



Children and Young Persons Act 1963

1963 CHAPTER 37

PART I

CARE AND CONTROL OF CHILDREN AND YOUNG PERSONS

Welfare powers of local authorities

1 Extension of power to promote welfare of children

- (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.
- (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.
- (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

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

- (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.

3 Children and young persons beyond control

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

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

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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—

- (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 Supervision orders

- (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—
 - (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.
- (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.

6 Extension of s. 66 of principal Act

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

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

- (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

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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.

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

8 Selection of approved school

- (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.

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

- (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

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- (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 Escape of persons subject to approved school orders

- (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.
- (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 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.

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

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

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.

13 Contributions by persons detained in approved schools

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 then-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.

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

- (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.
- (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 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.

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

- (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

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 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 token 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.

Recovery of arrears of contributions

30 Recovery of arrears of contributions

- (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,

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

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.

Increase of certain penalties

31 Increase of penalty for cruelty

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 ".

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

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

33 New appeals

- (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.