



Children and Young Persons Act 1969

1969 CHAPTER 54

PART I

CARE AND OTHER TREATMENT OF JUVENILES THROUGH COURT PROCEEDINGS

Consequential changes in criminal proceedings etc.

PROSPECTIVE

F14

Textual Amendments

F1 S. 4 repealed (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), ss. 72, 101(2), [Sch 13](#); [S.I. 1992/333](#), art. 2(2), [Sch.2](#)

5 Restrictions on criminal proceedings for offences by young persons.

F2(1)

F2(2)

F2(3)

F2(4)

F2(5)

F2(6)

F2(7)

Status: Point in time view as at 01/10/1992. This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons Act 1969, Cross Heading: Consequential changes in criminal proceedings etc.. (See end of Document for details)

(8) It shall be the duty of a person who decides to lay an information in respect of an offence in a case where he has reason to believe that the alleged offender is a young person to give notice of the decision to the appropriate local authority unless he is himself that authority.

(9) In this section—

“the appropriate local authority”, in relation to a young person, means the local authority for the area in which it appears to the informant in question that the young person resides or, if the young person appears to the informant not to reside in the area of a local authority, the local authority in whose area it is alleged that the relevant offence or one of the relevant offences was committed; and

^{F3} . . .

and ^{F3} . . . ; but nothing in this section shall be construed as preventing any council or other body from acting by an agent for the purposes of this section.

Textual Amendments

F2 S. 5(1)-(7) repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 72, 101(2), **Sch. 13**; S.I. 1992/333, art. 2(2), **Sch.2**

F3 Definitions in s. 5(9) repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 72, 101(2), **Sch. 13**; S.I. 1992/333, art. 2(2), **Sch.2**

6 ^{F4}

Textual Amendments

F4 S. 6 repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154(2), **Sch. 9**

7 Alterations in treatment of young offenders etc.

(1) ^{F5}

(2) ^{F6}

(3) ^{F7}

(5) An order sending a person to an approved school shall not be made after such day as the Secretary of State may by order specify for the purposes of this subsection.

^{XI}(6) Sections 54 and 57 of the Act of 1933 (which among other things enables a child or young person found guilty of an offence to be sent to a remand home or committed to the care of a fit person) shall cease to have effect.

(7) Subject ^{F8} . . . to the enactments requiring cases to be remitted to [^{F9}youth courts] and to section 53(1) of the Act of 1933 (which provides for detention for certain crimes), where a child ^{F10} . . . or a young person is found guilty of any offence by or before any court, that court or the court to which his case is remitted shall have power— ^{F11}

(a) . . .

(b) to make a supervision order in respect of him; or

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^{F12}(c)

and, if it makes such an order as is mentioned in this subsection while another such order made by any court is in force in respect of the child or young person, shall also have power to discharge the earlier order; ^{F13} . . .

^{F14}(7A)

^{F15}(7B)

^{F15}(7C)

(8) Without prejudice to the power to remit any case to a [^{F9}youth court] which is conferred on a magistrates' court other than a [^{F9}youth court] by section 56(1) of the Act of 1933, in a case where such a magistrates' court finds a person guilty of an offence and either he is a young person or was a young person when the proceedings in question were begun it shall be the duty of the court to exercise that power unless the court [^{F16}is of the opinion that the case is one which can properly be dealt with by means of—

- (a) an order discharging him absolutely or conditionally; or
- (b) an order for the payment of a fine; or
- (c) an order requiring his parent or guardian to enter into a recognisance to take proper care of him and exercise proper control over him,

with or without any other order that the court has power to make when absolutely or conditionally discharging an offender.]

Editorial Information

- X1** The text of s. 7(6) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Textual Amendments

- F5** S. 7(1) repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 16**
- F6** S. 7(2) repealed by Powers of Criminal Courts Act 1973 (c. 62, SIF 39:1), **Sch. 6**
- F7** S. 7(3)(4) repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 16**
- F8** Words in s. 7(7) repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch. 15**, (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**
- F9** Words in s. 7 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11**, para. 40(2)(g); S.I. 1992/333, art. 2(2), **Sch.2**
- F10** Words in s. 7(7) repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 13**; S.I. 1992/333, art. 2(2), **Sch.2**
- F11** S. 7(7)(a) repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch. 15**, (with Sch. 14 paras. 1(1), 27(4), 36(3)(a)); S.I. 1991/828, **art. 3(2)**
- F12** S. 7(7)(c) repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), **Sch.13**; S.I. 1992/333, art. 2(2), **Sch.2**
- F13** Words in s. 7(7) repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch. 15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**
- F14** S. 7(7A) (which was inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 23(b)) repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch. 15**, (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**
- F15** S. 7(7B)(7C) (which were inserted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s.108(4)(6), Sch. 12 para. 21 (with **Sch. 14 para. 1(1)**; S.I. 1991/828, **art. 3(2)**) repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), **Sch.13**; S.I. 1992/333, art. 2(2), **Sch.2**
- F16** Words substituted by Criminal Justice Act 1972 (c. 71, SIF 39:1), **Sch. 5**

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Modifications etc. (not altering text)

C1 31.12.1970 specified for purposes of s. 7(5) by S.I. 1970/1499, art. 2

F17 7A

Textual Amendments

F17 S. 7A repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), Sch.15, (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, art. 3(2)

F18 8

Textual Amendments

F18 S. 8 repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 72, 101(2), Sch. 13; S.I. 1992/333, art. 2(2), Sch.2

9 Investigations by local authorities.

- (1) Where a local authority or a local education authority bring ^{F19} . . . proceedings for an offence alleged to have been committed by a young person or are notified that any such proceedings are being brought, it shall be the duty of the authority, unless they are of opinion that it is unnecessary to do so, to make such investigations and provide the court before which the proceedings are heard with such information relating to the home surroundings, school record, health and character of the person in respect of whom the proceedings are brought as appear to the authority likely to assist the court.
- (2) If the court mentioned in subsection (1) of this section requests the authority aforesaid to make investigations and provide information or to make further investigations and provide further information 4 relating to the matters aforesaid, it shall be the duty of the authority to comply with the request.

Textual Amendments

F19 Words in s. 9(1) repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), Sch.15, (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, art. 3(2)

10 Further limitations on publication of particulars of children and young persons etc. E+W

- (1) In subsection (1) of section 49 of the Act of 1933 (which among other things imposes restrictions on reports of certain court proceedings concerning children or young persons but authorises the court or the Secretary of State, if satisfied that it is in the interests of justice to do so, to dispense with the requirements of that section)—
 - ^{F20}(a) the references to a young person concerned in the proceedings as the person in respect of whom they are taken shall be construed as including references to any person who has attained the age of seventeen but not eighteen and

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- against or in respect of whom the proceedings are taken and, in the case of proceedings under Part I of this Act, any other person in respect of whom those proceedings are taken;] and
- (b) the references to a [^{F21}youth court] shall, in relation to proceedings in pursuance of the provisions of sections 15 and 16 of this Act or on appeal from such proceedings, be construed as including a reference to any other magistrates' court or, as the case may be, the court in which the appeal is brought; and
 - (c) for the words “in the interests of justice so to do” there shall be substituted words “appropriate to do so for the purpose of avoiding injustice to a child or young person” and after the word “section” there shall be inserted the words “in relation to him”.
- (2) Where by virtue of paragraph (b) of the preceding subsection the said section 49 applies to any proceedings, it shall be the duty of the court in which the proceedings are taken to announce in the course of the proceedings that that section applies to them; and if the court fails to do so that section shall not apply to the proceedings in question.
- (3) ^{F22}

Textual Amendments

- F20** S. 10(1)(a) repealed (E.W.) (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), **Sch. 13**; S.I. 1992/333, art. 2(2), **Sch. 2**
- F21** Words in s. 10 substituted (E.W.)(1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para. 40(2)(g)**; S.I. 1992/333, art. 2(2), **Sch. 2**
- F22** S. 10(3) repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154(2), **Sch. 9**

10 Further limitations on publication of particulars of children and young persons etc. **S**

- (1) In subsection (1) of section 49 of the Act of 1933 (which among other things imposes restrictions on reports of certain court proceedings concerning children or young persons but authorises the court or the Secretary of State, if satisfied that it is in the interests of justice to do so, to dispense with the requirements of that section)—
- (a) the references to a young person concerned in the proceedings as the person in respect of whom they are taken shall be construed as including references to any person who has attained the age of seventeen but not eighteen and against or in respect of whom the proceedings are taken and, in the case of proceedings under Part I of this Act, any other person in respect of whom those proceedings are taken; and
 - (b) the references to a juvenile court shall, in relation to proceedings in pursuance of the provisions of sections 15 and 16 of this Act or on appeal from such proceedings, be construed as including a reference to any other magistrates' court or, as the case may be, the court in which the appeal is brought; and
 - (c) for the words “in the interests of justice so to do” there shall be substituted words “appropriate to do so for the purpose of avoiding injustice to a child or young person” and after the word “section” there shall be inserted the words “in relation to him”.
- (2) Where by virtue of paragraph (b) of the preceding subsection the said section 49 applies to any proceedings, it shall be the duty of the court in which the proceedings

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are taken to announce in the course of the proceedings that that section applies to them; and if the court fails to do so that section shall not apply to the proceedings in question.

(3) **F23**

Extent Information

E1 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only.

Textual Amendments

F23 S. 10(3) repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154(2), **Sch. 9**

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