



Children and Young Persons Act 1969

1969 CHAPTER 54

PART I

CARE AND OTHER TREATMENT OF JUVENILES THROUGH COURT PROCEEDINGS

Detention

28 Detention of child or young person in place of safety

- (1) If, upon an application to a justice by any person for authority to detain a child or young person and take him to a place of safety, the justice is satisfied that the applicant has reasonable cause to believe that—
- (a) any of the conditions set out in section 1(2)(a) to (e) of this Act is satisfied in respect of the child or young person; or
 - (b) an appropriate court would find the condition set out in section 1(2)(b) of this Act satisfied in respect of him; or
 - (c) the child or young person is about to leave the United Kingdom in contravention of section 25 of the Act of 1933 (which regulates the sending abroad of juvenile entertainers),

the justice may grant the application; and the child or young person in respect of whom an authorisation is issued under this subsection may be detained in a place of safety by virtue of the authorisation for twenty-eight days beginning with the date of authorisation, or for such shorter period beginning with that date as may be specified in the authorisation.

- (2) Any constable may detain a child or young person as respects whom the constable has reasonable cause to believe that any of the conditions set out in section 1(2)(a) to (d) of this Act is satisfied or that an appropriate court would find the condition set out in section 1(2)(b) of this Act satisfied or that an offence is being committed under section 10(1) of the Act of 1933 (which penalises a vagrant who takes a juvenile from place to place).

Status: This is the original version (as it was originally enacted).

- (3) A person who detains any person in pursuance of the preceding provisions of this section shall, as soon as practicable after doing so, inform him of the reason for his detention and take such steps as are practicable for informing his parent or guardian of his detention and of the reason for it.
- (4) A constable who detains any person in pursuance of subsection (2) of this section or who arrests a child without a warrant otherwise than for homicide shall as soon as practicable after doing so secure that the case is enquired into by a police officer not below the rank of inspector or by the police officer in charge of a police station, and that officer shall on completing the enquiry either—
- (a) release the person in question; or
 - (b) if the officer considers that he ought to be further detained in his own interests or, in the case of an arrested child, because of the nature of the alleged offence, make arrangements for his detention in a place of safety and inform him, and take such steps as are practicable for informing his parent or guardian, of his right to apply to a justice under subsection (5) of this section for his release ;
- and subject to the said subsection (5) it shall be lawful to detain the person in question in accordance with any such arrangements.
- (5) It shall not be lawful for a child arrested without a warrant otherwise than for homicide to be detained in consequence of the arrest or such arrangements as aforesaid, or for any person to be detained by virtue of subsection (2) of this section or any such arrangements, after the expiration of the period of eight days beginning with the day on which he was arrested or, as the case may be, on which his detention in pursuance of the said subsection (2) began; and if during that period the person in question applies to a justice for his release, the justice shall direct that he be released forthwith unless the justice considers that he ought to be further detained in his own interests or, in the case of an arrested child, because of the nature of the alleged offence.
- (6) If while a person is detained in pursuance of this section an application for an interim order in respect of him is made to a magistrates' court or a justice, the court or justice shall either make or refuse to make the order and, in the case of a refusal, may direct that he be released forthwith.

29 Release or further detention of arrested child or young person

- (1) Where a person is arrested with or without a warrant and cannot be brought immediately before a magistrates' court, then if either—
- (a) he appears to be a child and his arrest is for homicide ; or
 - (b) he appears to be a young person and his arrest is for any offence,
- the police officer in charge of the police station to which he is brought or another police officer not below the rank of inspector shall forthwith enquire into the case and, subject to subsection (2) of this section, shall release him unless—
- (i) the officer considers that he ought in his own interests to be further detained ;
or
 - (ii) the officer has reason to believe that he has committed homicide or another grave crime or that his release would defeat the ends of justice or that if he were released (in a case where he was arrested without a warrant) he would fail to appear to answer to any charge which might be made.
- (2) A person arrested in pursuance of a warrant shall not be released in pursuance of subsection (1) of this section unless he or his parent or guardian (with or without

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sureties) enters into a recognisance for such amount as the officer aforesaid considers will secure his attendance at the hearing of the charge; and a recognisance entered into in pursuance of this subsection may, if the said officer thinks fit, be conditioned for the attendance of the parent or guardian at the hearing in addition to the person arrested.

- (3) An officer who enquires into a case in pursuance of subsection (1) of this section and does not release the person to whom the enquiry relates shall, unless the officer certifies that it is impracticable to do so or that he is of so unruly a character as to make it inappropriate to do so, make arrangements for him to be taken into the care of a local authority and detained by the authority, and it shall be lawful to detain him in pursuance of the arrangements; and a certificate made under this subsection in respect of any person shall be produced to the court before which that person is first brought thereafter.
- (4) Where an officer decides in pursuance of subsection (1) of this section not to release a person arrested without a warrant and it appears to the officer that a decision falls to be taken in pursuance of section 5 of this Act whether to lay an information in respect of an offence alleged to have been committed by that person, it shall be the duty of the officer to inform him that such a decision falls to be taken and to specify the offence.
- (5) A person detained by virtue of subsection (3) of this section shall be brought before a magistrates' court within seventy-two hours from the time of his arrest unless within that period a police officer not below the rank of inspector certifies to a magistrates' court that by reason of illness or accident he cannot be brought before a magistrates' court within that period.
- (6) Where in pursuance of the preceding subsection a person is brought before a court or a certificate in respect of any person is produced to a court and the court does not proceed forthwith to inquire into the case, then—
 - (a) except in a case falling within paragraph (b) of this subsection, the court shall order his release; and
 - (b) in a case where he was arrested in pursuance of a warrant or the court considers that he ought in his own interests to be further detained or the court has reason to believe as mentioned in subsection (1)(ii) of this section, the court shall remand him ;

and where a court remands a person in pursuance of this subsection otherwise than on bail it shall, if he is not represented by counsel or a solicitor, inform him that he may apply to a judge of the High Court to be admitted to bail and shall, if he is not so represented or his counsel or solicitor so requests, give him a written notice stating the reason for so remanding him.

30 Detention of young offenders in community homes

- (1) The power to give directions under section 53 of the Act of 1933 (under which young offenders convicted on indictment of certain grave crimes may be detained in accordance with directions given by the Secretary of State) shall include power to direct detention by a local authority specified in the directions in a home so specified which is a community home provided by the authority or a controlled community home for the management, equipment and maintenance of which the authority are responsible ; but a person shall not be liable to be detained in the manner provided by this section after he attains the age of nineteen.
- (2) It shall be the duty of a local authority specified in directions given in pursuance of this section to detain the person to whom the directions relate in the home specified in

the directions subject to and in accordance with such instructions relating to him as the Secretary of State may give to the authority from time to time; and the authority shall be entitled to recover from the Secretary of State any expenses reasonably incurred by them in discharging that duty.

31 Removal to borstal institutions of persons committed to care of local authorities

- (1) Where a person who has attained the age of fifteen is for the time being committed to the care of a local authority by a care order (other than an interim order) and accommodated in a community home and the authority consider that he ought to be removed to a borstal institution under this section, they may with the consent of the Secretary of State bring him before a juvenile court.
- (2) If the court before which a person is brought in pursuance of this section is satisfied that his behaviour is such that it will be detrimental to the persons accommodated in any community home for him to be accommodated there, the court may order him to be removed to a borstal institution.
- (3) Where an order is made under subsection (2) of this section with respect to any person, the care order aforesaid shall cease to have effect and he shall be treated as if he had been sentenced to borstal training on the date of the other order, except that—
 - (a) where the day on which the care order would have ceased to have effect by virtue of section 20(3) of this Act (disregarding section 21(1)) is earlier than the end of the period of two years beginning with the date aforesaid he shall, subject to paragraph (b) of this subsection, not be liable to be detained by virtue of this subsection after that day; and
 - (b) section 45(4) of the Prison Act 1952 shall apply to him as if for the reference to two years from the date of his sentence there were substituted a reference to that day.
- (4) If the court before which a person is brought in pursuance of this section is not in a position to decide whether to make an order under subsection (2) of this section in respect of him, it may make an order for his detention in a remand centre for a period not exceeding twenty-one days.
- (5) An order under the preceding subsection may from time to time be varied or extended by the court which made the order or by any other magistrates' court acting for the same area as that court, but a court shall not exercise its powers under this subsection—
 - (a) if the person to whom the order relates is not before the court, unless the court is satisfied that by reason of illness or accident he cannot be present;
 - (b) so as to authorise the detention of that person after the expiration of the period of eight weeks beginning with the date when the order was originally made.
- (6) The provisions of the Magistrates' Courts Act 1952 and of any other enactment relating to summary proceedings (other than provisions relating to remand or legal aid) shall apply to proceedings for the removal of a person under this section as they apply to proceedings against a person charged with a summary offence.
- (7) Where immediately before an order under paragraph (f) of section 34(1) of this Act comes into force an order under this section is in force with respect to any person, the order under that paragraph shall not affect the other order or the application of this section to that person while the other order remains in force.

32 Detention of absentees

- (1) If any of the following persons, that is to say—
- (a) a person committed to the care of a local authority by a care order or by a warrant under section 23 of this Act; or
 - (b) a person who, in pursuance of section 2(5), 16(3) or 28 of this Act, has been taken to a place of safety which is a community home provided by a local authority or a controlled community home ; or
 - (c) a person in the care of a local authority in pursuance of arrangements under section 29(3) of this Act; or
 - (d) a person sent to a remand home, special reception centre or training school or committed to the care of a fit person under the Children and Young Persons Act (Northern Ireland) 1968,

is absent from premises at which he is required by the local authority or the relevant Northern Ireland authority to live, or as the case may be is absent from the home, remand home, special reception centre or training school, at a time when he is not permitted by the local authority or the managers of the home or the relevant Northern Ireland authority to be absent from it, he may be arrested by a constable anywhere in the United Kingdom or the Channel Islands without a warrant and shall if so arrested be conducted, at the expense of the authority or managers, to the premises or other place aforesaid or such other premises as the authority or managers may direct.

- (2) If a magistrates' court is satisfied by information on oath that there are reasonable grounds for believing that a person specified in the information can produce a person who is absent as mentioned in subsection (1) of this section, the court may issue a summons directed to the person so specified and requiring him to attend and produce the absent person before the court; and a person who without reasonable excuse fails to comply with any such requirement shall, without prejudice to any liability apart from this subsection, be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding twenty pounds.

In the application of this subsection to Northern Ireland, "magistrates' court" means a magistrates' court within the meaning of the Magistrates' Courts Act (Northern Ireland) 1964.

- (3) A person who knowingly compels, persuades, incites or assists another person to become or continue to be absent as mentioned in subsection (1) of this section shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or a fine of an amount not exceeding one hundred pounds or both.
- (4) The reference to a constable in subsection (1) of this section includes a reference to a person who is a constable under the law of any part of the United Kingdom, to a member of the police in Jersey and to 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, and in that subsection " the relevant Northern Ireland authority" means in the case of a person committed to the care of a fit person, the fit person, and in the case of a person sent to a remand home, special reception centre or training school, the person in charge of that home or centre or the managers of that school.
- (5) Nothing in this section authorises the arrest in Northern Ireland of, or the taking there of any proceedings in respect of, such a person as is mentioned in paragraph (d) of subsection (1) of this section.