



Children and Young Persons (Scotland) Act 1937

1937 CHAPTER 37 1 Edw 8 and 1 Geo 6

PART V

REMAND HOMES, APPROVED SCHOOLS AND PERSONS TO WHOSE
CARE CHILDREN AND YOUNG PERSONS MAY BE COMMITTED

81 F1

Textual Amendments

F1 Ss. 59(1), 60, 61, 65, 66, 68–81, 83–85, 87(6), 88–98, 101(5)(6), 106, 107(2), 109, 111, 112, Schs. 2, 3 repealed by Social Work (Scotland) Act 1968 (c. 49), s. 95, **Sch. 9 Pt. 1**

82 F2

Textual Amendments

F2 Ss. 82, 86 repealed by Social Work (Scotland) Act 1968 (c. 49), s. 95, **Sch. 9 Pt. 1** and Children and Young Persons Act 1969 (c. 54), s. 72, **Sch. 6**

Approved Schools

83— F3
85.

Status: Point in time view as at 01/02/1991.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, Part V. (See end of Document for details)

Textual Amendments

F3 Ss. 59(1), 60, 61, 65, 66, 68–81, 83–85, 87(6), 88–98, 101(5)(6), 106, 107(2), 109, 111, 112, Schs. 2, 3 repealed by Social Work (Scotland) Act 1968 (c. 49), s. 95, **Sch. 9 Pt.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**

86 **F4**

Textual Amendments

F4 Ss. 82, 86 repealed by Social Work (Scotland) Act 1968 (c. 49), s. 95, **Sch. 9 Pt. I** and Children and Young Persons Act 1969 (c. 54), s. 72, **Sch. 6**

F5 87 Power to send children and young persons from England, Northern Ireland, Isle of Man and Channel Islands to approved schools in Scotland.

[^{F6}(1) Any person detained in a training school under the law in force in Northern Ireland may, with the consent of the Secretary of State, be transferred by order of the competent authority in Northern Ireland to such place in Scotland as the Secretary of State may direct for the purposes of undergoing residential training, and shall be subject to the provisions of this Act and of the ^{M1}Criminal Justice (Scotland) Act 1963 [^{F7}and of the ^{M2}Criminal Procedure (Scotland) Act 1975][^{F8}and of the Prisons (Scotland) Act 1989] as if the order sending him to the school in Northern Ireland were an order for committal for residential training made under [^{F9}section 413 of the said Act of 1975] made upon the same date, and as if the order were an authority for his detention for a period not exceeding the period for which he might be detained under the training school order made in respect of him.]

(2) [^{F10}The Secretary of State] may at any time by order direct that a person who under the last foregoing subsection has been transferred to an approved school in Scotland from a school in . . . ^{F11}Northern Ireland shall be retransferred to the last-mentioned school, or to such other school as may be specified by the competent authority in . . . ^{F11}Northern Ireland, and thereupon the manager of that school shall receive him accordingly.

(3) If under any law of the Isle of Man or of any of the Channel Islands a court is empowered to order children or young persons under seventeen years of age to be sent to approved schools in Scotland and if by that law provision satisfactory to [^{F10}the Secretary of State] is made—

- (a) for the expenses of the conveyance of the children or young persons, and of their reconveyance when discharged, or released [^{F12}under supervision];
- (b) for contributions towards the expenses of the managers of the school; and
- (c) for the contribution (if any) to be made by the parent or person legally liable to maintain a child or young person so sent, and the mode in which such contribution is to be raised,

a child or young person with respect to whom such an order is made by a court under the said law may be received into such [^{F13}place in Scotland as the Secretary of State may direct for the purposes of undergoing residential training, and after his transfer to that place may be dealt with and shall be subject to the provisions of this Act and of the Criminal Justice (Scotland) Act 1963 [^{F7}and of the ^{M3}Criminal Procedure (Scotland) Act 1975][^{F8}and of the Prisons (Scotland) Act 1989] as if the order were an order for

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committal for residential training made under [^{F9}section 413 of the said Act of 1975] made upon the same date].

(4) A person so ordered by the competent authority in . . . ^{F11} Northern Ireland or by a court in the Isle of Man or the Channel Islands to be transferred or sent to an approved school in Scotland, or so ordered by [^{F10}the Secretary of State] to be retransferred to a school in . . . ^{F11} Northern Ireland, may be conveyed in the custody of any constable or other person acting under a warrant issued by the competent authority in . . . ^{F11} Northern Ireland, or by a court in the Isle of Man or the Channel Islands, or by [^{F10}the Secretary of State], as the case may be, to the school to which he is ordered to be transferred, sent or retransferred, and he shall during his conveyance to that school be deemed to be in legal custody.

(5) In this section the expression “competent authority” means, . . . ^{F11}, in relation to Northern Ireland, the Minister of Home Affairs for Northern Ireland, or such authority or person as may be designated by the Parliament of Northern Ireland to exercise the powers conferred by this section on the competent authority in Northern Ireland.

(6) ^{F14}

Textual Amendments

- F5** S. 87 repealed (E.W.) by Children and Young Persons Act 1969 (c. 54), s. 72, **Sch. 6**
- F6** S. 87(1) substituted by Social Work (Scotland) Act 1968 (c. 49), **Sch. 8 para. 7(1)**
- F7** Words inserted by Criminal Procedure (Scotland) Act 1975 (c. 21), **Sch. 9 para. 10**
- F8** Words inserted by Prisons (Scotland) Act 1989 (c. 45, SIF 39:1), s. 45(2), **Sch. 2 para. 2**
- F9** Words substituted by Criminal Procedure (Scotland) Act 1975 (c. 21), **Sch. 9 para. 10**
- F10** Words substituted by virtue of Reorganisation of Offices (Scotland) Act 1939 (c. 20), s. 1(1)(6)(b)
- F11** Words repealed by Social Work (Scotland) Act 1968 (c. 49), s. 95, **Sch. 9 Pt. I**
- F12** Words substituted by Criminal Justice (Scotland) Act 1963 (c. 39), s. 52, **Sch. 5**
- F13** Words substituted by Social Work (Scotland) Act 1968 (c. 49), **Sch. 8 para. 7(3)**
- 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**

Modifications etc. (not altering text)

- C1** S. 87(2)-(4) amended by Social Work (Scotland) Act 1968 (c. 49), **Sch. 8 para. 7(2)**
- C2** Reference to Minister of Home Affairs for Northern Ireland in s. 87(5) to be construed as reference to head of the Department of Home Affairs for Northern Ireland: Northern Ireland Constitution Act 1973 (c. 36), **Sch. 5 para. 7(1)**

Marginal Citations

- M1** 1963 c. 37.
- M2** 1975 c. 21.
- M3** 1975 c. 21.

88— ^{F15}
95.

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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**

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