



# Children and Young Persons Act 1969

## 1969 CHAPTER 54

### PART I

#### CARE AND OTHER TREATMENT OF JUVENILES THROUGH COURT PROCEEDINGS

##### *Supervision*

#### **11 Supervision orders**

Any provision of this Act authorising a court to make a supervision order in respect of any person shall be construed as authorising the court to make an order placing him under the supervision of a local authority designated by the order or of a probation officer ; and in this Act " supervision order " shall be construed accordingly and " supervised person " and " supervisor ", in relation to a supervision order, mean respectively the person placed or to be placed under supervision by the order and the person under whose supervision he is placed or to be placed by the order.

#### **12 Power to include requirements in supervision orders**

- (1) A supervision order may require the supervised person to reside with an individual named in the order who agrees to the requirement, but a requirement imposed by a supervision order in pursuance of this subsection shall be subject to any such requirement of the order as is authorised by the following provisions of this section.
- (2) Subject to section 19(6) of this Act, a supervision order may require the supervised person to comply with such directions of the supervisor as are mentioned in paragraph (a) or (b) or paragraphs (a) and (b) of this subsection, that is to say—
  - (a) directions requiring the supervised person to live for a single period specified in the directions at a place so specified;
  - (b) directions given from time to time requiring him to do all or any of the following things—
    - (i) to live at a place or places specified in the directions for a period or periods so specified,

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- (ii) to present himself to a person or persons specified in the directions at a place or places and on a day or days so specified,
- (iii) to participate in activities specified in the directions on a day or days so specified ;

but it shall be for the supervisor to decide whether and to what extent he exercises any power to give directions conferred on him by virtue of the preceding provisions of this subsection and to decide the form of any directions; and a requirement imposed by a supervision order in pursuance of this subsection shall be subject to any such requirement of the order as is authorised by subsection (4) of this section.

(3) The periods specified in directions given by virtue of subsection (2) of this section in pursuance of a supervision order shall be in accordance with the following provisions, that is to say—

- (a) the aggregate of the periods specified in directions given by virtue of paragraph (a) and paragraph (b) of that subsection shall not exceed ninety days ;
- (b) the period specified in directions given by virtue of the said paragraph (a) shall not exceed ninety days and subject to paragraph (e) below shall not begin after the expiration of one year beginning with the date of the order or, if the directions are authorised solely by a variation of the order, with the date of the variation;
- (c) the aggregate of the periods specified in directions given by virtue of the said paragraph (b) shall not exceed thirty days in the year beginning with the date aforesaid and thirty days in any year beginning with an anniversary of that date ;
- (d) if the order provides that any of the preceding paragraphs of this subsection is to have effect in relation to the order as if for a reference to ninety days or thirty days there were substituted a reference to a shorter period specified in the order, the paragraph in question shall have effect accordingly ;
- (e) for the purpose of calculating the period or periods in respect of which directions may be given in pursuance of the order—
  - (i) the supervisor shall be entitled to disregard any day in respect of which directions were previously given in pursuance of the order and on which the directions were not complied with;
  - (ii) a direction given in respect of one or more parts of a day shall be treated as given in respect of the whole of the day,

and if during the year mentioned in paragraph (b) of this subsection the supervised person is given such directions as are there mentioned specifying a period beginning in that year but does not begin to comply with the directions during that year, the supervisor shall be entitled to disregard so much of that paragraph as prevents that period from beginning after the expiration of that year.

(4) Where a court which proposes to make a supervision order is satisfied, on the evidence of a medical practitioner approved for the purposes of section 28 of the Mental Health Act 1959, that the mental condition of a supervised person is such as requires and may be susceptible to treatment but is not such as to warrant his detention in pursuance of a hospital order under Part V of that Act, the court may include in the supervision order a requirement that the supervised person shall, for a period specified in the order, submit to treatment of one of the following descriptions so specified, that is to say—

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- (a) treatment by or under the direction of a fully registered medical practitioner specified in the order ;
  - (b) treatment as a non-resident patient at a place specified in the order ; or
  - (c) treatment as a resident patient in a hospital or mental nursing home within the meaning of the said Act of 1959, but not a special hospital within the meaning of that Act.
- (5) A requirement shall not be included in a supervision order in pursuance of the preceding subsection—
- (a) in any case, unless the court is satisfied that arrangements have been or can be made for the treatment in question and, in the case of treatment as a resident patient, for the reception of the patient;
  - (b) in the case of an order made or to be made in respect of a person who has attained the age of fourteen, unless he consents to its inclusion ;
- and a requirement so included shall not in any case continue in force after the supervised person becomes eighteen.

### **13 Selection of supervisor**

- (1) A court shall not designate a local authority as the supervisor by a provision of a supervision order unless the authority agree or it appears to the court that the supervised person resides or will reside in the area of the authority.
- (2) A court shall not insert in a supervision order a provision placing a child under the supervision of a probation officer unless the local authority of which the area is named or to be named in the order in pursuance of section 18(2)(a) of this Act so request and a probation officer is already exercising or has exercised, in relation to another member of the household to which the child belongs, duties imposed by paragraph 3(5) of Schedule 5 to the Criminal Justice Act 1948 or by rules under paragraph 6(b) of that Schedule.
- (3) Where a provision of a supervision order places a person under the supervision of a probation officer, the supervisor shall be a probation officer appointed for or assigned to the petty sessions area named in the order in pursuance of section 18(2)(a) of this Act and selected under arrangements made by the probation and after-care committee ; but if the probation officer selected as aforesaid dies or is unable to carry out his duties or if the case committee dealing with the case think it desirable that another officer should take his place, another probation officer shall be selected as aforesaid for the purposes of the order.

### **14 Duty of supervisor**

While a supervision order is in force it shall be the duty of the supervisor to advise, assist and befriend the supervised person.

### **15 Variation and discharge of supervision orders**

- (1) If while a supervision order is in force in respect of a supervised person who has not attained the age of eighteen it appears to a juvenile court, on the application of the supervisor or the supervised person, that it is appropriate to make an order under this subsection, the court may make an order discharging the supervision order or varying it by—

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- (a) cancelling any requirement included in it in pursuance of section 12 or section 18(2)(b) of this Act; or
  - (b) inserting in it (either in addition to or in substitution for any of its provisions) any provision which could have been included in the order if the court had then had power to make it and were exercising the power,
- and may on discharging the supervision order make a care order (other than an interim order) in respect of the supervised person ; but the powers of variation conferred by this subsection do not include power to insert in the supervision order, after the expiration of twelve months beginning with the date when the order was originally made, a requirement in pursuance of section 12(2)(a) of this Act or, after the expiration of three months beginning with that date, a requirement in pursuance of section 12(4) of this Act, unless in either case it is in substitution for such a requirement already included in the order.
- (2) If on an application in pursuance of the preceding subsection, in a case where the supervised person has attained the age of seventeen and the supervision order was not made by virtue of section 1 of this Act or on the occasion of the discharge of a care order, it appears to the court appropriate to do so it may proceed as if the application were in pursuance of subsection (3) or, if it is made by the supervisor, in pursuance of subsections (3) and (4) of this section and as if in that subsection or those subsections, as the case may be, the word " seventeen " were substituted for the word " eighteen " and the words " a magistrates' court other than " were omitted.
- (3) If while a supervision order is in force in respect of a supervised person who has attained the age of eighteen it appears to a magistrates' court other than a juvenile court, on the application of the supervisor or the supervised person, that it is appropriate to make an order under this subsection, the court may make an order discharging the supervision order or varying it by
- (a) inserting in it a provision specifying the duration of the order or altering or cancelling such a provision already included in it; or
  - (b) substituting for the provisions of the order by which the supervisor is designated or by virtue of which he is selected such other provisions in that behalf as could have been included in the order if the court had then had power to make it and were exercising the power; or
  - (c) substituting for the name of an area included in the order in pursuance of section 18(2)(a) of this Act the name of any other area of a local authority or petty sessions area, as the case may be, in which it appears to the court that the supervised person resides or will reside; or
  - (d) cancelling any provision included in the order by virtue of section 18(2)(b) of this Act or inserting in it any provision prescribed for the purposes of that paragraph ; or
  - (e) cancelling any requirement included in the order in pursuance of section 12(1) or (2) of this Act.
- (4) If while a supervision order is in force in respect of a supervised person who has attained the age of eighteen it is proved to the satisfaction of a magistrates' court other than a juvenile court, on the application of the supervisor, that the supervised person has failed to comply with any requirement included in the supervision order in pursuance of section 12 or section 18(2)(b) of this Act, the court may—
- (a) whether or not it also makes an order under subsection (3) of this section, order him to pay a fine of an amount not exceeding twenty pounds or, subject

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to subsection (10) of the following section, make an attendance centre order in respect of him ;

- (b) if it also discharges the supervision order, make an order imposing on him any punishment which it could have imposed on him if it had then had power to try him for the offence in consequence of which the supervision order was made and had convicted him in the exercise of that power;

and in a case where the offence in question is of a kind which the court has no power to try or has no power to try without appropriate consents, the punishment imposed by virtue of paragraph (b) of this subsection shall not exceed that which any court having power to try such an offence could have imposed in respect of it and shall not in any event exceed imprisonment for a term of six months and a fine of four hundred pounds.

- (5) If a medical practitioner by whom or under whose direction a supervised person is being treated for his mental condition in pursuance of a requirement included in a supervision order by virtue of section 12(4) of this Act is unwilling to continue to treat or direct the treatment of the supervised person or is of opinion—

- (a) that the treatment should be continued beyond the period specified in that behalf in the order; or
- (b) that the supervised person needs different treatment; or
- (c) that he is not susceptible to treatment; or
- (d) that he does not require further treatment,

the practitioner shall make a report in writing to that effect to the supervisor; and on receiving a report under this subsection the supervisor shall refer it to a juvenile court, and on such a reference the court may make an order cancelling or varying the requirement.

- (6) The preceding provisions of this section shall have effect subject to the provisions of the following section.

## **16 Provisions supplementary to s. 15**

- (1) Where the supervisor makes an application or reference under the preceding section to a court he may bring the supervised person before the court, and subject to subsection (5) of this section a court shall not make an order under that section unless the supervised person is present before the court.

- (2) Without prejudice to any power to issue a summons or warrant apart from this subsection, a justice may issue a summons or warrant for the purpose of securing the attendance of a supervised person before the court to which any application or reference in respect of him is made under the preceding section; but subsections (3) and (4) of section 47 of the Magistrates' Courts Act 1952 (which among other things restrict the circumstances in which a warrant may be issued) shall apply with the necessary modifications to a warrant under this subsection as they apply to a warrant under that section and as if in subsection (3) after the word " summons " there were inserted the words " cannot be served or ".

- (3) Where the supervised person is arrested in pursuance of a warrant issued by virtue of the preceding subsection and cannot be brought immediately before the court referred to in that subsection, the person in whose custody he is—

- (a) may make arrangements for his detention in a place of safety for a period of not more than seventy-two hours from the time of the arrest (and it shall be lawful for him to be detained in pursuance of the arrangements) ; and

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- (b) shall within that period, unless within it the relevant infant is brought before the court aforesaid, bring him before a justice ;and the justice shall either direct that he be released forthwith or—
  - (i) if he has not attained the age of eighteen, make an interim order in respect of him ;
  - (ii) if he has attained that age, remand him.
- (4) If on an application to a court under subsection (1) of the preceding section—
  - (a) the supervised person is brought before the court under a warrant issued or an interim order made by virtue of the preceding provisions of this section ; or
  - (b) the court considers that it is likely to exercise its powers under that subsection to make an order in respect of the supervised person but, before deciding whether to do so, seeks information with respect to him which it considers is unlikely to be obtained unless the court makes an interim order in respect of him,the court may make an interim order in respect of the supervised person.
- (5) A court may make an order under the preceding section in the absence of the supervised person if the effect of the order is confined to one or more of the following, that is to say—
  - (a) discharging the supervision order ;
  - (b) cancelling a provision included in the supervision order in pursuance of section 12 or section 18(2)(b) of this Act;
  - (c) reducing the duration of the supervision order or any provision included in it in pursuance of the said section 12;
  - (d) altering in the supervision order the name of any area;
  - (e) changing the supervisor.
- (6) A juvenile court shall not—
  - (a) exercise its powers under subsection (1) of the preceding section to make a care order or an order discharging a supervision order or inserting in it a requirement authorised by section 12 of this Act or varying or cancelling such a requirement except in a case where the court is satisfied that the supervised person either is unlikely to receive the care or control he needs unless the court makes the order or is likely to receive it notwithstanding the order;
  - (b) exercise its powers to make an order under subsection (5) of the preceding section except in such a case as is mentioned in paragraph (a) of this subsection;
  - (c) exercise its powers under the said subsection (1) to make an order inserting a requirement authorised by section 12(4) of this Act in a supervision order which does not already contain such a requirement unless the court is satisfied as mentioned in the said section 12(4) on such evidence as is there mentioned.
- (7) Where the supervised person has attained the age of fourteen, then except with his consent a court shall not make an order under the preceding section containing provisions which insert in the supervision order a requirement authorised by section 12(4) of this Act or which alter such a requirement already included in the supervision order otherwise than by removing it or reducing its duration.
- (8) The supervised person may appeal to quarter sessions against—
  - (a) any order made under the preceding section, except an order made or which could have been made in the absence of the supervised person and an

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- order containing only provisions to which he consented in pursuance of the preceding subsection;
- (b) the dismissal of an application under that section to discharge a supervision order.
- (9) Where an application under the preceding section for the discharge of a supervision order is dismissed, no further application for its discharge shall be made under that section by any person during the period of three months beginning with the date of the dismissal except with the consent of a court having jurisdiction to entertain such an application.
- (10) In paragraph (a) of subsection (4) of the preceding section " attendance centre order " means such an order to attend an attendance centre as is mentioned in subsection (1) of section 19 of the Criminal Justice Act 1948; and the provisions of that section shall accordingly apply for the purposes of that paragraph as if for the words from " has power " to " probation order " in subsection (1) there were substituted the words " considers it appropriate to make an attendance centre order in respect of any person in pursuance of section 15(4) of the Children and Young Persons Act 1969 " and for references to an offender there were substituted references to the supervised person and as if subsection (5) were omitted.
- (11) In this and the preceding section references to a juvenile court or any other magistrates' court, in relation to a supervision order, are references to such a court acting for the petty sessions area for the time being named in the order in pursuance of section 18(2) (a) of this Act; and if while an application to a juvenile court in pursuance of the preceding section is pending the supervised person to whom it relates attains the age of seventeen or eighteen, the court shall deal with the application as if he had not attained the age in question.

## **17 Termination of supervision**

A supervision order shall, unless it has previously been discharged, cease to have effect—

- (a) in any case, on the expiration of the period of three years, or such shorter period as may be specified in the order, beginning with the date on which the order was originally made;
- (b) if the order was made by virtue of section 1 of this Act or on the occasion of the discharge of a care order and the supervised person attains the age of eighteen on a day earlier than that on which the order would expire under paragraph (a) above, on that earlier day.

## **18 Supplementary provisions relating to supervision orders**

- (1) A court shall not make a supervision order unless it is satisfied that the supervised person resides or will reside in the area of a local authority; and a court shall be entitled to be satisfied that the supervised person will so reside if he is to be required so to reside by a provision to be included in the order in pursuance of section 12(1) of this Act.
- (2) A supervision order—
- (a) shall name the area of the local authority and the petty sessions area in which it appears to the court making the order, or to the court varying any provision included in the order in pursuance of this paragraph, that the supervised person resides or will reside; and

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- (b) may contain such prescribed provisions as the court aforesaid considers appropriate for facilitating the performance by the supervisor of his functions under section 14 of this Act, including any prescribed provisions for requiring visits to be made by the supervised person to the supervisor,  
and in paragraph (b) of this subsection " prescribed " means prescribed by rules under section 15 of the Justices of the Peace Act 1949.
- (3) A court which makes a supervision order or an order varying or discharging a supervision order shall forthwith send a copy of its order—
- (a) to the supervised person and, if the supervised person is a child, to his parent or guardian; and
  - (b) to the supervisor and any person who has ceased to be the supervisor by virtue of the order; and
  - (c) to any local authority who is not entitled by virtue of the preceding paragraph to such a copy and whose area is named in the supervision order in pursuance of the preceding subsection or has ceased to be so named by virtue of the court's order; and
  - (d) where the supervised person is required by the order, or was required by the supervision order before it was varied or discharged, to reside with an individual or to undergo treatment by or under the direction of an individual or at any place, to the individual or the person in charge of that place ; and
  - (e) where a petty sessions area named in the order or discharged order in pursuance of subsection (2) of this section is not that for which the court acts, to the clerk to the justices for the petty sessions area so named;
- and, in a case falling within paragraph (e) of this subsection, shall also send to the clerk to the justices in question such documents and information relating to the case as the court considers likely to be of assistance to them.
- (4) Where a supervision order requires compliance with such directions as are mentioned in section 12(2) of this Act, any expenditure incurred by the supervisor for the purposes of the directions shall be defrayed by the local authority of which the area is named in the order in pursuance of subsection (2) of this section.

## **19 Facilities for the carrying out of supervisors' directions**

- (1) It shall be the duty of the children's regional planning committee for each planning area (hereafter in this section referred to as "the committee") to make arrangements, with such persons as the committee thinks fit, for the provision by those persons of facilities for enabling directions given by virtue of section 12(2) of this Act to persons resident in the area to be carried out effectively.
- (2) The committee shall specify the arrangements made in pursuance of the preceding subsection in a scheme and shall submit the scheme to the Secretary of State for him to determine the date on which it is to come into force; and the Secretary of State shall, after consultation with the committee and the relevant authorities, determine that date and notify his determination to the committee.
- (3) On receiving a notification in pursuance of subsection (2) of this section in respect of a scheme, the committee shall send copies of the scheme and notification to each of the relevant authorities and to the clerk to the justices for each petty sessions area of which any part is included in the planning area in question; and each of the relevant authorities shall, as soon as practicable after receiving those documents, keep a copy



of them available at their principal offices for inspection by members of the public at all reasonable hours and on demand by any person furnish him with a copy of them free of charge.

- (4) If, after the scheme prepared by the committee under this section has come into force, any arrangements specified in it are cancelled or the committee makes arrangements for the purposes of this section other than arrangements so specified, the committee shall send notice of the cancellations or other arrangements, stating the date on which they are to come into force and the alterations in the scheme which they entail, to the Secretary of State and the authorities and clerks mentioned in subsection (3) of this section; and on and after that date the scheme shall have effect subject to those alterations and the relevant authorities shall have, in relation to the notice, the same duty as is imposed on them by that subsection in relation to the scheme.
- (5) Arrangements in pursuance of this section shall not be made for any facilities unless the facilities are approved or are of a kind approved by the Secretary of State for the purposes of this section; but where arrangements in pursuance of this section are made by the committee with any of the relevant authorities for the provision of facilities by the authority it shall be the duty of the authority to provide those facilities while the scheme is in force and those arrangements are specified in it.
- (6) A court shall not include in a supervision order any such requirements as are mentioned in section 12(2) of this Act unless the court is satisfied that a scheme under this section is in force for the planning area in which the supervised person resides or will reside or that the date on which such a scheme is to come into force has been determined; and a supervisor authorised to give directions by virtue of any such requirements shall not, in pursuance of those requirements, give directions involving the use of facilities which are not for the time being specified in a scheme in force under this section for the planning area aforesaid.