



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^{F1}

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F1 Ss. 24, 25, 39–45, 47–55, 57(1)(2), 58, 59(2)–(4), 63, 67, 103, Sch. 1 repealed by Criminal Procedure (Scotland) Act 1975 (c. 21), s. 460, **Sch. 10 Pt.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^{F2}

Textual Amendments

F2 Ss. 56, 64 repealed by Criminal Justice (Scotland) Act 1949 (c. 94), **Sch. 12**

57 **Punishment of certain grave crimes.**

(1)^{F3}

(3) A person detained pursuant to the directions of the Secretary of State under [^{F4}section [^{F5}205 or 206]of the ^{M1}Criminal Procedure (Scotland) Act 1975]. . .shall, while so detained, be deemed to be in legal custody.

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) F6

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F3 Ss. 24, 25, 39–45, 47–55, 57(1)(2), 58, 59(2)–(4), 63, 67, 103, Sch. 1 repealed by Criminal Procedure (Scotland) Act 1975 (c. 21), s. 460, **Sch. 10 Pt.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F6 S. 57(4) repealed by Statute Law (Repeals) Act 1975 (c. 10), **Sch. Pt. XIV**

Marginal Citations

M1 1975 c. 21.

[^{F8}58] F7

Textual Amendments

F7 Ss. 24, 25, 39–45, 47–55, 57(1)(2), 58, 59(2)–(4), 63, 67, 103, Sch. 1 repealed by Criminal Procedure (Scotland) Act 1975 (c. 21), s. 460, **Sch. 10 Pt.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**

F8 S. 58A inserted by Social Work (Scotland) Act 1968 (c. 49), **Sch. 2 para. 16**

[^{F9}58A **Committal for residential training.**

(1) F10

(2) A child detained pursuant to the directions of the Secretary of State under [^{F11}section 413 of the ^{M2}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

F9 S. 58A repealed (S.) by Criminal Justice (Scotland) Act 1987 (c. 41, SIF 39:1), s. 70(2), **Sch. 2**

F10 S. 58A(1) repealed (S.) by Criminal Justice (Scotland) Act 1987 (c. 1, SIF 39:1), s. 70(2), **Sch. 2**

F11 Words substituted by Criminal Procedure (Scotland) Act 1975 (c. 21), **Sch. 9 para. 8**

Marginal Citations

M2 1975 c.21.

59 (1) F12

(2) F13

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)

Textual Amendments

- F12** 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**
- F13** 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. ^{F14}

Textual Amendments

- F14** 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 [^{F15} . . . ^{F16} section 206 of the ^{M3}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 [^{F17}residential establishment],

shall be transferred or sent to and detained in [^{F17}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 . . . ^{F18} 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.
- [^{F19}(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

- F15** Words substituted by Criminal Procedure (Scotland) Act 1975 (c. 21), **Sch. 9 para. 9**
- F16** Words repealed by Prisons (Scotland) Act 1989 (c. 45, SIF 39:1), s. 45(2), **Sch. 3**
- F17** Words substituted by Social Work (Scotland) Act 1968 (c. 49), **Sch. 2 para. 18**
- F18** Words repealed by Criminal Justice (Scotland) Act 1949 (c. 94), **Sch. 12**
- F19** S. 62 proviso (c) added by Criminal Justice (Scotland) Act 1949 (c. 94), **Sch. 11**

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)

Marginal Citations

M3 1975 c. 21.

[^{F20}63 Register of children found guilty of offences.

In addition to any other register required by law, a separate register of children found guilty of offences and of children discharged on bond or put on probation shall be kept for every summary court by the chief constable or other person charged with the duty of keeping registers of convictions. The register shall apply to children of such age, and shall include such particulars, as may be directed by the Secretary of State, and it shall be the duty of the keeper of the register, within seven days after any such child has been dealt with by the court, to transmit a copy of the entry relating to the child to the education authority for the area in which the child resides.]

Textual Amendments

F20 S. 63 inserted (1.4.1996) by 1995 c. 40 ss. 5, 7(2), Sch. 4 para. 3(1)(2)

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}

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)

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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**

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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**

Changes to legislation:

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