

SCHEDULES

SCHEDULE 13

CONSEQUENTIAL AMENDMENTS

The Children and Young Persons Act 1933 (c. 12)

2 In section 1(1) of the Children and Young Persons Act 1933 (cruelty to persons under sixteen) for the words “has the custody, charge or care of” there shall be substituted “has responsibility for”.

3 In the following sections of that Act—

- (a) 3(1) (allowing persons under sixteen to be in brothels);
- (b) 4(1) and (2) (causing or allowing persons under sixteen to be used for begging);
- (c) 11 (exposing children under twelve to risk of burning); and
- (d) 25(1) (restrictions on persons under eighteen going abroad for the purpose of performing for profit),

for the words “the custody, charge or care of” there shall, in each case, be substituted “responsibility for”.

4 In section 10(1A) of that Act (vagrants preventing children from receiving education), for the words from “to bring the child” to the end there shall be substituted “to make an application in respect of the child or young person for an education supervision order under section 36 of the Children Act 1989”.

5 For section 17 of that Act (interpretation of Part I) there shall be substituted the following section—

“17 Interpretation of Part I

(1) For the purposes of this Part of this Act, the following shall be presumed to have responsibility for a child or young person—

- (a) any person who—
 - (i) has parental responsibility for him (within the meaning of the Children Act 1989); or
 - (ii) is otherwise legally liable to maintain him; and
- (b) any person who has care of him.

(2) A person who is presumed to be responsible for a child or young person by virtue of subsection (1)(a) shall not be taken to have ceased to be responsible for him by reason only that he does not have care of him.”

6 (1) In section 34 of that Act (attendance at court of parent of child or young person charged with an offence etc.), in subsection (1) after the word “offence” there shall be inserted “is the subject of an application for a care or supervision order under Part IV of the Children Act 1989”.

Status: This is the original version (as it was originally enacted).

- (2) In subsection (7) of that section after the words “Children and Young Persons Act 1969” there shall be inserted “or Part IV of the Children Act 1989”.
- (3) After subsection (7) of that section there shall be inserted—
- “(7A) If it appears that at the time of his arrest the child or young person is being provided with accommodation by or on behalf of a local authority under section 20 of the Children Act 1989, the local authority shall also be informed as described in subsection (3) above as soon as it is reasonably practicable to do so.”
- 7 In section 107(1) of that Act (interpretation)—
- (a) in the definition of “guardian”, for the words “charge of or control over” there shall be substituted “care of”;
- (b) for the definition of legal guardian there shall be substituted—
- ““legal guardian”, in relation to a child or young person, means a guardian of a child as defined in the Children Act 1989”.