



# Children and Young Persons (Scotland) Act 1937

1937 CHAPTER 37 1 Edw 8 and 1 Geo 6

## PART IV

### PROTECTION OF CHILDREN AND YOUNG PERSONS IN RELATION TO CRIMINAL PROCEEDINGS

#### *Juvenile Offenders*

55 .....<sup>F1</sup>

#### Textual Amendments

**F1** Ss. 24, 25, 39–45, 47–55, 57(1)(2), 58, 59(2)–(4), 63, 67, 103, Sch. 1 repealed by Criminal Procedure (Scotland) Act 1975 (c. 21), s. 460, **Sch. 10 Pt. I**

56 .....<sup>F2</sup>

#### Textual Amendments

**F2** Ss. 56, 64 repealed by Criminal Justice (Scotland) Act 1949 (c. 94), **Sch. 12**

57 **Punishment of certain grave crimes.**

(1) .....<sup>F3</sup>

(3) A person detained pursuant to the directions of the Secretary of State under [<sup>F4</sup>section [<sup>F5</sup>205 or 206] of the <sup>M1</sup>Criminal Procedure (Scotland) Act 1975][<sup>F6</sup>or section 25 of the Prisons (Scotland) Act 1989] shall, while so detained, be deemed to be in legal custody.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons (Scotland) Act 1937, Cross Heading: Juvenile Offenders. (See end of Document for details)*

(4) ..... F7

**Textual Amendments**

- F3 Ss. 24, 25, 39–45, 47–55, 57(1)(2), 58, 59(2)–(4), 63, 67, 103, Sch. 1 repealed by Criminal Procedure (Scotland) Act 1975 (c. 21), s. 460, **Sch. 10 Pt. I**
- F4 Words substituted by Criminal Procedure (Scotland) Act 1975 (c. 21), **Sch. 9 para. 7**
- F5 Words substituted by Prisons (Scotland) Act 1989 (c. 45, SIF 39:1), s. 45(1), **Sch. 2 para. 1**
- F6 Words inserted by Prisons (Scotland) Act 1989 (c. 45, SIF 39:1), s. 45(1), **Sch. 2 para. 1**
- F7 S. 57(4) repealed by Statute Law (Repeals) Act 1975 (c. 10), **Sch. Pt. XIV**

**Marginal Citations**

- M1 1975 c. 21.

[<sup>F9</sup>58] ..... F8

**Textual Amendments**

- F8 Ss. 24, 25, 39–45, 47–55, 57(1)(2), 58, 59(2)–(4), 63, 67, 103, Sch. 1 repealed by Criminal Procedure (Scotland) Act 1975 (c. 21), s. 460, **Sch. 10 Pt. I**
- F9 S. 58A inserted by Social Work (Scotland) Act 1968 (c. 49), **Sch. 2 para. 16**

[<sup>F10</sup>58A **Committal for residential training.**

(1) ..... F11

(2) A child detained pursuant to the directions of the Secretary of State under [<sup>F12</sup>section 413 of the <sup>M2</sup>Criminal Procedure (Scotland) Act 1975] shall, while so detained, be deemed to be in legal custody.

(3) Any child so detained as aforesaid may at any time be released conditionally or unconditionally by the Secretary of State, and any such child conditionally released shall be liable to recall on the directions of the Secretary of State and if he fails to comply with any condition of his release he may be apprehended without warrant and taken to the place from which he was released.]

**Textual Amendments**

- F10 S. 58A repealed (S.) by Criminal Justice (Scotland) Act 1987 (c. 41, SIF 39:1), s. 70(2), **Sch. 2**
- F11 S. 58A(1) repealed (S.) by Criminal Justice (Scotland) Act 1987 (c. 1, SIF 39:1), s. 70(2), **Sch. 2**
- F12 Words substituted by Criminal Procedure (Scotland) Act 1975 (c. 21), **Sch. 9 para. 8**

**Marginal Citations**

- M2 1975 c.21.

59 (1) ..... F13

(2) ..... F14

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#### Textual Amendments

- F13** Ss. 59(1), 60, 61, 65, 66, 68–81, 83–85, 87(6), 88–98, 101(5)(6), 106, 107(2), 109, 111, 112, Schs. 2, 3 repealed by Social Work (Scotland) Act 1968 (c. 49), s. 95, **Sch. 9 Pt. I**
- F14** Ss. 24, 25, 39–45, 47–55, 57(1)(2), 58, 59(2)–(4), 63, 67, 103, Sch. 1 repealed by Criminal Procedure (Scotland) Act 1975 (c. 21), s. 460, **Sch. 10 Pt. I**

**60, 61.** ..... <sup>F15</sup>

#### Textual Amendments

- F15** Ss. 59(1), 60, 61, 65, 66, 68–81, 83–85, 87(6), 88–98, 101(5)(6), 106, 107(2), 109, 111, 112, Schs. 2, 3 repealed by Social Work (Scotland) Act 1968 (c. 49), s. 95, **Sch. 9 Pt. I**

## **62 Power of Secretary of State to send certain juvenile offenders to approved schools.**

The Secretary of State may by order direct that—

- (a) a person who is under the age of eighteen years and is undergoing detention in a Borstal institution; or
- (b) a child or young person with respect to whom he is authorised to give directions under [<sup>F16</sup> . . . <sup>F17</sup> section 206 of the <sup>M3</sup>Criminal Procedure (Scotland) Act 1975; or]
- (c) a young person who has been ordered to be imprisoned and has been pardoned by His Majesty on condition of his agreeing to undergo training in a [<sup>F18</sup>residential establishment],

shall be transferred or sent to and detained in [<sup>F18</sup>a residential establishment] specified in the order; and any such order shall be an authority for the detention of the person to whom it relates until such date as may be specified in the order:

Provided that the date to be so specified shall be not later than that on which he will in the opinion of the Secretary of State attain the age of nineteen years nor later—

- (a) in the case of a person who was . . . <sup>F19</sup> sentenced to detention under the said subsection (2), than the date on which his detention would have expired; or
  - (b) in the case of a young person who has been ordered to be imprisoned and has been pardoned as aforesaid, than three years from the date as from which the order for his imprisonment began to run.
- [<sup>F20</sup>(c) in the case of a person who was undergoing detention in a Borstal institution, than the end of the period for which he would have been liable to be detained therein.]

#### Textual Amendments

- F16** Words substituted by Criminal Procedure (Scotland) Act 1975 (c. 21), **Sch. 9 para. 9**
- F17** Words repealed by Prisons (Scotland) Act 1989 (c. 45, SIF 39:1), s. 45(2), **Sch. 3**
- F18** Words substituted by Social Work (Scotland) Act 1968 (c. 49), **Sch. 2 para. 18**
- F19** Words repealed by Criminal Justice (Scotland) Act 1949 (c. 94), **Sch. 12**
- F20** S. 62 proviso (c) added by Criminal Justice (Scotland) Act 1949 (c. 94), **Sch. 11**

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**Marginal Citations**

M3 1975 c. 21.

63 ..... F21

**Textual Amendments**

F21 Ss. 24, 25, 39–45, 47–55, 57(1)(2), 58, 59(2)–(4), 63, 67, 103, Sch. 1 repealed by Criminal Procedure (Scotland) Act 1975 (c. 21), s. 460, **Sch. 10 Pt. I**

64 ..... F22

**Textual Amendments**

F22 Ss. 56, 64 repealed by Criminal Justice (Scotland) Act 1949 (c. 94), **Sch. 12**

65, 66. .... F23

**Textual Amendments**

F23 Ss. 59(1), 60, 61, 65, 66, 68–81, 83–85, 87(6), 88–98, 101(5)(6), 106, 107(2), 109, 111, 112, Schs. 2, 3 repealed by Social Work (Scotland) Act 1968 (c. 49), s. 95, **Sch. 9 Pt. I**

67 ..... F24

**Textual Amendments**

F24 Ss. 24, 25, 39–45, 47–55, 57(1)(2), 58, 59(2)–(4), 63, 67, 103, Sch. 1 repealed by Criminal Procedure (Scotland) Act 1975 (c. 21), s. 460, **Sch. 10 Pt. I**

68–80 ..... F25

**Textual Amendments**

F25 Ss. 59(1), 60, 61, 65, 66, 68–81, 83–85, 87(6), 88–98, 101(5)(6), 106, 107(2), 109, 111, 112, Schs. 2, 3 repealed by Social Work (Scotland) Act 1968 (c. 49), s. 95, **Sch. 9 Pt. I**

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