



Criminal Justice (Scotland) Act 1963

1963 CHAPTER 39

PART II

APPROVED SCHOOLS

18 Release and supervision

- (1) At any time during the period of a person's detention in an approved school the managers of the school may, and if the Secretary of State so directs shall, release him:

Provided that no person shall be released within the first six months of that period without the consent of the Secretary of State.

- (2) A person who, after the commencement of this section, is released from an approved school (whether under subsection (1) of this section or at the expiration of the period of his detention, and whether he has been released on any previous occasion or not) shall, after his release, be subject to supervision under Part I of Schedule 2 to this Act.
- (3) Part II of Schedule 2 to this Act shall have effect for the purpose of enabling the managers of an approved school to exercise certain supervisory powers in relation to a person who has been under their supervision under Part I of that Schedule, if requested by him to do so.
- (4) Section 78 of the Children and Young Persons (Scotland) Act 1937 and paragraph 6 of Schedule 2 to that Act (which provisions relate to supervision, licence and recall) shall cease to have effect.

19 Temporary removal from approved school

- (1) Where, in the case of a person who is detained in an approved school, the managers of that school have decided to bring him before a court of summary jurisdiction under paragraph 8 of Schedule 2 to the Children and Young Persons (Scotland) Act 1937 on the ground of serious misconduct, that person may be dealt with in accordance with the following provisions of this section.

Status: This is the original version (as it was originally enacted).

- (2) If it appears to a justice of the peace (not being a manager of the approved school), on sworn information laid by or on behalf of the managers of the school, that a person detained in the school, to whom subsection (1) above applies, should be removed therefrom without delay, the justice may issue a warrant authorising the managers or, on cause shown, directing a constable to remove that person to a place specified in the warrant in accordance with the next following subsection, and section 20 (3) of the Summary Jurisdiction (Scotland) Act 1954 (which relates to the bringing of persons in custody before a court) shall apply in relation to a person removed as aforesaid as it applies to a person apprehended under a warrant issued under that section.
- (3) Any one of the following places may be specified in a warrant issued for the purposes of the last foregoing subsection, that is to say.—
- (a) remand home,
 - (b) remand centre,
 - (c) police station,
 - (d) approved school,
 - (e) hospital :

Provided that in the case of the two places last mentioned the managers or, as the case may be, the board of management are willing temporarily to receive the person named in the warrant.

- (4) In this section any reference to a justice of the peace includes a reference to the sheriff and to a magistrate.

20 Procedure in cases of serious misconduct, etc.

- (1) It shall no longer be a requirement that the managers of an approved school who bring a person before a court under paragraph 8 of Schedule 2 to the Children and Young Persons (Scotland) Act 1937 on the ground of serious misconduct shall be authorised in that behalf by the Secretary of State.
- (2) A court of summary jurisdiction, in exercising its powers under section 70 of the Criminal Justice (Scotland) Act 1949 (which among other things confers certain powers on a court in relation to persons brought before it for serious misconduct while detained in an approved school or for absconding therefrom), shall have the like power to adjourn the case for inquiry, or for any other necessary cause, as it has in relation to the case of an accused or convicted person, and may, during the period of adjournment, commit a person so brought before it to any place (other than a police station) that may be specified for the purposes of section 19 (2) above.
- (3) A person committed under this section to an approved school shall, while liable to be detained therein, be treated as if he were so liable by virtue of an approved school order; and, without prejudice to the foregoing provision, the enactments relating to persons detained in approved schools shall apply in relation to any person so committed as if he were detained in and under the care of the managers of the school in which he was detained before committal.

21 Directions as to management of approved schools

- (1) If it appears to the Secretary of State that the provision made in any approved school with regard to any matter relating to the premises or equipment of the school, the number or grades of the staff employed in the school, or the education, training or

welfare of persons under the care of the managers is inadequate or unsuitable, he may give to the managers such directions as he thinks necessary for securing that proper provision is made with respect thereto.

- (2) Where it appears to the Secretary of State that the managers of an approved school have failed to give effect to any directions under this section, section 83 (2) of the Children and Young Persons (Scotland) Act 1937 (which empowers the Secretary of State in certain circumstances to withdraw his certificate of approval) shall apply as it applies where he is dissatisfied as mentioned in that section.

22 Constitution of managers

- (1) The Secretary of State may by order make provision for regulating the constitution and proceedings of the managers of any approved school other than a school provided by a local authority or by a joint committee representing two or more local authorities; and any such order shall have effect notwithstanding anything in any trust deed relating to the school.
- (2) Before making an order under the foregoing subsection in respect of any school, the Secretary of State shall afford to the managers of the school an opportunity for making representations with respect to the proposed order; and in making any such order the Secretary of State shall have regard to all the circumstances of the school, and to the manner in which it has been managed theretofore.
- (3) In the case of an approved school, other than a school provided by a local authority or by a joint committee representing two or more local authorities, the Secretary of State may appoint one or more persons as additional members of the body constituting the managers of the school; and any person so appointed shall, notwithstanding anything in any trust deed relating to the school or in any order made in respect of the school under subsection (1) of this section, be one of the managers of the school until such time as his appointment is terminated by the Secretary of State or under subsection (4) of this section.
- (4) Any order or appointment made under this section in respect of an approved school shall cease to have effect in the event of that school ceasing to be an approved school; but nothing in this subsection shall affect the validity of anything done while the order or appointment was in force.
- (5) In this section " trust deed ", in relation to any school, includes any instrument (not being an order under this section) regulating the constitution of the school or its maintenance, management or conduct, or the constitution or proceedings of its managers.