

SCHEDULES

SCHEDULE 9

AMENDMENTS

The Children and Young Persons Act (Northern Ireland) 1968 (c. 34)

41. After section 132 (provision of remand homes) insert the following section—

“Appeals.

132A.—(1) Where under subsection (5) of section 132 it is proposed to remove a remand home from the register, the person having charge of or control over the premises may within twenty-eight days from the service of the notice under that subsection appeal to a tribunal (in this section called “an Appeal Tribunal”) constituted in accordance with the provisions of Schedule 4 against the proposal; and the home shall not be removed from the register before the determination of the appeal.

(2) An appeal under this section shall be brought by notice served on the Secretary of State requiring him to refer the proposal to an Appeal Tribunal.

(3) On an appeal under this section an Appeal Tribunal may—

- (a) confirm the proposal, or
- (b) direct that the home shall be registered,

and the Secretary of State shall comply with the direction.

(4) The Secretary of State may—

- (a) pay to members of Appeal Tribunals such fees and allowances as he, with the approval of the Treasury, may determine;
- (b) defray the expenses of such tribunals up to such amount as he, with the approval of the Treasury, may determine.

(5) An Appeal Tribunal may—

- (a) by summons require any person to attend, at such time and place as is set forth in the summons, to give evidence or to produce any documents or articles in his custody or under his control which relate to any appeal or other matter pending before the Tribunal;
- (b) hear, receive and examine evidence on oath and for that purpose may administer oaths, or instead of administering an oath require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined; and
- (c) also exercise the powers conferred by Schedule 4.

(6) Every person who—

- (a) refuses or wilfully neglects to attend in obedience to a summons issued under subsection (5) or to give evidence; or

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- (b) wilfully alters, suppresses, cancels or destroys or refuses to produce any document or article which he may be required to produce by virtue of that subsection, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale or to imprisonment for a term not exceeding six months or to both.
- (7) Any person entitled to appeal to an Appeal Tribunal may appear and be heard on any such appeal either in person or by counsel or solicitor.”.