

**Changes to legislation:** Children Act 1989, Cross Heading: The Children and Young Persons Act 1969 (c. 54) is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 12

MINOR AMENDMENTS

*The Children and Young Persons Act 1969 (c. 54)*

20 In section 5 of the Children and Young Persons Act 1969 (restrictions on criminal proceedings for offences by young persons), in subsection (2), for the words “section 1 of this Act” there shall be substituted “ Part IV of the Children Act 1989”.

Commencement Information

I1 Sch. 12 para. 20 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

F121 .....

Textual Amendments

F1 Sch. 12 para. 21 repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), Sch.13; S.I. 1992/333, art. 2(2), Sch.2.

F222 .....

Textual Amendments

F2 Sch. 12 para. 22 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F323 .....

Textual Amendments

F3 Sch. 12 para. 23 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

F424 .....

Textual Amendments

F4 Sch. 12 para. 24 repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), Sch.13; S.I. 1992/333, art. 2(2), Sch.2.

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F<sup>5</sup>25 .....

#### Textual Amendments

**F5** Sch. 12 para. 25 repealed (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 116, 125(7), Sch. 16 para. 31, **Sch. 20**; S.I. 1991/1883, art. 3, **Sch.**

#### Commencement Information

**I2** Sch. 12 para. 25 in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, **art. 3(2)**

26 For section 23 of that Act (remand to care of local authorities etc.) there shall be substituted—

### **“23 Remand to local authority accommodation, committal of young persons of unruly character, etc.**

- (1) Where a court—
  - (a) remands or commits for trial a child charged with homicide or remands a child convicted of homicide; or
  - (b) remands a young person charged with or convicted of one or more offences or commits him for trial or sentence,
 and he is not released on bail, then, unless he is a young person who is certified by the court to be of unruly character, the court shall remand him to local authority accommodation.
- (2) A court remanding a person to local authority accommodation shall designate the authority who are to receive him and that authority shall be the authority in whose area it appears to the court that—
  - (a) he resides; or
  - (b) the offence or one of the offences was committed.
- (3) Where a person is remanded to local authority accommodation, it shall be lawful for any person acting on behalf of the designated authority to detain him.
- (4) The court shall not certify a young person as being of unruly character unless—
  - (a) he cannot safely be remanded to local authority accommodation; and
  - (b) the conditions prescribed by order made by the Secretary of State under this subsection are satisfied in relation to him.
- (5) Where the court certifies that a young person is of unruly character, it shall commit him—
  - (a) to a remand centre, if it has been notified that such a centre is available for the reception from the court of such persons; and
  - (b) to a prison, if it has not been so notified.
- (6) Where a young person is remanded to local authority accommodation, a court may, on the application of the designated authority, certify him to be of unruly character in accordance with subsection (4) of this section (and on so doing he shall cease to be remanded to local authority accommodation and subsection (5) of this section shall apply).

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- (7) For the purposes of subsection (6) of this section,  
“a court” means—
- (a) the court which remanded the young person; or
  - (b) any magistrates’ court having jurisdiction in the place where that person is for the time being,
- and in this section “court” and “magistrates’ court” include a justice.
- (8) This section has effect subject to—
- (a) section 37 of the Magistrates’ Courts Act 1980 (committal to the Crown Court with a view to a sentence of detention in a young offender institution); and
  - (b) section 128(7) of that Act (remands to the custody of a constable for periods of not more than three days),
- but section 128(7) shall have effect in relation to a child or young person as if for the reference to three clear days there were substituted a reference to twenty-four hours.”

#### Commencement Information

**I3** Sch. 12 para. 26 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

- 27 (1) In section 32 of that Act (detention of absentees), for subsection (1A) there shall be substituted the following subsections—
- “(1A) If a child or young person is absent, without the consent of the responsible person—
- (a) from a place of safety to which he has been taken under section 16(3) of this Act; or
  - (b) from local authority accommodation—
    - (i) in which he is required to live under section 12AA of this Act; or
    - (ii) to which he has been remanded under section 23(1) of this Act,he may be arrested by a constable anywhere in the United Kingdom or Channel Islands without a warrant.
- (1B) A person so arrested shall be conducted to—
- (a) the place of safety;
  - (b) the local authority accommodation; or
  - (c) such other place as the responsible person may direct,
- at the responsible person’s expense.
- (1C) In this section “the responsible person” means the person who made the arrangements under section 16(3) of this Act or, as the case may be, the authority designated under section 12AA or 23 of this Act.”
- (2) In subsection (2B) of that section for the words “person referred to in subsection (1A) (a) or (b) (as the case may be) of this section” there shall be substituted “responsible person”.

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#### Commencement Information

**I4** Sch. 12 para. 27 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

28 In section 34(1) of that Act (transitional modifications of Part I for persons of specified ages)—

(a) in paragraph (a), for the words “13(2) or 28(4) or (5)” there shall be substituted “or 13(2)””; and

<sup>F6</sup>(b) .....

#### Textual Amendments

**F6** Sch. 12 para. 28(b) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), Sch. 12 para. 25; S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

#### Commencement Information

**I5** Sch. 12 para. 28 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

29 In section 70(1) of that Act (interpretation)—

(a) after the definition of “local authority” there shall be inserted—

““local authority accommodation” means accommodation provided by or on behalf of a local authority (within the meaning of the Children Act 1989)”;

<sup>F7</sup>

...

(b) .....

#### Textual Amendments

**F7** Sch. 12 para. 29(b) and the preceding “and” repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

#### Commencement Information

**I6** Sch. 12 para. 29 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

30 In section 73 of that Act (extent, etc.)—

(a) in subsection (4)(a) for “32(1), (3) and (4)” there shall be substituted “32(1) to (1C) and (2A) to (4)””; and

(b) in subsection (6) for “32(1), (1A)” there shall be substituted “32(1) to (1C)””.

#### Extent Information

**E1** Sch. 12 para. 30(a) extends to Scotland see s. 108(11)

#### Commencement Information

**I7** Sch. 12 para. 30 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(1A)(aa) inserted by [2009 c. 24 Sch. 6 para. 21\(3\)](#)
- s. 4(1C) inserted by [2009 c. 24 Sch. 6 para. 21\(4\)](#)
- s. 4ZA(2)(aa) inserted by [2009 c. 24 Sch. 6 para. 22\(3\)](#)
- s. 4ZA(3A) inserted by [2009 c. 24 Sch. 6 para. 22\(4\)](#)
- s. 8(4)(k) inserted by [2021 c. 17 s. 52\(1\)](#)
- s. 31A(4A) inserted by [2014 c. 6 s. 15\(2\)\(b\)](#)