the Licensing (Scotland) Act 1959 or in premises in respect of which a club is registered under the said Act of 1959 or the Licensing Act 1961;
- (c) any broadcast performance;
- (d) any performance recorded (by whatever means) with a view to its use in a broadcast or in a film intended for public exhibition;

and a child shall be treated for the purposes of this section as taking part in a performance if he takes the place of a performer in any rehearsal or in any preparation for the recording of the performance.

(3) A licence under this section shall not be required for any child to take part in a performance to which this section applies if—

- (a) in the six months preceding the performance he has not taken part in other performances to which this section applies on more than three days; or
- (b) the performance is given under arrangements made by a school (within the meaning of the Education Act 1944 or the Education (Scotland) Act 1962) or made by a body of persons approved for the purposes of this section by the Secretary of State or by the local authority in whose area the performance takes place, and no payment in respect of the child's taking part in the performance is made, whether to him or to any other person, except for defraying expenses;

but the Secretary of State may by regulations made by statutory instrument prescribe conditions to be observed with respect to the hours of work, rest or meals of children taking part in performances as mentioned in paragraph (a) of this subsection.

(4) The power to grant licences under this section shall be exercisable subject to such restrictions and conditions as the Secretary of State may by regulations made by statutory instrument prescribe and a local authority shall not grant a licence for a child to take part in a performance or series of performances unless they are satisfied that he is fit to do so, that proper provision has been made to secure his health and kind treatment and that, having regard to such provision (if any) as has been or will be made therefor, his education will not suffer; but if they are so satisfied, in the case of an application duly made for a licence under this section which they have power to grant, they shall not refuse to grant the licence.

(5) Regulations under this section may make different provision for different circumstances and may prescribe, among the conditions subject to which a licence is to be granted, conditions requiring the approval of a local authority and may provide for that approval to be given subject to conditions imposed by the authority.

(6) Without prejudice to the generality of the preceding subsection, regulations under this section may prescribe, among the conditions subject to which a licence may be granted, a condition requiring sums earned by the child in respect of whom the licence is granted in taking part in a performance to which the licence relates to be paid into the county court (or, in Scotland, consigned in the sheriff court) or dealt with in a manner approved by the local authority.

(7) A licence under this section shall specify the times, if any, during which the child in respect of whom it is granted may be absent from school for the purposes authorised by the licence; and for the purposes of the enactments relating to education a child who is so absent during any times so specified shall be deemed to be absent with leave granted by a person authorised in that behalf by the managers, governors or proprietor of the school or, in Scotland, with reasonable excuse.

(8) Any statutory instrument made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

38.—(1) A licence under the preceding section in respect of a child under the age of thirteen shall not be granted unless—

- (a) the licence is for acting and the application therefor is accompanied by a declaration that the part he is to act cannot be taken except by a child of about his age; or

Restriction on licences for performances by children under 13.

PART II

- (b) the licence is for dancing in a ballet which does not form part of an entertainment of which anything other than ballet or opera also forms part and the application for the licence is accompanied by a declaration that the part he is to dance cannot be taken except by a child of about his age ; or
- (c) the nature of his part in the performance is wholly or mainly musical and either the nature of the performance is also wholly or mainly musical or the performance consists only of opera and ballet.

(2) On the extension of the compulsory school age (or, in Scotland, school age) to sixteen years, that is to say—

- (a) in England and Wales, on the coming into force of an Order in Council under section 35 of the Education Act 1944 ; and
 - (b) in Scotland, on the coming into force of regulations under section 32 of the Education (Scotland) Act 1962 ;
- subsection (1) of this section shall have effect as if for the word “ thirteen ” there were substituted the word “ fourteen ”.

Supplementary provisions as to licences under section 37.

39.—(1) A licence under section 37 of this Act may be varied on the application of the person holding it by the local authority by whom it was granted or by any local authority in whose area the performance or one of the performances to which it relates takes place.

(2) The local authority by whom such a licence was granted, and any local authority in whose area the performance or one of the performances to which it relates takes place, may vary or revoke the licence if any condition subject to which it was granted is not observed or they are not satisfied as to the matters mentioned in subsection (4) of the said section 37, but shall, before doing so, give to the holder of the licence such notice (if any) of their intention as may be practicable in the circumstances.

(3) Where a local authority grant such a licence authorising a child to take part in a performance in the area of another local authority they shall send to that other authority such particulars as the Secretary of State may by regulations made by statutory instrument prescribe ; and where a local authority vary or revoke such a licence which was granted by, or relates to a performance in the area of, another local authority, they shall inform that other authority.

(4) A local authority proposing to vary or revoke such a licence granted by another local authority shall, if practicable, consult that other authority.

(5) The holder of such a licence shall keep such records as the Secretary of State may by regulations made by statutory instrument prescribe and shall on request produce them to an officer of the authority who granted the licence, at any time not later than six months after the performance or last performance to which it relates.

(6) Where a local authority refuse an application for a licence under section 37 of this Act or revoke or, otherwise than on the application of the holder, vary such a licence they shall state their grounds for doing so in writing to the applicant or, as the case may be, the holder of the licence; and the applicant or holder may appeal to a magistrates' court or, in Scotland, the sheriff, against the refusal, revocation or variation, and against any condition subject to which the licence is granted or any approval is given, not being a condition which the local authority are required to impose.

(7) Any statutory instrument made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

40.—(1) If any person—

Offences.

- (a) causes or procures any child or, being his parent or guardian, allows him, to take part in any performance in contravention of section 37 of this Act; or
- (b) fails to observe any condition subject to which a licence under that section is granted, or any condition prescribed under subsection (3) of that section; or
- (c) knowingly or recklessly makes any false statement in or in connection with an application for a licence under that section;

he shall be liable on summary conviction to a fine not exceeding one hundred pounds or imprisonment for a term not exceeding three months or both.

(2) If any person fails to keep or produce any record which he is required to keep or produce under section 39 of this Act, he shall be liable on summary conviction to a fine not exceeding fifty pounds or imprisonment for a term not exceeding three months or both.

(3) The court by which the holder or one of the holders of a licence under section 37 of this Act is convicted of an offence under this section may revoke the licence.

(4) In any proceedings for an offence under this section alleged to have been committed by causing, procuring or allowing a child to take part in a performance without a licence under section 37 of this Act it shall be a defence to prove that the accused believed that the condition specified in paragraph (a) of subsection (3) of that section was satisfied and that he had reasonable grounds for that belief.

PART II
Licences for training persons between 12 and 16 for performances of a dangerous nature.

41.—(1) The power to grant licences under section 24 of the principal Act (which relates to the training of persons under the age of sixteen to take part in performances of a dangerous nature) shall be exercisable by the local authority for the area or one of the areas in which the training is to take place instead of by a magistrates' court.

(2) A licence under the said section 24 or under section 34 of the principal Scottish Act (which makes provision in Scotland similar to that made in England and Wales by the said section 24 as amended by subsection (1) of this section) may be revoked or varied by the authority who granted it if any of the conditions embodied therein are not complied with or if it appears to them that the person to whom the licence relates is no longer fit and willing to be trained or that proper provision is no longer being made to secure his health and kind treatment.

(3) Where an authority refuse an application for such a licence or revoke or vary such a licence they shall state their grounds for doing so in writing to the applicant, or, as the case may be, to the holder of the licence, and the applicant or holder may appeal to a magistrates' court or, in Scotland, to the sheriff, against the refusal, revocation or variation.

Licences for children and young persons performing abroad.

42.—(1) Section 25 of the principal Act (which prohibits persons under eighteen from going abroad for the purpose of performing for profit except under the authority of a licence granted under that section) and section 26 of that Act (which imposes penalties for contraventions) shall have effect as if the words "singing, playing, performing or being exhibited" included taking part in any such performance as is mentioned in paragraph (c) or (d) of section 37(2) of this Act.

(2) A licence under the said section 25 may be granted in respect of a person notwithstanding that he is under the age of fourteen if—

- (a) the engagement which he is to fulfil is for acting and the application for the licence is accompanied by a declaration that the part he is to act cannot be taken except by a person of about his age; or
- (b) the engagement is for dancing in a ballet which does not form part of an entertainment of which anything other than ballet or opera also forms part and the application for the licence is accompanied by a declaration that the part he is to dance cannot be taken except by a child of about his age; or
- (c) the engagement is for taking part in a performance the nature of which is wholly or mainly musical or which consists only of opera and ballet and the nature of his part in the performance is wholly or mainly musical.

43. For subsection (2) of section 28 of the principal Act and for subsection (2) of section 36 of the principal Scottish Act there shall be substituted the following subsection:—

PART II
Extended
powers of
entry.

“(2) Any authorised officer of the said authority or any constable may—

- (a) at any time enter any place used as a broadcasting studio or film studio or used for the recording of a performance with a view to its use in a broadcast or in a film intended for public exhibition and make inquiries therein as to any children taking part in performances to which section 37 of the Children and Young Persons Act 1963 applies;
- (b) at any time during the currency of a licence granted under the said section 37 or under the provisions of this Part of this Act relating to training for dangerous performances enter any place (whether or not it is such a place as is mentioned in paragraph (a) of this subsection) where the person to whom the licence relates is authorised by the licence to take part in a performance or to be trained, and may make inquiries therein with respect to that person.”

Construction of Part II

44.—(1) This Part of this Act, in its application to England and Wales, and, as regards section 42, in its application elsewhere, shall be construed, and Part II of the principal Act shall have effect, as if this Part were included in that Part.

Construction
of Part II.

(2) This Part of this Act, except section 42, shall, in its application to Scotland, be construed as if it were included in Part III of the principal Scottish Act and as if references to a local authority were references to an education authority; and the said Part III shall have effect as if this Part of this Act (except section 42) were included in it.

PART III

MISCELLANEOUS AND GENERAL

Research and financial assistance

45.—(1) The Secretary of State may conduct or assist other persons in conducting research into any matter connected with his functions or the functions of local authorities under the Children and Young Persons Acts 1933 to 1956, the Children and Young Persons (Scotland) Acts 1937 and 1956, the Children Act 1948, the Children Act 1958 or this Act, or any matter connected with the adoption of children.

Research.

PART III

(2) Any local authority may conduct or assist other persons in conducting research into any matter connected with their functions under the enactments mentioned in subsection (1) of this section or their functions connected with the adoption of children.

Financial assistance under s. 20 of Children Act 1948.

46.—(1) In subsection (1) of section 20 of the Children Act 1948 (which authorises a local authority to contribute towards the cost of accommodation and maintenance of certain persons over the age of eighteen who have been in the care of a local authority) after the word “being” there shall be inserted the words “either a person who has attained the age of seventeen but has ceased to be in the care of a local authority, or”.

(2) In subsection (2) of the said section 20 (which authorises a local authority to make grants towards the education or training of certain persons over the age of eighteen who immediately before they attained that age were in the care of a local authority) for the word “eighteen”, in the first place where it occurs, there shall be substituted the word “seventeen” and for the words “immediately before they attained the age of eighteen” there shall be substituted the words “at or after the time when they attained the age of seventeen”.

Power of local authority to guarantee apprenticeship deeds etc. of persons in their care.

47. While a person is in the care of a local authority under the principal Act, the principal Scottish Act or the Children Act 1948 or by virtue of an order under the Matrimonial Proceedings (Children) Act 1958 or the Matrimonial Proceedings (Magistrates’ Courts) Act 1960, the local authority may undertake any obligation by way of guarantee under any deed of apprenticeship or articles of clerkship entered into by that person; and where the local authority have undertaken any such obligation under any deed or articles they may at any time (whether or not the person concerned is still in their care) undertake the like obligation under any deed or articles supplemental thereto.

Children in respect of whom parental rights may be or have been assumed by local authority

Extension of power of local authority to assume parental rights.

48.—(1) Where, after a child has been received into the care of a local authority under section 1 of the Children Act 1948, the whereabouts of any parent or guardian of his have remained unknown for not less than twelve months, then, for the purposes of section 2 of that Act (which enables a local authority in certain circumstances to assume parental rights) the parent or guardian shall be deemed to have abandoned the child.

(2) The power of a local authority under paragraph (b) of section 2(1) of the Children Act 1948 to resolve that all rights and powers of a parent or guardian shall vest in them may be

exercised, as well as in the cases mentioned in that paragraph, in any case where it appears to them— PART III

- (a) that the parent or guardian suffers from a mental disorder (within the meaning of the Mental Health Act 1959 or the Mental Health (Scotland) Act 1960) which renders him unfit to have the care of the child ; or
- (b) that the parent or guardian has so persistently failed without reasonable cause to discharge the obligations of a parent or guardian as to be unfit to have the care of the child ;

and the power of the court or sheriff, under subsection (3) of that section, to order that the resolution shall not lapse may also be exercised if the court or sheriff is satisfied that the person who objected to the resolution is unfit to have the care of the child by reason of his persistent failure to discharge the obligations of a parent or guardian.

(3) In this section "child" has the same meaning as in the Children Act 1948.

49.—(1) Where a local authority have, in accordance with section 3(3) of the Children Act 1948, allowed any person to take over the care of a child with respect to whom a resolution under section 2 of that Act is in force and have by notice in writing required that person to return the child at a time specified in the notice (which, if that person has been allowed to take over the care of the child for a fixed period, shall not be earlier than the end of that period) any person who harbours or conceals the child after that time or prevents him from returning as required by the notice shall be liable on summary conviction to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding two months or to both. Harbouring or concealing child required to return to local authority.

(2) In this section "child" has the same meaning as in the Children Act 1948.

50. A court may entertain an application under section 4(2A) of the Guardianship of Infants Act 1925 to appoint a guardian of an infant notwithstanding that, by virtue of a resolution under section 2 of the Children Act 1948, a local authority have parental rights with respect to him ; but where on such an application the court appoints a guardian the resolution shall cease to have effect. Extension of power to appoint guardian.

Persons under supervision changing country of residence

51.—(1) Where a court in England or Wales is satisfied that a child or young person in respect of whom it would otherwise make a supervision order under the principal Act resides or will reside in Scotland, the court shall, instead of making such an order, make an order specifying a court of summary jurisdiction Supervision of persons moving to Scotland.

PART III

having jurisdiction in the place in Scotland in which the child or young person will reside and placing him for a specified period not exceeding three years under the supervision of such probation officer or other person as may be appointed by that court; and in any area of Scotland to which section 50 of the principal Scottish Act applies the court specified under this subsection shall be the court constituted for that area under the provisions of section 51 of that Act.

(2) Where a juvenile court in England or Wales is satisfied that a person in respect of whom a supervision order under the principal Act has been made proposes to reside or is residing in Scotland then, instead of amending the order in accordance with Schedule 1 to this Act, the court shall discharge it and make an order under subsection (1) of this section, specifying as the period for which that person will be under supervision the remainder of the period specified in the supervision order.

(3) The court of summary jurisdiction in Scotland specified in an order under this section shall appoint a probation officer or some other person under whose supervision the child or young person shall be placed; and thereafter the order made under this section shall be treated for the purposes of the principal Scottish Act as a supervision order under that Act.

Supervision orders by Scottish courts in respect of persons residing in England.

52.—(1) Where a court in Scotland is satisfied that a child or young person in respect of whom it would otherwise make a supervision order under the principal Scottish Act resides or will reside in England or Wales, the court shall, instead of making such an order, make an order naming the petty sessions area in which the child or young person will reside and placing him for a specified period not exceeding three years under the supervision of a probation officer in England or Wales.

(2) Where a court in Scotland is satisfied that a person in respect of whom a supervision order under the principal Scottish Act has been made proposes to reside or is residing in England or Wales the court shall discharge that order and make an order under subsection (1) of this section, specifying as the period for which that person will be under supervision the remainder of the period specified in the supervision order.

(3) An order made under the preceding provisions of this section shall be treated for the purposes of the principal Act and this Act as a supervision order under the principal Act.

(4) In this section “petty sessions area” includes a division of the metropolitan area referred to in Part II of Schedule 2 to this Act.

*Children and young persons escaping to other parts of
British Islands*

PART III

53.—(1) The power to arrest and bring back any person which is conferred by any of the following provisions relating to persons escaping, taken away or absent after being sent to a remand home, special reception centre or approved school or after being committed to the care of a fit person, that is to say—

Arrest in one part of British Islands of children or young persons escaping in other part.

- (a) sections 78(4), 82(1) and 85 of the principal Act; and
- (b) sections 82(4), 86(1) and 89 of the principal Scottish Act;

shall be exercisable also—

- (i) in Northern Ireland, the Channel Islands or the Isle of Man; and
- (ii) in relation to persons sent to a remand home or training school or committed to the care of a fit person under the Children and Young Persons Act (Northern Ireland) 1950 or any enactment of the Parliament of Northern Ireland for the time being in force (including persons so committed and boarded out).

(2) Any person who knowingly harbours or conceals any such person as is mentioned in paragraph (ii) of the preceding subsection or prevents him from returning shall be liable on summary conviction to a fine not exceeding one hundred pounds or imprisonment for a term not exceeding six months or both.

(3) Every person who is authorised by the managers of a training school within the meaning of the Children and Young Persons Act (Northern Ireland) 1950 to arrest a person under their care and bring him back to his school shall, for the purpose of acting on that authority, have all the powers, protection and privileges—

- (a) in Great Britain or the Isle of Man, of a constable;
- (b) in Jersey, of a member of the police;
- (c) in any other part of the Channel Islands, of an officer of police within the meaning of section 43 of the Larceny (Guernsey) Law 1958, or any corresponding law for the time being in force.

Amendment of Adoption Act 1958

54.—(1) Section 9 of the Adoption Act 1958 (which enables Adoption Rules within the meaning of that Act to be made with respect to matters arising out of Part I thereof) shall have effect as if—

Extension of scope of Adoption Rules.

- (a) in subsection (3) thereof the reference to Part I of that Act included references to sections 34 and 35 thereof

PART III

(under which the right of a parent, adoption society or local authority to remove an infant from the care and possession of a person who has applied for an adoption order cannot be exercised without the leave of the court); and

- (b) subsection (5) thereof included applications for the leave of the court under the said section 34 or the said section 35 among the applications for the hearing and determination of which otherwise than in open court provision may be made by Adoption Rules.

(2) In the application of this section to Scotland, the references to section 9 of the Adoption Act 1958 and to subsections (3) and (5) thereof shall be construed as references to section 11 of that Act and subsections (2) and (3) thereof, and references to Adoption Rules shall be construed as references to an act of sederunt made in pursuance of the said subsection (2).

Emigration with consent of Secretary of State.

55. Section 52 of the Adoption Act 1958 (which, subject to exceptions, requires the authority of a provisional adoption order for the taking or sending abroad for adoption of infants who are British subjects) shall not apply in the case of any infant emigrating under the authority of the Secretary of State given under section 84(5) of, or paragraph 7 of Schedule 4 to, the principal Act, section 88 (5) of, or paragraph 7 of Schedule 2 to, the principal Scottish Act, or section 17 of the Children Act 1948 (which relate to the emigration of persons who have been committed to the care of a fit person or sent to an approved school or are in the care of a local authority).

Miscellaneous

Prosecution of offences under Part I or Part II of principal Act.

56.—(1) Without prejudice to section 98 of the principal Act (which authorises a local education authority to institute proceedings for an offence under Part I or Part II of that Act) any such proceedings may be instituted by the council of a county or county borough, whether or not the council are the local education authority, and may, where the council are the local education authority, be instituted by them otherwise than in that capacity.

(2) So much of subsection (5) of section 85 of the Local Government Act 1933 and subsection (2) of section 39 of the Children Act 1948 as restricts the matters that may be referred to or dealt with by committees established under those sections respectively shall not apply in relation to any functions exercisable by a council in pursuance of this section.

Newspaper and broadcast reports of proceedings involving children and young persons.

57.—(1) In section 39 of the principal Act and in section 46 of the principal Scottish Act (which empower a court to prohibit the publication in newspapers of pictures or matter leading to the identification of children and young persons concerned in certain proceedings) the words "which arise out of any offence

against, or any conduct contrary to, decency or morality” shall be omitted and for the word “against” in paragraph (a) there shall be substituted the words “by or against”.

(2) Section 49 of the principal Act and section 54 of the principal Scottish Act (which restrict newspaper reports of proceedings in juvenile courts) shall, with the necessary modifications, apply in relation to any proceedings on appeal from a juvenile court (including an appeal by case stated or, in Scotland, stated case) as they apply in relation to proceedings in a juvenile court.

(3) In the said section 39 the expression “court” shall include any court in Scotland and in the said section 46 that expression shall include any court in England and Wales, and—

(a) in the said section 49 references to a juvenile court shall be construed as including references to a juvenile court as defined in section 50(5) of the principal Scottish Act or constituted in accordance with section 51 of that Act; and

(b) in the said section 54 references to a juvenile court shall be construed as including references to a juvenile court constituted in accordance with the principal Act.

(4) The said sections 39 and 49 and the said sections 46 and 54 shall, with the necessary modifications, apply in relation to sound and television broadcasts as they apply in relation to newspapers.

58. Where a person was at or after the time when he attained the age of seventeen in the care of a local authority under the Children Act 1948, the principal Act or the principal Scottish Act, or by virtue of an order under the Matrimonial Proceedings (Children) Act 1958 or the Matrimonial Proceedings (Magistrates’ Courts) Act 1960, but has ceased to be in their care, then, while he is under the age of twenty-one, the local authority, if so requested by him, may cause him to be visited, advised and befriended and, in exceptional circumstances, to be given financial assistance. Powers of local authority to visit and assist persons formerly in their care.

59.—(1) The Secretary of State may, after consulting such local authorities or associations of local authorities as he thinks fit, by statutory instrument make regulations providing, in such cases as may be prescribed by the regulations, for the recovery, by a local authority providing a remand home from such other local authority as may be so prescribed, of such sum in respect of a person detained in the remand home as may be determined in accordance with a rate prescribed from time to time by order made by the Secretary of State by statutory instrument; and any such order may prescribe different rates for different circumstances. Adjustment between local authorities of expenses of maintaining persons in remand homes.

PART III

(2) No sum shall be recoverable under such regulations in any case where the expenses of maintaining the person detained in the remand home are treated under section 11(3) of this Act as if they were expenses incurred by the authority as managers of an approved school or are recoverable under section 51(3) of the Children Act 1948 (which provides for the recovery of expenses where a child is removed to a place of safety); but where regulations under this section are in force, any expenses incurred by a local authority in maintaining a person in a remand home and recoverable under the said section 51(3) shall for the purposes of that section be taken to be equal to such sum as might, but for this subsection, be recoverable in respect of that person under the regulations.

(3) Any payment by a local authority which is made or determined in pursuance of this section shall be treated for the purposes of Schedule 1 to the Local Government Act 1958 or, as the case may be, Schedule 1 to the Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958 as expenses incurred in respect of remand homes (and accordingly as excluded from relevant expenditure for the purposes of general grants).

(4) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Supplementary provisions

Expenses.

60. There shall be paid out of moneys provided by Parliament any expenses incurred by the Secretary of State under this Act and any increase attributable to this Act in the moneys so payable under any other enactment.

Effect of Act on general grants in England and Wales.

61.—(1) Any expenditure incurred by virtue of this Act by the council of a county or county borough shall be relevant expenditure for the purposes of sections 2 and 3 of the Local Government Act 1958 (which relate to general grants) whether or not it is expenditure specified in Part I of Schedule 1 to that Act, unless it is expenditure excluded by any provision of Part II of that Schedule.

(2) The Minister of Housing and Local Government shall have power, by an order made in the like manner and subject to the like provisions as a general grant order, to vary the provisions of any general grant order made before the commencement of this Act for a grant period ending after the commencement of this Act.

(3) Any order made by virtue of this section may be made for all or any of the years comprised in the said grant period, as

may be specified in the order, and in respect of the year or years so specified shall—

- (a) increase the annual aggregate amount of the general grants, and
- (b) vary any other matter prescribed by the said general grant order,

to such extent and in such manner as may appear to the Minister of Housing and Local Government to be appropriate having regard to any additional expenditure incurred or likely to be incurred by councils of counties or county boroughs in consequence of the passing of this Act.

(4) The provisions of this section shall have effect without prejudice to the exercise of any power conferred by section 2(4) of the Local Government Act 1958 (which confers power to vary general grant orders in consequence of unforeseen increases in the level of prices, costs or remuneration).

(5) In this section the expressions “general grant order” and “grant period” have the meanings respectively assigned to them by subsection (6) and subsection (7) of section 1 of the Local Government Act 1958.

62.—(1) Any expenditure incurred by virtue of this Act by the council of a county or of a large burgh shall be relevant expenditure for the purposes of sections 2 and 3 of the Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958 (which relate to general grants) whether or not it is expenditure specified in Schedule 1 to that Act.

Effect of Act
on general
grants in
Scotland.

(2) The Secretary of State shall have power, by an order made in the like manner and subject to the like provisions as a general grant order, to vary the provisions of any general grant order made before the commencement of this Act for a grant period ending after the commencement of this Act.

(3) Any order made by virtue of this section may be made for all or any of the years comprised in the said grant period, as may be specified in the order, and in respect of the year or years so specified shall increase the annual aggregate amount of the general grants to such extent as may appear to the Secretary of State to be appropriate having regard to any additional expenditure incurred or likely to be incurred by councils of counties or of large burghs in consequence of the passing of this Act.

(4) The provisions of this section shall have effect without prejudice to the exercise of any power conferred by section 2(2) of the Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958 (which confers power to vary general grant orders in consequence of unforeseen increases in the level of prices, costs or remuneration).

PART III

(5) In this section the expressions "general grant order" and "grant period" have the meanings respectively assigned to them by subsection (5) and subsection (6) of section 1 of the Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958.

(6) This section extends to Scotland only.

Interpretation.

63.—(1) In this Act "the principal Act" means the Children and Young Persons Act 1933 and "the principal Scottish Act" means the Children and Young Persons (Scotland) Act 1937.

(2) References in this Act to any enactment are references thereto as amended and include references thereto as applied, by any other enactment including, except where the context otherwise requires, any enactment contained in this Act.

Amendments,
transitional
provisions,
and repeals.

64.—(1) The enactments mentioned in Schedule 3 to this Act shall have effect subject to the amendments specified therein.

(2) This Act shall have effect subject to the transitional provisions contained in Schedule 4 to this Act.

(3) The enactments specified in Schedule 5 to this Act are hereby repealed to the extent specified in column 3 of that Schedule.

Citation,
construction,
commence-
ment and
extent.

65.—(1) This Act may be cited as the Children and Young Persons Act 1963.

(2) This Act and the Children and Young Persons Acts 1933 to 1956 may be cited as the Children and Young Persons Acts 1933 to 1963, and this Act and the Children and Young Persons (Scotland) Acts 1937 and 1956 may be cited as the Children and Young Persons (Scotland) Acts 1937 to 1963.

(3) This Act, except in so far as it amends any Act not construed as one with the principal Act or the principal Scottish Act, shall be construed, in its application to England and Wales, as one with the principal Act and, in its application to Scotland, as one with the principal Scottish Act.

(4) The following provisions of this Act do not extend to Scotland, that is to say, Part I except sections 1, 10 and 32, sections 56 and 61, and Schedules 1 and 2 and Schedule 4 except paragraph 3.

(5) Subsections (1) and (2) of section 10 and sections 42 and 53(1) of this Act, paragraphs 7, 8, 27, 34 and 50 of Schedule 3, and so much of Schedule 5 as relates to section 25 and section 26 of the principal Act, extend to Northern Ireland.

(6) This Act shall come into operation on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be so appointed for different purposes; and any reference in any provision of this Act to the commencement of this Act shall be construed as a reference to the time at which that provision comes into operation.

SCHEDULES

Section 5.

SCHEDULE 1

SUPERVISION ORDERS

Contents and duration of supervision orders

1. Subject to the provisions of this Schedule, a supervision order may contain such provisions as the court, having regard to the particular circumstances of the case, considers necessary for effecting the purpose of the order.

2. A supervision order shall cease to have effect when the person placed under supervision attains the age of eighteen.

Discharge and amendment

3.—(1) A juvenile court may, upon the application of the person under supervision, or of the person under whose supervision he is, discharge the supervision order.

(2) Without prejudice to its power under the preceding subparagraph, where an order is in force committing the person under supervision to the care of a fit person, the juvenile court may discharge the supervision order on the application of that person or, where the other order is revoked, without any application.

4.—(1) Subject to subparagraph (2) of this paragraph, if a juvenile court is satisfied that a person under supervision proposes to change, or has changed, his residence to another petty sessions area, the court may, and if an application in that behalf is made by the person under whose supervision he is shall, by order amend the supervision order by substituting for the petty sessions area named therein (or, as the case may be, by inserting therein) the petty sessions area where the person under supervision proposes to reside or is residing.

(2) If the supervision order contains requirements which, in the opinion of the court, cannot be complied with unless the person under supervision continues to reside in the same petty sessions area, the court shall not amend the order as aforesaid unless, in accordance with the following provisions of this Schedule, it cancels those requirements or substitutes therefor other requirements which can be so complied with.

5.—(1) Subject to subparagraph (2) of this paragraph, a juvenile court may, on the application of any person, by order amend a supervision order—

(a) by substituting for the supervision of a probation officer supervision by a person appointed for the purpose by the court; or

(b) by substituting for the supervision of a person appointed for the purpose by the court supervision by some other person so appointed or supervision by a probation officer; or

SCH. 1

- (c) by cancelling any of the requirements of the order or by inserting therein (either in addition to or in substitution for any such requirement) any requirement which could be included in the order if it were then being made by the court.

(2) A court shall not amend a supervision order under this paragraph—

- (a) by reducing the period of supervision specified in the order, or by extending that period beyond the end of three years from the date of the original order ; or
- (b) by inserting therein a requirement that the person under supervision shall submit to treatment for his mental condition unless the amending order is made within three months after the date of the original order.

6.—(1) Where an application for the discharge or amendment of a supervision order made in respect of any person is made by the person under whose supervision he is, the applicant may, for the purpose of the application, bring the person under supervision before the court.

(2) Where a court proposes to amend a supervision order by imposing a requirement that the person under supervision shall reside in an institution or submit to treatment for his mental condition the court shall summon the person under supervision to appear before the court.

Requirements as to residence and treatment

7. A supervision order may not contain any requirement as to the place of residence of the person placed under supervision or as to treatment for his mental condition unless he either is under the age of fourteen or consents to the requirement.

8. The period for which a person may be required by a supervision order to reside in an approved probation hostel, an approved probation home or any other institution or to submit to treatment for his mental condition shall not exceed twelve months.

9. A supervision order requiring the person under supervision to submit to treatment for his mental condition shall specify one of the following as the treatment required, that is to say—

- (a) treatment as a resident patient in a hospital or mental nursing home within the meaning of the Mental Health Act 1959, but not in a special hospital within the meaning of that Act ;
- (b) treatment as a non-resident patient at an institution or place specified in the order ; or
- (c) treatment by or under the direction of a fully registered medical practitioner specified in the order.

10. Where a medical practitioner by whom or under whose direction a person (in this paragraph referred to as “ the patient ”) is being

treated for his mental condition in pursuance of any requirement of a supervision order is of opinion—

- (a) that the treatment should be continued beyond the period specified in that behalf in the order; or
- (b) that the patient needs different treatment; or
- (c) that the patient is not susceptible to treatment; or
- (d) that the patient does not require further treatment;

or where the practitioner is for any reason unwilling to continue to treat or direct the treatment of the patient, he shall make a report in writing to that effect to the person under whose supervision the patient is and that person shall apply to a juvenile court for the variation or cancellation of the requirement.

Selection of probation officers

11. The probation officer under whose supervision a person is to be placed shall be selected under arrangements made by the probation committee.

12. If the probation officer so selected dies or is unable for any reason to carry out his duties, or if the case committee dealing with the case think it desirable that another person should take his place, another probation officer shall be selected in like manner.

13. The probation officer under whose supervision a girl is placed shall be a woman.

Notification of orders

14. The court by which a supervision order is made or amended shall forthwith give or send a copy of its order—

- (a) to the person under supervision; and
- (b) to the person under whose supervision he is placed; and
- (c) where the person under supervision is required to reside in an institution, to the person in charge of the institution; and
- (d) where the person under supervision is required to reside in an institution which is neither an approved probation hostel or home nor a mental nursing home or hospital within the meaning of the Mental Health Act 1959 in which he is required to reside for the purpose of treatment as a resident patient, to the Secretary of State; and
- (e) where the petty sessions area named in the order is not the petty sessions area for which the court acts, to the clerk to the justices for the petty sessions area named in the order;

and, in the case mentioned in sub-paragraph (e) of this paragraph, shall also send to the clerk to the said justices such documents and information relating to the case as the court considers likely to be of assistance to them.

Section 17.

SCHEDULE 2

CONSTITUTION OF JUVENILE COURTS

PART I

OUTSIDE METROPOLITAN AREA

Juvenile court panels

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.

2. A justice shall not be qualified to sit as a member of a juvenile court unless he is a member of a juvenile court panel, that is to say, a panel of justices specially qualified to deal with juvenile cases.

3. Subject to the following provisions of this Part of this Schedule, a juvenile court panel shall be formed for every petty sessions area.

Combined juvenile court panels

4. A magistrates' courts committee may make recommendations to the Secretary of State—

(a) for the formation of a combined juvenile court panel for two or more petty sessions areas, or

(b) for the dissolution of any such combined juvenile court panel,

if the committee's area comprises at least one of the petty sessions areas concerned.

5. It shall be the duty of the magistrates' courts committee for any area, if directed to do so by the Secretary of State, to review the functioning of juvenile courts in their area and on completion of the review to submit to the Secretary of State 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.

6. Subject to the provisions of this Schedule—

(a) where a magistrates' courts committee make such recommendations to the Secretary of State, 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 Secretary of State under the preceding paragraph, or the Secretary of State 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.

Effect of order establishing combined panel

7. Where a combined juvenile 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 juvenile court.

Restrictions on formation of combined panels

SCH. 2

8. No order under this Schedule shall provide for the formation of a combined juvenile court panel for an area which includes—

- (a) a county or part of a county and the whole or part of another county; or
- (b) two county boroughs.

9. An order under this Schedule providing for the formation of a combined juvenile 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.

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 Secretary of State 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.

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 Secretary of State shall, before making an order, consider any representations made to him by the justices or committee, or by any juvenile court panel concerned, within one month from the time the notice was given or the copy of the proposed order was sent.

PART II

METROPOLITAN AREA

13. The following provisions of this Part of this Schedule shall have effect as respects the metropolitan stipendiary court area and the City of London (in this Part of this Schedule referred to as the metropolitan area).

SCH. 2

14. Juvenile courts shall be constituted for the whole of the metropolitan area but shall sit for such divisions and in such places as the Secretary of State may by order specify, without prejudice, however, to their jurisdiction with respect to the whole area.

15. Subject to the following provisions of this Schedule—

- (a) each juvenile court shall consist of a chairman and two other members and shall have both a man and a woman among its members ;
- (b) the chairman shall be a person nominated by the Secretary of State to act as chairman of juvenile courts for the metropolitan area and shall be either a metropolitan stipendiary magistrate or a justice of the peace for the county of London selected, in such manner as may be provided by an order of the Secretary of State, 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.

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 juvenile court, any metropolitan stipendiary magistrate or, with the consent of the Secretary of State, any justice of the peace selected as aforesaid from the said panel, may act temporarily as chairman.

17. Where it appears to the chairman that a juvenile 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.

18. The Secretary of State, 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 the Secretary of State.

19. The enactments relating to the provision of land and buildings required for the purposes of metropolitan magistrates' courts shall extend and be deemed always to have extended to the provision of land and buildings required for the purposes of juvenile courts constituted for the metropolitan area.

PART III

GENERAL

20. An order of the Secretary of State under this Schedule shall be made by statutory instrument and may be revoked or varied by a subsequent order thereunder.

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

SCHEDULE 3

Section 64.

MINOR AND CONSEQUENTIAL AMENDMENTS

The principal Act

1. In section 1(1), the words "or in default of payment of such a fine" shall be omitted in both places where they occur.

2. In section 3, the words "or in default of payment of such a fine" shall be omitted.

3. In section 4(1), the words "or in default of payment of such a fine" shall be omitted.

4. For subsection (3) of section 18 there shall be substituted the following subsection:—

"(3) Nothing in this section, or in any byelaw made under this section, shall prevent a child from taking part in a performance—

(a) under the authority of a licence granted under this Part of this Act; or

(b) in a case where by virtue of section 37(3) of the Children and Young Persons Act 1963 no licence under that section is required for him to take part in the performance."

5. In section 23, for the words "public performance" there shall be substituted the words "performance to which section 37 of the Children and Young Persons Act 1963 applies and".

6.—(1) In subsection (2) of section 24 for the words "petty sessional court" there shall be substituted the words "local authority".

(2) In subsection (4) of that section for the word "court", in both places where it occurs, there shall be substituted the word "authority".

7. In the proviso to section 25(1), for the words "Great Britain and Ireland" there shall be substituted the words "the United Kingdom".

8. In section 26(1), the words "or in default of payment of such a fine" shall be omitted.

9. In section 28(1) for the words "an entertainment or performance" there shall be substituted the words "a performance".

10. In section 29(3), for the words "The said provisions" there shall be substituted the words "The provisions of this Part of this Act relating to employment".

11. In section 40(1), for the words from "to take him" to "detain him there" there shall be substituted the words "to take him to a place of safety, or authorising any constable to remove him with or without search to a place of safety, and a child or young person taken to a place of safety in pursuance of such a warrant may be detained there".

12. In section 48(1), the words "or an application relating to" and the words "or application" shall be omitted.

SCH. 3

13. In section 53(4), for the words "shall return" there shall be substituted the words "may be arrested without warrant by any constable and taken"; and the words from "and if he fails" to the end of the section shall be omitted.

14.—(1) In subsection (1) of section 56, for the words "if it thinks fit" there shall be substituted the words "and, if it is not a juvenile court, shall unless satisfied that it would be undesirable to do so".

(2) For subsection (2) of that section there shall be substituted the following subsection:—

"(2) Where any case is so remitted—

- (a) the offender shall have the same right of appeal against any order of the court to which the case is remitted as if he had been found guilty by that court, but shall have no right of appeal against the order of remission; and
- (b) any appeal against the finding of guilt shall, if the finding was made by a juvenile or other magistrates' court, be made to the court of quarter sessions having jurisdiction to hear an appeal under paragraph (a) of this subsection."

15. In section 58, for the words "for the detention of the person to whom it relates" there shall be substituted the words "for his detention in that approved school or in such other approved school as the Secretary of State may from time to time determine".

16. After subsection (2A) of section 62 there shall be inserted the following subsection:—

"(2B) A person of or over the age of sixteen who is or has been married shall not be brought before or dealt with by a juvenile court under this section."

17.—(1) In section 67(1), after the words "committed, or" there shall be inserted the words "any person".

(2) In section 67(2), after the words "five foregoing sections" there shall be inserted the words "or subsection (8) of section 84 of this Act".

18. In subsections (2) and (7) of section 70, for the words from "by reason of" to "education" there shall be substituted the words "in respect of a person brought before a juvenile court under section 40A of the Education Act 1944".

19. In section 73, the words "under the foregoing provisions of this Act" shall be omitted and at the end of the proviso there shall be added the words "nor to a person detained under this section or under section 17 of the Criminal Justice Act 1961".

20.—(1) In subsection (1) of section 84, after the words "in this section" there shall be inserted the words "and the next following section".

(2) In subsection (6) of that section the words "upon the application of any person" shall be omitted.

21. In section 85(1), for the words from "who, having no parent" to the end of the subsection there shall be substituted the words "beyond the control of his parent or guardian".

22. In section 90(5), the following shall be substituted for paragraph (b):—

SCH. 3

“(b) is made in respect of a person brought before a juvenile court under section 40A of the Education Act 1944”.

23. In section 102(1)(a), after the words “probation officer or other person” there shall be inserted the words “(including an order under section 51(1) of the Children and Young Persons Act 1963)”.

24. In section 107(1), the words “and the City of London” shall be added at the end of the definition of “metropolitan police court area”.

25. For sub-paragraph (1) of paragraph 9 of Schedule 4 there shall be substituted the following sub-paragraph:—

“(1) The Secretary of State may at any time order a person under the care of the managers of an approved school to be discharged or, with the consent of the Secretary of State concerned with the administration of the Children and Young Persons (Scotland) Act 1937, to be transferred to the care of the managers of a school in Scotland which is an approved school within the meaning of that Act; and may, without prejudice to his power to determine the school in which any person is to be detained at any time, order a person not detained but under the care of the managers of an approved school to be transferred to the care of the managers of another approved school.”

26. For sub-paragraph (3) of paragraph 12 of Schedule 4 there shall be substituted the following sub-paragraph:—

“(3) A local authority for the purposes of Parts III and IV of this Act shall, if requested to do so by the managers of an approved school, cause to be visited, advised and befriended any person who is or is likely to be in their area while out under supervision from that school, any person detained in or out under supervision from that school whose parent or guardian is in their area, and any person in their area who may be visited, advised and befriended in pursuance of paragraph 7 of Schedule 2 to the Criminal Justice Act 1961.”

27. In paragraph 13 of Schedule 4, for the words from “powers, protection and privileges” to the end of the paragraph there shall be substituted the words “powers, protection and privileges—

- (i) in the United Kingdom or the Isle of Man, of a constable;
- (ii) in Jersey, of a member of the police;
- (iii) in any other part of the Channel Islands, of an officer of police within the meaning of section 43 of the Larceny (Guernsey) Law 1958, or any corresponding law for the time being in force.”

The Summary Jurisdiction (Appeals) Act 1933

28. In section 8(1), after the words “to which this Act applies” there shall be inserted the words “and with respect to cases of persons committed by a juvenile court to quarter sessions under section 28 of the Magistrates’ Courts Act 1952 or section 67 of the Mental Health Act 1959”.

SCH. 3

The principal Scottish Act

29.—(1) In subsection (1) of section 28, for paragraph (a) there shall be substituted the following paragraph:—

“(a) if he is under the age of thirteen years, or if, after the coming into force of regulations under section 32(2) of the Education (Scotland) Act 1962, he is under the age of fourteen years”.

(2) For subsection (3) of that section there shall be substituted the following subsection:—

“(3) Nothing in this section or in any byelaw made under this section shall prevent a child from taking part in a performance—

(a) under the authority of a licence granted under this Part of this Act; or

(b) in a case where by virtue of section 37(3) of the Children and Young Persons Act 1963 no licence under that section is required for him to take part in the performance.”

30. In section 33, for the words “public performance” there shall be substituted the words “performance to which section 37 of the Children and Young Persons Act 1963 applies and”.

31. In section 36(1), for the words “an entertainment or performance” there shall be substituted the words “a performance”.

32. In section 38(3), for the words “The said provisions” there shall be substituted the words “The provisions of this Part of this Act relating to employment”.

33. After subsection (5) of section 87 there shall be inserted the following subsection:—

“(6) In this section ‘school’, in relation to England and Wales, includes a remand home designated as a classifying centre under section 11 of the Children and Young Persons Act 1963.”

34. In paragraph 13 of Schedule 2 for the words from “powers, protection and privileges” to the end of the paragraph there shall be substituted the words “powers, protection and privileges—

(i) in the United Kingdom or the Isle of Man, of a constable;

(ii) in Jersey, of a member of the police;

(iii) in any other part of the Channel Islands, of an officer of police within the meaning of section 43 of the Larceny (Guernsey) Law 1958, or any corresponding law for the time being in force.”

The Education Act 1944

35.—(1) After subsection (4) of section 40 there shall be inserted the following subsection:—

“(4A) Without prejudice to the institution of proceedings for an offence under section 37 of this Act or the exercise of the power conferred on a court by subsection (3A) of this section, where the parent of a child has failed to comply with the requirements of a school attendance order served on him the

local education authority who served the order may bring the child before a juvenile court and the juvenile court, unless it appears to it that the child is receiving efficient full-time education suitable to his age, ability and aptitude otherwise than at school, may make any order which it has power to make under section 62 of the Children and Young Persons Act 1933 in the case of persons who are brought before it under that section; and if it does not make such an order it may direct that the school attendance order shall cease to be in force."

(2) In subsection (5) of that section, after the words "subsection (4)" there shall be inserted the words "or subsection (4A)".

36. After section 40 there shall be inserted the following section:—

"School attendance of vagrant children.

40A.—(1) Without prejudice to the institution of proceedings for an offence under section 10 of the Children and Young Persons Act 1933 (vagrants preventing children from receiving education), where it appears to a local education authority that a child of compulsory school age who is for the time being in their area is a child whom a person habitually wandering from place to place takes with him, the authority may bring the child before a juvenile court, and the court, unless it appears to it that he is receiving efficient full-time education suitable to his age, ability and aptitude, may make any order which it has power to make under section 62 of the said Act of 1933 in the case of persons who are brought before it under that section.

(2) For the purposes of the Children and Young Persons Acts 1933 to 1963, any child who is about to be brought or is brought before a juvenile court by virtue of this section shall be deemed to be a child about to be brought or, as the case may be, brought before such a court under the said section 62, and any order made by a juvenile court under this section shall be deemed to be an order made under that section."

The Family Allowances Act 1945

37. In section 11(1), paragraph (b) shall be omitted, and after paragraph (c) there shall be added the following paragraph:—

"(d) during which there is in force a provision of an order made by virtue of section 9 of the Children and Young Persons Act 1963 or an order under section 73(2) of the Children and Young Persons (Scotland) Act 1937 committing the child to custody in any place."

The Children Act 1948

38. For subsection (8) of section 3 there shall be substituted the following subsection:—

"(8) Any person who—

(a) knowingly assists or induces or persistently attempts to induce a child to whom this subsection applies to run away, or

(b) without lawful authority takes away such a child, or

SCH. 3

(c) knowingly harbours or conceals such a child who has run away or who has been taken away or prevents him from returning,

shall be liable on summary conviction to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding two months or to both.

This subsection applies to any child in the care of a local authority under section 1 of this Act with respect to whom a resolution is in force under section 2 thereof and for whom accommodation (whether in a home or otherwise) is being provided by the local authority in pursuance of Part II of this Act; and references in this subsection to running away or taking away or to returning are references to running away or taking away from, or to returning to, a place where accommodation is or was being so provided."

39. In section 10(1), the words "has not attained the age of sixteen and" shall be omitted.

40.—(1) In subsection (1) of section 38, after the words "the Children Act 1958" there shall be inserted the words "and of Parts I and III of the Children and Young Persons Act 1963".

(2) In subsection (2) of that section, after the words "this Act" there shall be inserted the words "and of section 1 and Part III of the Children and Young Persons Act 1963".

41. In section 39(1), after paragraph (g) there shall be inserted the following:—

"and

(h) the Children and Young Persons Act 1963, except Part II and section 56."

42. In section 43(1) after the words "the Children and Young Persons Act 1933" there shall be inserted the words "sections 1, 11 and 13 of the Children and Young Persons Act 1963".

43. In section 44(1), after the words "the Children and Young Persons (Scotland) Act 1937" there shall be inserted the words "section 1 of the Children and Young Persons Act 1963".

The Criminal Justice Act 1948

44. In section 75, for the words "young person", in each place where they occur, there shall be substituted the words "a person under the age of eighteen who has attained the age of fourteen", and after the words "sections 62 to 66" there shall be inserted the words "or subsection (8) of section 84".

The Criminal Justice (Scotland) Act 1949

45. In section 72(1), for the words from "or under section 38" to "1956" there shall be substituted the words "or under section 36(4) or section 44(3) of the Education (Scotland) Act 1962".

The Justices of the Peace Act 1949

46. In section 14(1), for the words from “ paragraph 1 ” to “ 1933 ” there shall be substituted the words “ section 15 of this Act ”.

The Criminal Justice Administration Act 1956

47. In section 18(4), after the words “ appeals from a juvenile court ” there shall be inserted the words “ and to cases of persons committed by a juvenile court to quarter sessions under section 28 of the Magistrates’ Courts Act 1952 or section 67 of the Mental Health Act 1959 ”.

The Mental Health Act 1959

48. In section 72(6)(a) after the words “ said Act of 1933 ” there shall be added the words “ or section 23 (5) of the Children and Young Persons Act 1963 ”.

49. In section 75(2), for the words from “ including an order ” to “ 1933 ” there shall be substituted the words “ including detention in pursuance of a provision made by virtue of section 9 of the Children and Young Persons Act 1963 ”.

The Criminal Justice Act 1961

50.—(1) In subsection (1) of section 29, after the words “ or remand home ” there shall be inserted the words “ special reception centre or other place of safety ”.

(2) In subsection (2) of that section, after the words “ taken back to the prison or other institution ” there shall be added the words “ or place ”.

(3) At the end of the section there shall be added the following subsection:—

“ (3) In this section ‘ special reception centre ’ has the same meaning as in the Children and Young Persons Act 1933 and ‘ place of safety ’ has—

- (a) in relation to England and Wales, the same meaning as in that Act ; and
- (b) in relation to Scotland, the same meaning as in the Children and Young Persons (Scotland) Act 1937 ; and
- (c) in relation to Northern Ireland, the same meaning as in the Children and Young Persons Act (Northern Ireland) 1950.”

The Criminal Justice Administration Act 1962

51. In section 4(7), after the words “ appeal from a juvenile court ” there shall be inserted the words “ or the case of a person committed by a juvenile court to quarter sessions under section 28 of the Magistrates’ Courts Act 1952 or section 67 of the Mental Health Act 1959 ”.

Section 64.

SCHEDULE 4

TRANSITIONAL PROVISIONS

1. Nothing in this Act shall affect the operation of section 64 of the principal Act in relation to an application made thereunder before the repeal of that section.

2. Section 20 of this Act shall not apply in relation to the case of any person committed to quarter sessions before the coming into operation of that section.

3. Any licence under section 22 of the principal Act or under section 32 of the principal Scottish Act shall be treated as a licence under section 37 of this Act.

4. The power to revoke or vary a licence under section 24 of the principal Act granted before the coming into operation of section 41(1) of this Act shall be exercisable by the local education authority in whose area the place where the person to whom the licence relates is to be trained in accordance with the licence is situated, or if more than one such place is specified in the licence, the local education authority for the area where the place first so specified is situated.

5. On the coming into operation of section 8 of this Act so much of any approved school order as specifies any school shall cease to have effect.

6.—(1) An approved school order made before the day on which section 9 of this Act comes into operation shall, if not then in effect, take effect on that day.

(2) If on that day the person to whom the order relates has not been sent to an approved school and the authority or person responsible for conveying him to his school is not named in or endorsed on the order, a juvenile court acting for the place where he is shall on the application of any person specify that authority or person and shall cause the approved school order to be delivered to the authority or person so specified.

7. Where an application under section 68(3) of the principal Act has not been determined on the coming into operation of section 8 of this Act, the applicant may make an application under subsection (3) of the said section 8 at any time not later than thirty days after the coming into operation of that section.

8. Any order under section 69(2) of the principal Act which is in force on the coming into operation of section 9 of this Act shall for the purposes of that section be treated as a provision made in pursuance of subsection (1) thereof.

9. A juvenile court panel formed for any two or more petty sessions areas before the coming into operation of Part I of Schedule 2 to this Act by an order under paragraph 1(3) of Schedule 2 to the principal Act shall be deemed to be a combined juvenile court panel formed under Part I of Schedule 2 to this Act and the order forming the panel may be revoked or varied by an order under that Part.

SCHEDULE 5

ENACTMENTS REPEALED

Section 64.

Session and Chapter	Short Title	Extent of Repeal
23 & 24 Geo. 5. c. 12.	The Children and Young Persons Act 1933.	<p>In section 1, in subsection (1), the words " or in default of payment of such a fine ", in both places where they occur.</p> <p>In section 3, in subsection (1), the words " or in default of payment of such a fine ".</p> <p>In section 4, in subsection (1), the words " or in default of payment of such a fine ".</p> <p>In section 14, subsection (3).</p> <p>Section 22.</p> <p>In section 24, subsections (3) and (5).</p> <p>In section 25, in subsection (1), the words " he has attained the age of fourteen years and ".</p> <p>In section 26, in subsection (1), the words " or in default of payment of such a fine ".</p> <p>In section 29, subsections (1) and (2).</p> <p>In section 35, in subsection (2), the words " and, in proper cases, as to available approved schools ".</p> <p>In section 39, in subsection (1), the words from " which arise " to " decency or morality ".</p> <p>In section 48, in subsection (1), the words " or an application relating to " and the words " or application ".</p> <p>In section 53, in subsection (4), the words from " and if he fails " to the end of the subsection.</p> <p>Section 61.</p> <p>In section 63, in subsection (1), the words " or any offence under section 10 of this Act ".</p> <p>Section 64.</p> <p>In section 66, in subsection (1), the words " and he is under the age of seventeen years ", and subsection (2).</p> <p>In section 67, in subsection (1), the words " child or young " in the second place where they occur; and in subsection (2), the words " child or young ".</p> <p>In section 68, subsections (2) and (3).</p>

SCH. 5

Session and Chapter	Short Title	Extent of Repeal
23 & 24 Geo. 5. c. 12— <i>cont.</i>	The Children and Young Persons Act 1933— <i>cont.</i>	<p>Section 69.</p> <p>In section 70, in subsection (3), the words “ which is made to take effect immediately ” and paragraph (a); and subsections (4) to (6).</p> <p>In section 72, in subsection (1), the words “ or makes any endorsement upon ”.</p> <p>In section 73, the words “ under the foregoing provisions of this Act ”.</p> <p>In section 84, in subsection (6), the words “ upon the application of any person ” and the proviso.</p> <p>In section 87, subsection (5).</p> <p>In section 107(1), in the definition of “ Approved school order ”, the words “ child or young ”, and the definition of “ In need of care and protection ”.</p> <p>Schedule 2.</p>
1 Edw. 8 & 1 Geo. 6. c. 37.	The Children and Young Persons (Scotland) Act 1937.	<p>In Schedule 4, paragraph 10.</p> <p>Section 32.</p> <p>In section 34, subsections (3) and (5).</p> <p>In section 37, paragraph (g).</p> <p>In section 38, subsections (1), (2) and (7).</p> <p>In section 46, in subsection (1), the words from “ which arise ” to “ decency or morality ”.</p>
1 & 2 Geo. 6. c. 40.	The Children and Young Persons Act 1938.	<p>Section 1.</p> <p>In section 2, the proviso.</p> <p>Section 4.</p> <p>In section 5, the words “ or is beyond the control of his parent or guardian ”.</p> <p>In section 6, in subsection (2), the words “ or section 69 ”.</p> <p>Section 7.</p> <p>In the Schedule, the amendment of section 64 of the principal Act; and in the words inserted into section 84 of the principal Act, the words “ upon the application of any person ” and the proviso.</p>
7 & 8 Geo. 6. c. 31.	The Education Act 1944	<p>Schedule 8 so far as it amends sections 22 and 61 of the principal Act.</p>
8 & 9 Geo. 6. c. 41.	The Family Allowances Act 1945.	<p>In section 11(1), paragraph (b).</p> <p>In section 26, in subsection (3), the word “ 69 ” and the word “ 73 ” in the second place where it occurs.</p>

Session and Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 6. c. 43.	The Children Act 1948	In section 10(1), the words "has not attained the age of sixteen and".
11 & 12 Geo. 6. c. 58.	The Criminal Justice Act 1948.	In section 19(1), the words "not less than ten but". In section 48(2), the words "of not less than ten but". Section 74. In Schedule 9, the entry relating to section 4 of the Children and Young Persons Act 1938.
12, 13 & 14 Geo. 6. c. 101.	The Justices of the Peace Act 1949.	In section 11, subsections (5) to (8). In section 15, in subsection (5), the words from "and the reference" to the end of the subsection.
15 & 16 Geo. 6. & 1 Eliz. 2. c. 50.	The Children and Young Persons (Amendment) Act 1952.	Section 1. In section 3, subsections (2) and (3). In section 5, subsections (1) and (2). Section 6. Section 7. In the Schedule, paragraphs 4, 6, 7 and 10.
4 & 5 Eliz. 2 c. 24.	The Children and Young Persons Act 1956.	In section 2(2) the words from "and the said powers" to the end of the subsection. In the Schedule, paragraphs 7(b) and 14(b).
4 & 5 Eliz. 2. c. 69.	The Sexual Offences Act 1956.	In Schedule 3, the amendment of section 61(1) of the principal Act.
7 & 8 Eliz. 2. c. 72.	The Mental Health Act 1959.	In section 61, in subsection (1), the words "or section 64" and in paragraph (a) the words from "or that his parent" to "as the case may be"; subsection (2); and in subsection (3), the words "or 64". In section 62, in subsection (4), the words "or section 64" and the words from "and in the case" to the end of the subsection.
9 & 10 Eliz. 2. c. 39.	The Criminal Justice Act 1961.	In section 70, in subsection (2), the words from "or that" to "control him". In section 10, subsection (1). In Schedule 4, in the entry relating to section 53 of the principal Act, the words from "and for the words" to the end of the entry; in the entry relating to Schedule 4 to the principal Act, the words

SCH. 5

Session and Chapter	Short Title	Extent of Repeal
9 & 10 Eliz. 2. c. 39— <i>cont.</i>	The Criminal Justice Act 1961— <i>cont.</i>	from “ and in paragraph 12 ” to the end of the entry; in the entry relating to section 19 of the Criminal Justice Act 1948 the words from “ and for ” to the end of the entry; and the entry relating to section 48 of the Criminal Justice Act 1948.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Criminal Evidence Act 1898	61 & 62 Vict. c. 36.
Oaths Act 1909	9 Edw. 7. c. 39.
Guardianship of Infants Act 1925	15 & 16 Geo. 5. c. 45.
Children and Young Persons Act 1933	23 & 24 Geo. 5. c. 12.
Summary Jurisdiction (Appeals) Act 1933	23 & 24 Geo. 5. c. 38.
Local Government Act 1933	23 & 24 Geo. 5. c. 51.
Children and Young Persons (Scotland) Act 1937	1 Edw. 8 & 1 Geo. 6. c. 37.
Children and Young Persons Act 1938	1 & 2 Geo. 6. c. 40.
Education Act 1944	7 & 8 Geo. 6. c. 31.
Family Allowances Act 1945	8 & 9 Geo. 6. c. 41.
Children Act 1948	11 & 12 Geo. 6. c. 43.
Criminal Justice Act 1948	11 & 12 Geo. 6. c. 58.
Criminal Justice (Scotland) Act 1949	12, 13 & 14 Geo. 6. c. 94.
Justices of the Peace Act 1949	12, 13 & 14 Geo. 6. c. 101.
Shops Act 1950	14 Geo. 6. c. 28.
Maintenance Orders Act 1950	14 Geo. 6. c. 37.
Magistrates' Courts Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.
Licensing Act 1953	1 & 2 Eliz. 2. c. 46.
Criminal Justice Administration Act 1956	4 & 5 Eliz. 2. c. 34.
Sexual Offences Act 1956	4 & 5 Eliz. 2. c. 69.
Maintenance Orders Act 1958	6 & 7 Eliz. 2. c. 39.
Matrimonial Proceedings (Children) Act 1958... ..	6 & 7 Eliz. 2. c. 40.
Local Government Act 1958	6 & 7 Eliz. 2. c. 55.
Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958	6 & 7 Eliz. 2. c. 64.
Children Act 1958	6 & 7 Eliz. 2. c. 65.
Adoption Act 1958	7 & 8 Eliz. 2. c. 5.
Licensing (Scotland) Act 1959	7 & 8 Eliz. 2. c. 51.
Mental Health Act 1959	7 & 8 Eliz. 2. c. 72.
Indecency with Children Act 1960	8 & 9 Eliz. 2. c. 33.
Matrimonial Proceedings (Magistrates' Courts) Act 1960	8 & 9 Eliz. 2. c. 48.
Mental Health (Scotland) Act 1960	8 & 9 Eliz. 2. c. 61.
Criminal Justice Act 1961	9 & 10 Eliz. 2. c. 39.
Licensing Act 1961	9 & 10 Eliz. 2. c. 61.
Criminal Justice Administration Act 1962	10 & 11 Eliz. 2. c. 15.
Education (Scotland) Act 1962	10 & 11 Eliz. 2. c. 47.

PRINTED BY PERCY FAULKNER, C.B.

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament
(37844)