



Children and Young Persons Act 1963

1963 CHAPTER 37

PART I

CARE AND CONTROL OF CHILDREN AND YOUNG PERSONS

Juvenile courts and proceedings in connection with children and young persons

16 Offences committed by children

- (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.

17 Constitution and place of sitting of juvenile courts

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

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—

- (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 Assessors for recorder in appeals and committals from juvenile courts

- (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.
- (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).
- (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.

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

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.

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

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.

22 Children and young persons arrested and not released

- (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.

23 Children and young persons detained in places of safety

- (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

Status: This is the original version (as it was originally enacted).

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 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.

24 Age limits for children sent to special reception centres

- (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.”

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

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

- (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 Medical evidence by certificate

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.

27 Evidence of children in committal proceedings for sexual offences

(1) In any proceedings before a magistrates' court inquiring into a sexual offence as examining justices—

- (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.

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

- (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.

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

- (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.