

SCHEDULES

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 ".

Status: This is the original version (as it was originally enacted).

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

Status: This is the original version (as it was originally enacted).

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

Status: This is the original version (as it was originally enacted).

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

Status: This is the original version (as it was originally enacted).

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:—

“40A School attendance of vagrant children.

- (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
 - (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

Status: This is the original version (as it was originally enacted).

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 L 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, II 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 ".

Status: This is the original version (as it was originally enacted).

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 ".