

Children and Young Persons Act, 1933 : 23 Geo. 5. Ch. 12.

Contributors

Great Britain.

Publication/Creation

London : H.M.S.O., [1933]

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Children and Young Persons Act, 1933.

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CHAPTER 12.

An Act to consolidate certain enactments relating to persons under the age of eighteen years. A.D. 1933.
[13th April 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

PREVENTION OF CRUELTY AND EXPOSURE TO MORAL
AND PHYSICAL DANGER.*Offences.*

1.—(1) If any person who has attained the age of sixteen years and has the custody, charge, or care of any child or young person under that age, wilfully assaults, ill-treats, neglects, abandons, or exposes him, or causes or procures him to be assaulted, ill-treated, neglected, abandoned, or exposed, in a manner likely to cause him unnecessary suffering or injury to health (including injury to or loss of sight, or hearing, or limb, or organ of the body, and any mental derangement), that person shall be guilty of a misdemeanour, and shall be liable—

Cruelty
to persons
under six-
teen.

- (a) on conviction on indictment, to a fine not exceeding one hundred pounds, or alternatively, or in default of payment of such a fine, or in addition thereto, to imprisonment for any term not exceeding two years;

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PART I.
—cont.

- (b) on summary conviction, to a fine not exceeding twenty-five pounds, or alternatively, or in default of payment of such a fine, or in addition thereto, to imprisonment for any term not exceeding six months.
- (2) For the purposes of this section—
- (a) a parent or other person legally liable to maintain a child or young person shall be deemed to have neglected him in a manner likely to cause injury to his health if he has failed to provide adequate food, clothing, medical aid or lodging for him, or if, having been unable otherwise to provide such food, clothing, medical aid or lodging, he has failed to take steps to procure it to be provided under the Acts relating to the relief of the poor;
- (b) where it is proved that the death of an infant under three years of age was caused by suffocation (not being suffocation caused by disease or the presence of any foreign body in the throat or air passages of the infant) while the infant was in bed with some other person who has attained the age of sixteen years, that other person shall, if he was, when he went to bed, under the influence of drink, be deemed to have neglected the infant in a manner likely to cause injury to its health.
- (3) A person may be convicted of an offence under this section—
- (a) notwithstanding that actual suffering or injury to health, or the likelihood of actual suffering or injury to health, was obviated by the action of another person;
- (b) notwithstanding the death of the child or young person in question.
- (4) Upon the trial of any person who has attained the age of sixteen years and is indicted for infanticide or for the manslaughter of a child or young person under the age of sixteen years of whom he had the custody, charge, or care, it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under this section to find him guilty of that offence.

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PART I.
—cont.

(5) If it is proved that a person convicted under this section was directly or indirectly interested in any sum of money accruing or payable in the event of the death of the child or young person, and had knowledge that that sum of money was accruing or becoming payable, then—

(a) in the case of a conviction on indictment, the maximum amount of the fine which may be imposed under this section shall be two hundred pounds, and the court shall have power, in lieu of awarding any other penalty under this section, to sentence the person convicted to penal servitude for any term not exceeding five years; and

(b) in the case of a summary conviction, the court in determining the sentence to be awarded shall take into consideration the fact that the person was so interested and had such knowledge.

(6) For the purposes of the last foregoing subsection :—

(a) a person shall be deemed to be directly or indirectly interested in a sum of money if he has any share in or any benefit from the payment of that money, notwithstanding that he may not be a person to whom it is legally payable; and

(b) a copy of a policy of insurance, certified to be a true copy by an officer or agent of the insurance company granting the policy, shall be evidence that the child or young person therein stated to be insured has in fact been so insured, and that the person in whose favour the policy has been granted is the person to whom the money thereby insured is legally payable.

(7) Nothing in this section shall be construed as affecting the right of any parent, teacher, or other person having the lawful control or charge of a child or young person to administer punishment to him.

2.—(1) If any person having the custody, charge, or care of a girl under the age of sixteen years causes or encourages the seduction, unlawful carnal knowledge, or prostitution of, or the commission of an indecent assault upon, her, he shall be guilty of a misdemeanour

Causing or encouraging seduction or prostitution of girl under sixteen.

A.D. 1933. and shall be liable to imprisonment for any term not exceeding two years.

PART I.
—cont.

(2) For the purposes of this section a person shall be deemed to have caused or encouraged the seduction, unlawful carnal knowledge, or prostitution of, or the commission of an indecent assault upon, a girl who has been seduced, unlawfully carnally known, or indecently assaulted, or who has become a prostitute, if he has knowingly allowed her to consort with, or to enter or continue in the employment of, any prostitute or person of known immoral character.

Allowing
persons
under
sixteen to be
in brothels.

3.—(1) If any person having the custody, charge or care of a child or young person who has attained the age of four years and is under the age of sixteen years, allows that child or young person to reside in or to frequent a brothel, he shall be guilty of a misdemeanour and shall be liable on conviction on indictment, or on summary conviction, to a fine not exceeding twenty-five pounds, or alternatively or in default of payment of such a fine, or in addition thereto, to imprisonment for any term not exceeding six months.

48 & 49 Vict.
c. 69.

(2) Nothing in this section shall affect the liability of a person to be indicted under section six of the Criminal Law Amendment Act, 1885, but upon the trial of a person under that section it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under this section, to find him guilty of that offence.

Causing or
allowing
persons
under six-
teen to be
used for
begging.

4.—(1) If any person causes or procures any child or young person under the age of sixteen years or, having the custody, charge, or care of such a child or young person, allows him to be in any street, premises, or place for the purpose of begging or receiving alms, or of inducing the giving of alms (whether or not there is any pretence of singing, playing, performing, offering anything for sale, or otherwise) he shall, on summary conviction, be liable to a fine not exceeding twenty-five pounds, or alternatively, or in default of payment of such a fine, or in addition thereto, to imprisonment for any term not exceeding three months.

(2) If a person having the custody, charge, or care of a child or young person is charged with an offence under this section, and it is proved that the child or young person was in any street, premises, or place for any such purpose as aforesaid, and that the person

charged allowed the child or young person to be in the street, premises, or place, he shall be presumed to have allowed him to be in the street, premises, or place for that purpose unless the contrary is proved.

(3) If any person while singing, playing, performing or offering anything for sale in a street or public place has with him a child who has been lent or hired out to him, the child shall, for the purposes of this section, be deemed to be in that street or place for the purpose of inducing the giving of alms.

5. If any person gives, or causes to be given, to any child under the age of five years any intoxicating liquor, except upon the order of a duly qualified medical practitioner, or in case of sickness, apprehended sickness, or other urgent cause, he shall, on summary conviction, be liable to a fine not exceeding three pounds.

6.—(1) The holder of the licence of any licensed premises shall not allow a child to be at any time in the bar of the licensed premises during the permitted hours.

(2) If the holder of a licence acts in contravention of this section, or if any person causes, or procures, or attempts to cause or procure, any child to go to, or to be in, the bar of any licensed premises during the permitted hours, he shall be liable, on summary conviction, to a fine not exceeding, in respect of the first offence, forty shillings, and in respect of any subsequent offence, five pounds.

(3) If a child is found in the bar of any licensed premises during the permitted hours, the holder of the licence shall be deemed to have committed an offence under this section unless he shows that he had used due diligence to prevent the child from being admitted to the bar or that the child had apparently attained the age of fourteen years.

(4) Nothing in this section shall apply in the case of any child who is—

- (a) a child of the licence holder; or
- (b) resident but not employed in the licensed premises; or
- (c) in the bar of licensed premises solely for the purpose of passing to or from some other part of the premises, being a part to or from which

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PART I.
—cont.Giving in-
toxicating
liquor to
children
under five.Causing or
allowing
children to
be in bars
of licensed
premises.

A.D. 1933.

PART I.

—cont.

there is no other convenient means of access or egress and not being itself a bar; or

(d) in any railway refreshment rooms or other premises constructed, fitted and intended to be used in good faith for any purpose to which the holding of a licence is merely auxiliary.

(5) In this section the expression "bar" in relation to any licensed premises means any open drinking bar or any part of the premises exclusively or mainly used for the sale and consumption of intoxicating liquor, and the expressions "licence," "licensed premises" and "permitted hours" have the same meanings as in the Licensing Acts, 1910 to 1923.

Sale of
tobacco, &c.,
to persons
under six-
teen.

7.—(1) Any person who sells to a person apparently under the age of sixteen years any tobacco or cigarette papers, whether for his own use or not, shall be liable, on summary conviction, in the case of a first offence to a fine not exceeding two pounds, in the case of a second offence to a fine not exceeding five pounds, and in the case of a third or subsequent offence to a fine not exceeding ten pounds:

Provided that a person shall not be guilty of an offence under this section in respect of any sale of tobacco otherwise than in the form of cigarettes, if he did not know and had no reason to believe that the tobacco was for the use of the person to whom it was sold.

(2) If on complaint to a court of summary jurisdiction it is proved to the satisfaction of the court that any automatic machine for the sale of tobacco kept on any premises is being extensively used by persons apparently under the age of sixteen years, the court may order the owner of the machine, or the person on whose premises the machine is kept, to take such precautions to prevent the machine being so used as may be specified in the order or, if necessary, to remove the machine, within such time as may be specified in the order, and if any person against whom such an order has been made fails to comply therewith, he shall be liable, on summary conviction, to a fine not exceeding five pounds, and to a further fine not exceeding one pound for each day during which the offence continues.

(3) It shall be the duty of a constable and of a park-keeper being in uniform to seize any tobacco or

cigarette papers in the possession of any person apparently under the age of sixteen years whom he finds smoking in any street or public place, and any tobacco or cigarette papers so seized shall be disposed of, if seized by a constable, in such manner as the police authority may direct, and if seized by a park-keeper, in such manner as the authority or person by whom he was appointed may direct.

(4) Nothing in this section shall make it an offence to sell tobacco or cigarette papers to, or shall authorise the seizure of tobacco or cigarette papers in the possession of, any person who is at the time employed by a manufacturer of or dealer in tobacco, either wholesale or retail, for the purposes of his business, or is a boy messenger in uniform in the employment of a messenger company and employed as such at the time.

(5) For the purposes of this section the expression "tobacco" includes cigarettes and smoking mixtures intended as a substitute for tobacco, and the expression "cigarettes" includes cut tobacco rolled up in paper, tobacco leaf, or other material in such form as to be capable of immediate use for smoking.

8. If a pawnbroker takes an article in pawn from any person apparently under the age of fourteen years, whether offered by that person on his own behalf or on behalf of any other person, he shall be guilty of an offence against the Pawnbrokers Act, 1872.

A.D. 1933.

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PART I.
—cont.Taking
pawns from
persons under
fourteen.35 & 36 Vict.
c. 93.

9.—(1) If a dealer in old metal as defined by the Prevention of Crimes Act, 1871, or a marine store dealer within the meaning of Part IX of the Merchant Shipping Act, 1894, purchases from any person apparently under the age of sixteen years any old metal, whether offered for sale by that person on his own behalf or on behalf of any other person, he shall be liable on summary conviction to a fine not exceeding five pounds.

Purchase
of old metals
from per-
sons under
sixteen.34 & 35 Vict.
c. 112.57 & 58 Vict.
c. 60.

(2) For the purposes of this section "old metal" includes scrap metal, broken metal, or partly manufactured metal goods, and old or defaced metal goods.

10.—(1) If a person habitually wanders from place to place and takes with him any child who has attained the age of five years he shall, unless he proves that the

Vagrants
preventing
children

A.D. 1933.

PART I.
—cont.from
receiving
education.11 & 12
Geo. 5 c. 51.

child is totally exempted from school attendance or that the child is not, by being so taken with him, prevented from receiving efficient elementary education, be liable on summary conviction to a fine not exceeding with costs twenty shillings :

Provided that this provision shall not apply to a child in a canal boat for whose education provision is made under section fifty of the Education Act, 1921.

(2) Any constable who finds a person wandering from place to place and taking a child with him may, if he has reasonable ground for believing that the person is guilty of an offence under this section, apprehend him without a warrant, and may take the child to a place of safety in accordance with the provisions of this Act.

(3) Without prejudice to the requirements of the Education Act, 1921, as to school attendance or to proceedings thereunder, this section shall not, during the months of April to September inclusive, apply to any child whose parent or guardian is engaged in a trade or business of such a nature as to require him to travel from place to place, if a certificate has been obtained that the child has made not less than two hundred attendances at a public elementary school during the months of October to March immediately preceding.

(4) The Board of Education shall have power to make regulations as to the issue of certificates of attendance for the purposes of the last foregoing subsection, and any such regulations shall be laid before Parliament as soon as may be after they are made.

Exposing
children
under seven
to risk of
burning.

11. If any person who has attained the age of sixteen years, having the custody, charge or care of any child under the age of seven years, allows the child to be in any room containing an open fire grate not sufficiently protected to guard against the risk of his being burnt or scalded without taking reasonable precautions against that risk, and by reason thereof the child is killed or suffers serious injury, he shall on summary conviction be liable to a fine not exceeding ten pounds :

Provided that neither this section, nor any proceedings taken thereunder, shall affect any liability of any such person to be proceeded against by indictment for any indictable offence.

12.—(1) Where there is provided in any building an entertainment for children, or an entertainment at which the majority of the persons attending are children, then, if the number of children attending the entertainment exceeds one hundred, it shall be the duty of the person providing the entertainment to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate, and to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and to take all other reasonable precautions for the safety of the children.

(2) Where the occupier of a building permits, for hire or reward, the building to be used for the purpose of an entertainment, he shall take all reasonable steps to secure the observance of the provisions of this section.

(3) If any person on whom any obligation is imposed by this section fails to fulfil that obligation, he shall be liable, on summary conviction, to a fine not exceeding, in the case of a first offence fifty pounds, and in the case of a second or subsequent offence one hundred pounds, and also, if the building in which the entertainment is given is licensed under the Cinematograph Act, 1909, or under any of the enactments relating to the licensing of theatres and of houses and other places for music or dancing, the licence shall be liable to be revoked by the authority by whom the licence was granted.

(4) A constable may enter any building in which he has reason to believe that such an entertainment as aforesaid is being, or is about to be, provided, with a view to seeing whether the provisions of this section are carried into effect, and an officer authorised for the purpose by an authority by whom licences are granted under any of the enactments referred to in the last foregoing subsection shall have the like power of entering any building so licensed by that authority.

(5) The institution of proceedings under this section shall—

(a) in the case of a building licensed by the Lord Chamberlain, or licensed by the council of a

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PART I.

—cont.

Failing to
provide for
safety of
children at
entertain-
ments.9 Edw. 7.,
c. 30.

A.D. 1933.

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PART I.
—cont.

county or county borough under the Cinematograph Act, 1909, or under the enactments relating to the licensing of theatres or of houses and other places for music or dancing, be the duty of the council of the county or county borough in which the building is situated; and

(b) in any other case, be the duty of the police authority.

(6) This section shall not apply to any entertainment given in a private dwelling-house.

Special Provisions as to Prosecutions for Offences specified in First Schedule.

Power to
take offen-
ders into
custody.

13.—(1) Any constable may take into custody, without warrant—

- (a) any person who within his view commits any of the offences mentioned in the First Schedule to this Act, if the constable does not know and cannot ascertain his name and residence;
- (b) any person who has committed, or whom he has reason to believe to have committed, any of the offences mentioned in the First Schedule to this Act, if the constable has reasonable ground for believing that that person will abscond or does not know and cannot ascertain his name and address.

(2) Where, under the powers conferred by this section, a constable arrests any person without warrant, the superintendent or inspector of police or an officer of police of equal or superior rank, or the officer in charge of the police station to which the person is brought, shall, unless in his belief the release of the person on bail would tend to defeat the ends of justice, or to cause injury or danger to the child or young person against whom the offence is alleged to have been committed, release the person arrested on his entering into such a recognisance, with or without sureties, as may in the judgment of the officer of police be required to secure his attendance upon the hearing of the charge.

Mode of
charging
offences and
limitation
of time.

14.—(1) Where a person is charged with committing any of the offences mentioned in the First Schedule to this Act in respect of two or more children or young persons, the same information or summons may charge the offence in respect of all or any of them, but the

person charged shall not, if he is summarily convicted, be liable to a separate penalty in respect of each child or young person except upon separate informations.

(2) The same information or summons may also charge any person as having the custody, charge, or care, alternatively or together, and may charge him with the offences of assault, ill-treatment, neglect, abandonment, or exposure, together or separately, and may charge him with committing all or any of those offences in a manner likely to cause unnecessary suffering or injury to health, alternatively or together, but when those offences are charged together the person charged shall not, if he is summarily convicted, be liable to a separate penalty for each.

(3) A person shall not be summarily convicted of an offence mentioned in the First Schedule to this Act, unless the offence was wholly or partly committed within six months before the information was laid; but, subject as aforesaid, evidence may be taken of acts constituting, or contributing to constitute, the offence, and committed at any previous time.

(4) When any offence mentioned in the First Schedule to this Act charged against any person is a continuous offence, it shall not be necessary to specify in the information, summons, or indictment, the date of the acts constituting the offence.

15. As respects proceedings against any person for any of the offences mentioned in the First Schedule to this Act, the Criminal Evidence Act, 1898, shall apply as if the Schedule to that Act included references to those offences.

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PART I.
—cont.*Supplemental.*

16. Every misdemeanour under this Part of this Act shall be deemed to be an offence within, and subject to, the provisions of the Vexatious Indictments Act, 1859.

Evidence of
husband or
wife of
accused
person.
61 & 62
Vict. c. 36.Application of
Vexatious
Indictments Act,
22 & 23 Vict.
c. 17.

17. For the purposes of this Part of this Act—

Any person who is the parent or legal guardian of a child or young person or who is legally liable to maintain him shall be presumed to have the custody of him, and as between father and

Interpre-
tation of
Part I.

A.D. 1933.

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PART I.
—cont.

mother the father shall not be deemed to have ceased to have the custody of him by reason only that he has deserted, or otherwise does not reside with, the mother and the child or young person;

Any person to whose charge a child or young person is committed by any person who has the custody of him shall be presumed to have charge of the child or young person;

Any other person having actual possession or control of a child or young person shall be presumed to have the care of him.

PART II.

EMPLOYMENT.

*General Provisions as to Employment.*Restrictions
on employ-
ment of
children.

18.—(1) Subject to the provisions of this section and of any byelaws made thereunder no child shall be employed—

- (a) so long as he is under the age of twelve years; or
- (b) before the close of school hours on any day on which he is required to attend school; or
- (c) before six o'clock in the morning or after eight o'clock in the evening on any day; or
- (d) for more than two hours on any day on which he is required to attend school; or
- (e) for more than two hours on any Sunday; or
- (f) to lift, carry or move anything so heavy as to be likely to cause injury to him.

(2) A local authority may make byelaws with respect to the employment of children, and any such byelaws may distinguish between children of different ages and sexes and between different localities, trades, occupations and circumstances, and may contain provisions—

(a) authorising—

(i) the employment of children under the age of twelve years (notwithstanding anything in paragraph (a) of the last foregoing subsection) by their parents or guardians in light agricultural or horticultural work;

(ii) the employment of children (notwithstanding anything in paragraph (b) of the

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PART II.
—cont.

last foregoing subsection) for not more than one hour before the commencement of school hours on any day on which they are required to attend school;

- (b) prohibiting absolutely the employment of children in any specified occupation;
- (c) prescribing—
 - (i) the age below which children are not to be employed;
 - (ii) the number of hours in each day, or in each week, for which, and the times of day at which, they may be employed;
 - (iii) the intervals to be allowed to them for meals and rest;
 - (iv) the holidays or half-holidays to be allowed to them;
 - (v) any other conditions to be observed in relation to their employment;

so, however, that no such byelaws shall modify the restrictions contained in the last foregoing subsection save in so far as is expressly permitted by paragraph (a) of this subsection, and any restriction contained in any such byelaws shall have effect in addition to the said restrictions.

(3) Nothing in paragraph (c) or in paragraph (d) of subsection (1) of this section, or in any byelaw made under this section, shall prevent a child from taking part in an entertainment under and in accordance with the provisions of a licence granted and in force under the provisions of this Part of this Act.

19.—(1) Subject to the provisions of this section, a local authority may make byelaws with respect to the employment of persons under the age of eighteen years other than children, and any such byelaws may distinguish between persons of different ages and sexes, and between different localities, trades, occupations and circumstances, and may contain provisions prescribing—

- (a) the number of hours in each day or in each week for which, and the times of day at which, they may be employed;
- (b) the intervals to be allowed to them for meals and rest;

Power of local authority to make byelaws with respect to employment of persons under eighteen other than children.

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PART II.
—cont.

(c) the holidays or half-holidays to be allowed to them;

(d) any other conditions to be observed in relation to their employment.

(2) Nothing in this section shall empower a local authority to make byelaws with respect to—

(a) employment in or about the delivery, collection, or transport of goods, except in the capacity of van boy, errand boy, or messenger;

(b) employment in or in connection with factories, workshops, mines, quarries, shops, or offices, except in the capacity of van boy, errand boy, or messenger;

(c) employment in the building or engineering trades, except in the capacity of van boy, errand boy, or messenger;

(d) employment in agriculture;

(e) employment in domestic service, except as non-resident daily servant;

(f) employment in any ship or boat registered in the United Kingdom as a British ship or in any British fishing boat entered in the fishing boat register.

(3) This section shall not come into operation until such date as may be appointed by an order of the Secretary of State, and the Secretary of State shall not make such an order until a draft thereof has been laid before both Houses of Parliament and has been approved by resolutions passed in the same session of Parliament by both Houses.

Street
trading.

20.—(1) No person under the age of sixteen years shall engage or be employed in street trading:

Provided that byelaws made under this section may permit young persons who have not attained the age of sixteen years to be employed by their parents in street trading.

(2) A local authority may make byelaws regulating or prohibiting street trading by persons under the age of eighteen years, and byelaws so made may distinguish between persons of different ages and sexes and between different localities, and may contain provisions—

(a) forbidding any such person to engage or be employed in street trading unless he holds a

- licence granted by the authority, and regulating the conditions on which such licences may be granted, suspended, and revoked;
- (b) determining the days and hours during which, and the places at which, such persons may engage or be employed in street trading;
 - (c) requiring such persons so engaged or employed to wear badges;
 - (d) regulating in any other respect the conduct of such persons while so engaged or employed.

A.D. 1933.

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PART II.
—cont.

21.—(1) If a person is employed in contravention of any of the foregoing provisions of this Part of this Act, or of the provisions of any byelaw made thereunder, the employer and any person (other than the person employed) to whose act or default the contravention is attributable shall be liable on summary conviction to a fine not exceeding five pounds or, in the case of a second or subsequent offence, not exceeding twenty pounds :

Penalties
and legal
proceedings
in respect
of general
provisions
as to em-
ployment.

Provided that, if proceedings are brought against the employer, the employer, upon information duly laid by him and on giving to the prosecution not less than three days' notice of his intention, shall be entitled to have any person (other than the person employed) to whose act or default he alleges that the contravention was due, brought before the court as a party to the proceedings, and if, after the contravention has been proved, the employer proves to the satisfaction of the court that the contravention was due to the act or default of the said other person, that person may be convicted of the offence; and if the employer further proves to the satisfaction of the court that he has used all due diligence to secure that the provisions in question should be complied with, he shall be acquitted of the offence.

(2) Where an employer seeks to avail himself of the proviso to the last foregoing subsection,

- (a) the prosecution shall have the right to cross-examine him, if he gives evidence, and any witness called by him in support of his charge against the other person, and to call rebutting evidence; and
- (b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

A.D. 1933.

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PART II.
—cont.

(3) A person under the age of eighteen years, who engages in street trading in contravention of the provisions of the last foregoing section, or of any byelaw made thereunder, shall be liable on summary conviction to a fine not exceeding twenty shillings, or in the case of a second or subsequent offence, not exceeding forty shillings.

*Entertainments and Performances.*Restrictions
on children
taking part
in enter-
tainments.

22.—(1) Subject to the provisions of this section a child shall not, except under and in accordance with the provisions of a licence granted and in force thereunder, take part in any entertainment in connection with which any charge, whether for admission or not, is made to any of the audience; and every person who causes or procures a child, or being his parent or guardian allows him, to take part in an entertainment in contravention of this section, shall, on summary conviction, be liable to a fine not exceeding five pounds or, in the case of a second or subsequent offence, not exceeding twenty pounds.

(2) Subject as hereinafter provided and without prejudice to the provisions of this Part of this Act and any byelaws made thereunder with respect to employment, a licence under this section shall not be necessary for a child to take part in an entertainment if—

- (a) he has not during the preceding six months taken part on more than six occasions in entertainments in connection with which any such charge as aforesaid was made; and
- (b) the net proceeds of the entertainment are devoted to purposes other than the private profit of the promoters:

Provided that this subsection shall not apply in the case of an entertainment given in premises which are licensed for the sale of any intoxicating liquor unless either—

- (i) those premises are also licensed for the public performance of stage plays or for public music, singing or dancing; or
- (ii) special authority for the child to take part in the entertainment has been granted in writing under the hands of two justices of the peace.

(3) Subject to such restrictions and conditions as may be prescribed by rules made by the Board of

Education, a local authority may grant a licence for a child who has attained the age of twelve years and is residing in their area to take part in any specified entertainment or series of entertainments, whether within or without that area :

A.D. 1933.

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PART II.
—cont.

Provided that—

- (a) no licence shall be granted unless the local authority are satisfied that the child is fit to take part in the entertainment, or series of entertainments, and that proper provision has been made to secure his health and kind treatment; and
- (b) no licence shall be granted in respect of any entertainment which is to take place on a Sunday.

(4) The holder of a licence under this section shall, at least seven days before the child takes part in any entertainment, furnish to the local authority within whose area the entertainment is to take place particulars of the licence and such other information as the Board of Education may by rules prescribe and, if he fails so to do, he shall be liable on summary conviction to a fine not exceeding five pounds.

(5) If any restriction or condition contained in a licence under this section is not observed, the licence may be revoked by any local authority within whose area any entertainment to which it relates has taken or is about to take place; and, subject to any restrictions and conditions prescribed by rules made by the Board of Education, any such licence may at the request of the holder of the licence be varied or extended by any such local authority as aforesaid.

(6) If the applicant for, or holder of, a licence under this section feels aggrieved by any decision of a local authority, he may appeal to the Board of Education, who may thereupon exercise any of the powers conferred on a local authority by this section.

23. No person under the age of sixteen years shall take part in any public performance in which his life or limbs are endangered and every person who causes or procures such a person, or being his parent or guardian allows him, to take part in such a performance,

Prohibition
against
persons under
sixteen taking
part in per-
formances
endangering
life or limb.

A.D. 1933. shall be liable on summary conviction to a fine not exceeding ten pounds or, in the case of a second or subsequent offence, not exceeding fifty pounds:

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PART II.
—cont.

Provided that no proceedings shall be taken under this subsection except by or with the authority of a chief officer of police.

Restrictions
on training
for perform-
ances of a
dangerous
nature.

24.—(1) No person under the age of twelve years shall be trained to take part in performances of a dangerous nature, and no person under the age of sixteen years shall be trained to take part in such performances except under and in accordance with the terms of a licence granted and in force under this section; and every person who causes or procures a person, or being his parent or guardian allows him, to be trained to take part in performances of a dangerous nature in contravention of this section, shall be liable on summary conviction to a fine not exceeding five pounds or, in the case of a second or subsequent offence, not exceeding twenty pounds.

(2) A petty sessional court may grant a licence for a person who has attained the age of twelve years but is under the age of sixteen years to be trained to take part in performances of a dangerous nature.

(3) An applicant for a licence under this section shall, at least seven days before making the application, give notice thereof to the chief officer of police for the district in which the person is, in accordance with the provisions of the licence, to be trained, and that officer may appear, or instruct some person to appear, before the court and show cause why the licence should not be granted, and no licence shall be granted unless the court is satisfied that notice has been so given.

(4) A licence under this section shall specify the place or places at which the person is to be trained and shall embody such conditions as are, in the opinion of the court, necessary for his protection, but a licence shall not be refused if the court is satisfied that the person is fit and willing to be trained and that proper provision has been made to secure his health and kind treatment.

(5) A licence under this section may, on cause being shown by any person, be revoked by a petty sessional court acting for the same petty sessional division or place as the court by which the licence was granted.

Employment Abroad.

A.D. 1933.

25.—(1) No person having the custody, charge or care of any person under the age of eighteen years shall allow him, nor shall any person cause or procure any person under that age, to go abroad for the purpose of singing, playing, performing, or being exhibited, for profit, unless he has attained the age of fourteen years and a licence has been granted in respect of him under this section:

PART II.
—cont.
Restrictions
on persons
under
eighteen
going
abroad for
the purpose
of per-
forming for
profit.

Provided that this subsection shall not apply in any case where it is proved that the person under the age of eighteen years was only temporarily resident within Great Britain and Ireland.

(2) A police magistrate may grant a licence in such form as the Secretary of State may prescribe, and subject to such restrictions and conditions as the police magistrate thinks fit, for any person who has attained the age of fourteen years but is under the age of eighteen years to go abroad for the purpose of singing, playing, performing, or being exhibited, for profit, but no such licence shall be granted in respect of any person unless the police magistrate is satisfied—

- (a) that the application for the licence is made by or with the consent of his parent or guardian;
- (b) that he is going abroad to fulfil a particular engagement;
- (c) that he is fit for the purpose, and that proper provision has been made to secure his health, kind treatment, and adequate supervision while abroad, and his return from abroad at the expiration or revocation of the licence;
- (d) that there has been furnished to him a copy of the contract of employment or other document showing the terms and conditions of employment drawn up in a language understood by him.

(3) A person applying for a licence under this section, shall, at least seven days before making the application, give to the chief officer of police for the district in which the person resides to whom the application relates, notice of the intended application together with a copy of the contract of employment or other document showing the terms and conditions of employment, and the chief officer of police shall send that copy

A.D. 1933.

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PART II.
—*cont.*

to the police magistrate and may make a report in writing on the case to him or may appear, or instruct some person to appear, before him and show cause why the licence should not be granted, and the police magistrate shall not grant the licence unless he is satisfied that notice has been properly so given :

Provided that if it appears that the notice was given less than seven days before the making of the application, the police magistrate may nevertheless grant a licence if he is satisfied that the officer to whom the notice was given has made sufficient enquiry into the facts of the case and does not desire to oppose the application.

(4) A licence under this section shall not be granted for more than three months but may be renewed by a police magistrate from time to time for a like period, so, however, that no such renewal shall be granted, unless the police magistrate—

(a) is satisfied by a report of a British consular officer or other trustworthy person that the conditions of the licence are being complied with;

(b) is satisfied that the application for renewal is made by or with the consent of the parent or guardian of the person to whom the licence relates.

(5) A police magistrate—

(a) may vary a licence granted under this section and may at any time revoke such a licence for any cause which he, in his discretion, considers sufficient :

(b) need not, when renewing or varying a licence granted under this section, require the attendance before him of the person to whom the licence relates.

(6) The police magistrate to whom application is made for the grant, renewal or variation of a licence shall, unless he is satisfied that in the circumstances it is unnecessary, require the applicant to give such security as he may think fit (either by entering into a recognisance with or without sureties or otherwise) for the observance of the restrictions and conditions in the licence or in the licence as varied, and the recognisance may be enforced in like manner as a recognisance for the doing

of some matter or thing required to be done in a proceeding before a court of summary jurisdiction is enforceable.

A.D. 1933.

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PART II.

—cont.

(7) If in any case where a licence has been granted under this section, it is proved to the satisfaction of a police magistrate that by reason of exceptional circumstances it is not in the interests of the person to whom the licence relates to require him to return from abroad at the expiration of the licence, then, notwithstanding anything in this section or any restriction or condition attached to the licence, the magistrate may by order release all persons concerned from any obligation to cause that person to return from abroad.

(8) Where a licence is granted, renewed or varied under this section, the police magistrate shall send the prescribed particulars to the Secretary of State for transmission to the proper consular officer, and every consular officer shall register the particulars so transmitted to him and perform such other duties in relation thereto as the Secretary of State may direct.

(9) In this section the expression "police magistrate" means one of the following magistrates, that is to say—

- (a) the chief magistrate of the metropolitan police courts;
- (b) any magistrate of the metropolitan police court in Bow Street;
- (c) any stipendiary magistrate appointed by Order in Council to exercise jurisdiction under this section,

and the powers conferred by this section on a police magistrate shall in every case be exercisable by any of the magistrates aforesaid.

(10) This and the next following section extend to Scotland and to Northern Ireland.

26.—(1) If any person acts in contravention of the provisions of subsection (1) of the last foregoing section he shall be guilty of an offence under this section and be liable, on summary conviction, to a fine not exceeding one hundred pounds, or, alternatively, or in default of payment of such a fine, or in addition thereto, to imprisonment for any term not exceeding three months :

Punishment
of contra-
ventions
of last
foregoing
section and
proceedings
with respect
thereto.

A.D. 1933.

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PART II.
—cont.

Provided that if he procured the person to go abroad by means of any false pretence or false representation, he shall be liable on conviction on indictment to imprisonment for any term not exceeding two years.

(2) Where, in proceedings under this section against a person, it is proved that he caused, procured, or allowed a person under the age of eighteen years to go abroad and that that person has while abroad been singing, playing, performing, or being exhibited, for profit, the defendant shall be presumed to have caused, procured, or allowed him to go abroad for that purpose, unless the contrary is proved :

Provided that where the contrary is proved, the court may order the defendant to take such steps as the court directs to secure the return of the person in question to the United Kingdom, or to enter into a recognisance to make such provision as the court may direct to secure his health, kind treatment, and adequate supervision while abroad, and his return to the United Kingdom at the expiration of such period as the court may think fit.

(3) Proceedings in respect of an offence under this section or for enforcing a recognisance under this or the last foregoing section may be instituted at any time within a period of three months from the first discovery by the person taking the proceedings of the commission of the offence or, as the case may be, the non-observance of the restrictions and conditions contained in the licence, or, if at the expiration of that period the person against whom it is proposed to institute the proceedings is outside the United Kingdom, at any time within six months after his return to the United Kingdom.

(4) In any such proceedings as aforesaid, a report of any British consular officer and any deposition made on oath before a British consular officer and authenticated by the signature of that officer, respecting the observance or non-observance of any of the conditions or restrictions contained in a licence granted under the last foregoing section shall, upon proof that the consular officer, or deponent, cannot be found in the United Kingdom, be admissible in evidence, and it shall not be necessary to prove the signature or official character of the

person appearing to have signed any such report or deposition. A.D. 1933.

(5) The wife or husband of a person charged with an offence under this section may be called as a witness either for the prosecution or defence, and without the consent of the person charged.

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PART II.
—cont.

(6) A constable or any person authorised by a justice of the peace may take to a place of safety any person under the age of seventeen years who there is reason to believe is about to go abroad in contravention of the provisions of the last foregoing section, and a person so taken to a place of safety may be detained there until he can be restored to his relatives or until other arrangements can be made with respect to him.

Supplemental.

27.—(1) A byelaw made under this Part of this Act shall not have effect until confirmed by the Secretary of State and shall not be so confirmed until at least thirty days after the local authority have published it in such manner as the Secretary of State directs. Byelaws.

(2) Before confirming such a byelaw the Secretary of State shall consider any objections thereto which may be addressed to him by persons affected or likely to be affected thereby, and may order a local enquiry to be held, and where such an enquiry is held, the person holding it shall receive such remuneration as the Secretary of State determines, and that remuneration and the expenses of the enquiry shall be paid by the local authority.

(3) Byelaws so made may, without prejudice to any other method of proof, be proved in the like manner as that in which byelaws made under the Public Health Act, 1875, by a local authority, not being the council of a borough, may be proved, and section one hundred and eighty-six of that Act shall apply accordingly. 38 & 39 Vict.
c. 55.

28.—(1) If it is made to appear to a justice of the peace by the local authority, or by any constable, that there is reasonable cause to believe that the provisions of this Part of this Act, other than those relating to employment abroad, or of a byelaw made under the said provisions, are being contravened with Powers of
entry.

A.D. 1933.
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PART II.
—*cont.*

respect to any person, the justice may by order under his hand addressed to an officer of the local authority, or to a constable, empower him to enter, at any reasonable time within forty-eight hours of the making of the order, any place in or in connection with which the person in question is, or is believed to be, employed, or as the case may be, in which he is, or is believed to be, taking part in an entertainment or performance, or being trained, and to make enquiries therein with respect to that person.

(2) Any authorised officer of the local authority or any constable may at any time during the currency of a licence granted under section twenty-two or twenty-four of this Act enter any place where the person to whom the licence relates is authorised by the licence to take part in an entertainment or to be trained, and may make enquiries therein with respect to that person.

(3) Any person who obstructs any officer or constable in the due exercise of any powers conferred on him by or under this section, or who refuses to answer or answers falsely any enquiry authorised by or under this section to be made, shall be liable on summary conviction in respect of each offence to a fine not exceeding twenty pounds.

Savings.

29.—(1) The provisions of this Act imposing restrictions on employment or on the taking part by children in entertainments, other than those relating to employment abroad, and the provisions of any byelaws made under this Part of this Act, shall not apply in relation to a person who has attained the age of twelve years taking part in a performance, whether of the nature of an entertainment or not, which is being broadcast by the British Broadcasting Corporation, so long as the public are not admitted thereto on payment.

(2) The said provisions shall not affect the provisions of Part IV of the Education Act, 1921, with respect to school attendance or the provisions of sections ninety-three, ninety-four and ninety-five of that Act with respect to the employment of children and young persons.

(3) The said provisions shall not apply to a person detained in an approved school.

(4) The said provisions shall be in addition to and not in substitution for any enactments relating to

employment in factories, workshops, mines and quarries, or for giving effect to any international convention regulating employment.

A.D. 1933.

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PART II.

—cont.

30. For the purposes of this Part of this Act and of any byelaws made thereunder—

Interpreta-
tion of
Part II.

A person who is attending a public elementary school and who attains the age of fourteen years during a school term shall not (except for the purposes of the provisions relating to employment abroad) be deemed to cease to be a child until the end of that term;

The expression “performance of a dangerous nature” includes all acrobatic performances and all performances as a contortionist;

The expression “street trading” includes the hawking of newspapers, matches, flowers and other articles, playing, singing or performing for profit, shoe-blackening and other like occupations carried on in streets or public places;

A person who assists in a trade or occupation carried on for profit shall be deemed to be employed notwithstanding that he receives no reward for his labour;

A chorister taking part in a religious service or in a choir practice for a religious service shall not, whether he receives any reward or not, be deemed to be employed; and

The expression “abroad” means outside Great Britain and Ireland.

PART III.

PROTECTION OF CHILDREN AND YOUNG PERSONS IN RELATION TO CRIMINAL AND SUMMARY PROCEEDINGS.

General Provisions as to Preliminary Proceedings.

31. Arrangements shall be made for preventing a child or young person while detained in a police station, or while being conveyed to or from any criminal court, or while waiting before or after attendance in any criminal court, from associating with an adult (not being a relative) who is charged with any offence other than an offence with which the child or young person is jointly charged, and

Separation
of children
and young
persons
from adults
in police
stations,
courts, &c.

A.D. 1933. for ensuring that a girl (being a child or young person) shall while so detained, being conveyed, or waiting, be under the care of a woman.

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PART III.
—cont.

Bail or
detention of
children and
young
persons
arrested.

32.—(1) Where a person apparently under the age of seventeen years is apprehended, with or without warrant, and cannot be brought forthwith before a court of summary jurisdiction, a superintendent or inspector of police, or other officer of police of equal or superior rank, or the officer in charge of the police station to which he is brought, shall inquire into the case, and may release him on a recognisance being entered into by him or his parent or guardian (with or without sureties), for such an amount as will, in the opinion of the officer, secure his attendance upon the hearing of the charge, and shall so release him unless—

- (a) the charge is one of homicide or other grave crime; or
- (b) it is necessary in his interest to remove him from association with any reputed criminal or prostitute; or
- (c) the officer has reason to believe that his release would defeat the ends of justice.

(2) Where a person apparently under the age of seventeen years having been apprehended is not so released as aforesaid, the officer of police shall cause him to be detained in a remand home until he can be brought before a court of summary jurisdiction, unless the officer certifies—

- (a) that it is impracticable to do so; or
- (b) that he is of so unruly a character that he cannot safely be so detained; or
- (c) that by reason of his state of health or of his mental or bodily condition it is inadvisable so to detain him,

and the certificate shall be produced to the court before which he is brought.

Remand or
committal
to custody
in remand
homes.

33.—(1) Any court, on remanding or committing for trial a child or young person who is not released on bail, shall, instead of committing him to prison, commit him to custody in a remand home named in the commitment, to be there detained for the period for

which he is remanded or until he is thence delivered in due course of law :

Provided that—

- (a) in the case of a young person it shall not be obligatory on the court so to commit him if the court certifies that he is of so unruly a character that he cannot safely be so committed, or that he is of so depraved a character that he is not a fit person to be so detained; and
- (b) nothing in this subsection shall affect any power of a court of summary jurisdiction under section ten of the Criminal Justice Administration Act, 1914, to commit a person who has attained the age of sixteen years to prison until the next assizes or quarter sessions with a view to his being sentenced to detention in a Borstal institution.

(2) A commitment under this section may be varied, or, in the case of a young person who proves to be of so unruly a character that he cannot safely be detained in such custody, or to be of so depraved a character that he is not a fit person to be so detained, revoked, by the court which made the order, or if application cannot conveniently be made to that court, by a court of summary jurisdiction having jurisdiction in the place where the court which made the order sat, and if it is revoked the young person may be committed to prison.

34.—(1) Where a child or young person is charged with any offence or is for any other reason brought before a court, his parent or guardian may in any case, and shall if he can be found and resides within a reasonable distance, be required to attend at the court before which the case is heard or determined during all the stages of the proceedings, unless the court is satisfied that it would be unreasonable to require his attendance.

(2) Where a child or young person is arrested or taken to a place of safety, the constable by whom he is arrested or the officer of police in charge of the police station to which he is brought, or the person by whom he is taken to the place of safety, as the case may be, shall cause the parent or guardian of the child or young person, if he can be found, to be warned to attend at the court before which the child or young person will appear.

A.D. 1933.

PART III.

—cont.

4 & 5 Geo. 5.
c. 58.Attendance
at court of
parent of
child or
young
person
charged
with an
offence, &c.

A.D. 1933.

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PART III.
—cont.42 & 43 Vict.
c. 49.11 & 12 Vict.
c. 42.

(3) For the purpose of enforcing the attendance of a parent or guardian and enabling him to take part in the proceedings and enabling orders to be made against him, rules may be made under section twenty-nine of the Summary Jurisdiction Act, 1879, for applying, with the necessary adaptations and modifications, such of the provisions of the Summary Jurisdiction Acts and the Indictable Offences Act, 1848, as appear appropriate for the purpose, and such rules may provide for a summons to a child or young person including a summons to his parent or guardian.

(4) The parent or guardian whose attendance shall be required under this section shall be the parent or guardian having the actual possession and control of the child or young person :

Provided that if that person is not the father, the attendance of the father may also be required.

(5) The attendance of the parent of a child or young person shall not be required under this section in any case where the child or young person was before the institution of the proceedings removed from the custody or charge of his parent by an order of a court.

Notice to
local autho-
rity of
charges
against and
applications
relating to
children
and young
persons.

35.—(1) Where a child or young person is to be brought before a court of summary jurisdiction, or before a justice or justices acting under the Indictable Offences Act, 1848, in respect of an offence alleged to have been committed by him, or is to be brought before a juvenile court as being in need of care or protection, the responsible person (as hereinafter defined) shall forthwith notify the day and hour when, and the nature of the charge or other grounds on which, the child or young person is to be brought before the court or justices—

(a) to the probation officer, or one of the probation officers, for the probation area in which the court or justices will sit; and

(b) to the local authority for the district in which the child or young person is resident, or, if it is not known where he is resident, to the local authority for the district, or for any one of the districts, in which the offence is alleged to have been committed or the circumstances justifying an application to the court are alleged to have arisen :

Provided that no such notification need be given to a local authority where the child or young person is charged or brought before the court by a local or poor law authority.

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PART III.
—cont.

For the purposes of this subsection the expression "responsible person" means, in a case where the child or young person is accused of an offence, the chief officer of police, and in any other case, the person bringing the child or young person before the court.

(2) A local authority who have received a notification under the last foregoing subsection, and a local or poor law authority who themselves charge any child or young person with any offence, or bring any child or young person before a juvenile court as being in need of care or protection shall, except in cases which appear to them to be of a trivial nature, make such investigations and render available to the court such information as to the home surroundings, school record, health, and character of the child or young person and, in proper cases, as to available approved schools, as appear to them to be likely to assist the court :

Provided that a local authority shall be under no obligation to make investigations as to the home surroundings of children or young persons in any petty sessional division in which by direction of the justices or probation committee arrangements have been made for such investigations to be made by a probation officer.

General Provisions as to Proceedings in Court.

36. No child (other than an infant in arms) shall be permitted to be present in court during the trial of any other person charged with an offence, or during any proceedings preliminary thereto, except during such time as his presence is required as a witness or otherwise for the purposes of justice; and any child present in court when under this section he is not to be permitted to be so shall be ordered to be removed :

Prohibition
against
children
being
present in
court during
the trial of
other per-
sons.

Provided that this section shall not apply to messengers, clerks, and other persons required to attend at any court for purposes connected with their employment.

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PART III.
—cont.Power to
clear court
while child
or young
person is
giving evi-
dence in
certain
cases.

37.—(1) Where, in any proceedings in relation to an offence against, or any conduct contrary to, decency or morality, a person who, in the opinion of the court, is a child or young person is called as a witness, the court may direct that all or any persons, not being members or officers of the court or parties to the case, their counsel or solicitors, or persons otherwise directly concerned in the case, be excluded from the court during the taking of the evidence of that witness :

Provided that nothing in this section shall authorise the exclusion of bonâ fide representatives of a newspaper or news agency.

(2) The powers conferred on a court by this section shall be in addition and without prejudice to any other powers of the court to hear proceedings in *camerâ*.

Evidence of
child of
tender
years.

38.—(1) Where, in any proceedings against any person for any offence, any child of tender years called as a witness does not in the opinion of the court understand the nature of an oath, his evidence may be received, though not given upon oath, if, in the opinion of the court, he is possessed of sufficient intelligence to justify the reception of the evidence, and understands the duty of speaking the truth; and his evidence, though not given on oath, but otherwise taken and reduced into writing in accordance with the provisions of section seventeen of the Indictable Offences Act, 1848, or of this Part of this Act, shall be deemed to be a deposition within the meaning of that section and that Part respectively :

Provided that where evidence admitted by virtue of this section is given on behalf of the prosecution the accused shall not be liable to be convicted of the offence unless that evidence is corroborated by some other material evidence in support thereof implicating him.

(2) If any child whose evidence is received as afore-said wilfully gives false evidence in such circumstances that he would, if the evidence had been given on oath, have been guilty of perjury, he shall be liable on summary conviction to be dealt with as if he had been summarily convicted of an indictable offence punishable in the case of an adult with imprisonment.

Power to
prohibit
publication

39.—(1) In relation to any proceedings in any court which arise out of any offence against, or any

conduct contrary to, decency or morality, the court may direct that—

- (a) no newspaper report of the proceedings shall reveal the name, address, or school, or include any particulars calculated to lead to the identification, of any child or young person concerned in the proceedings, either as being the person against or in respect of whom the proceedings are taken, or as being a witness therein;
- (b) no picture shall be published in any newspaper as being or including a picture of any child or young person so concerned in the proceedings as aforesaid;

except in so far (if at all) as may be permitted by the direction of the court.

(2) Any person who publishes any matter in contravention of any such direction shall on summary conviction be liable in respect of each offence to a fine not exceeding fifty pounds.

*Special Procedure with regard to Offences specified
in First Schedule.*

40.—(1) If it appears to a justice of the peace on information on oath laid by any person who, in the opinion of the justice, is acting in the interests of a child or young person, that there is reasonable cause to suspect—

- (a) that the child or young person has been or is being assaulted, ill-treated, or neglected in any place within the jurisdiction of the justice, in a manner likely to cause him unnecessary suffering, or injury to health; or
- (b) that any offence mentioned in the First Schedule to this Act has been or is being committed in respect of the child or young person,

the justice may issue a warrant authorising any constable named therein to search for the child or young person, and, if it is found that he has been or is being assaulted, ill-treated, or neglected in manner aforesaid, or that any such offence as aforesaid has been or is being committed in respect of him, to take him to and detain him in a place of safety, until he can be brought before a juvenile court,

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PART III.
—cont.of certain
matter in
newspapers.Warrant to
search for or
remove a
child or
young
person.

A.D. 1933. or authorising any constable to remove him with or
— without search to a place of safety and detain him there
PART III. until he can be brought before a juvenile court.
—cont.

(2) A justice issuing a warrant under this section may by the same warrant cause any person accused of any offence in respect of the child or young person to be apprehended and brought before a court of summary jurisdiction, and proceedings to be taken against him according to law.

(3) Any constable authorised by warrant under this section to search for any child or young person, or to remove any child or young person with or without search, may enter (if need be by force) any house, building, or other place specified in the warrant, and may remove him therefrom.

(4) Every warrant issued under this section shall be addressed to and executed by a constable, who shall be accompanied by the person laying the information, if that person so desires, unless the justice by whom the warrant is issued otherwise directs, and may also, if the justice by whom the warrant is issued so directs, be accompanied by a duly qualified medical practitioner.

(5) It shall not be necessary in any information or warrant under this section to name the child or young person.

Power to proceed with case in absence of child or young person.

41. Where in any proceedings with relation to any of the offences mentioned in the First Schedule to this Act, the court is satisfied that the attendance before the court of any child or young person in respect of whom the offence is alleged to have been committed is not essential to the just hearing of the case, the case may be proceeded with and determined in the absence of the child or young person.

Extension of power to take deposition of child or young person.

42.—(1) Where a justice of the peace is satisfied by the evidence of a duly qualified medical practitioner that the attendance before a court of any child or young person in respect of whom any of the offences mentioned in the First Schedule to this Act is alleged to have been committed would involve serious danger to his life or health, the justice may take in writing the deposition of the child or young person on oath, and shall thereupon subscribe the deposition and add thereto a statement of his reason for taking it and of the day when and

place where it was taken, and of the names of the persons (if any) present at the taking thereof.

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PART III.

—cont.

(2) The justice taking any such deposition shall transmit it with his statement—

- (a) if the deposition relates to an offence for which any accused person is already committed for trial, to the proper officer of the court for trial at which the accused person has been committed; and
- (b) in any other case, to the clerk of the court before which proceedings are pending in respect of the offence.

43. Where, in any proceedings in respect of any of the offences mentioned in the First Schedule to this Act, the court is satisfied by the evidence of a duly qualified medical practitioner that the attendance before the court of any child or young person in respect of whom the offence is alleged to have been committed would involve serious danger to his life or health, any deposition of the child or young person taken under the Indictable Offences Act, 1848, or this Part of this Act, shall be admissible in evidence either for or against the accused person without further proof thereof if it purports to be signed by the justice by or before whom it purports to be taken :

Admission
of deposition
of child or
young
person in
evidence.

Provided that the deposition shall not be admissible in evidence against the accused person unless it is proved that reasonable notice of the intention to take the deposition has been served upon him and that he or his counsel or solicitor had, or might have had if he had chosen to be present, an opportunity of cross-examining the child or young person making the deposition.

*Principles to be observed by all Courts in dealing with
Children and Young Persons.*

44.—(1) Every court in dealing with a child or young person who is brought before it, either as being in need of care or protection or as an offender or otherwise, shall have regard to the welfare of the child or young person and shall in a proper case take steps for removing him from undesirable surroundings, and for securing that proper provision is made for his education and training.

General
considera-
tions.

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PART III.
—cont.

(2) A court shall not order a child under the age of ten years to be sent to an approved school unless for any reason, including the want of a fit person of his own religious persuasion who is willing to undertake the care of him, the court is satisfied that he cannot suitably be dealt with otherwise.

Juvenile Courts.

Constitution
of juvenile
courts.

45. Courts of summary jurisdiction constituted in accordance with the provisions of the Second Schedule to this Act and sitting for the purpose of hearing any charge against a child or young person or for the purpose of exercising any other jurisdiction conferred on juvenile courts by or under this or any other Act, shall be known as juvenile courts and in whatever place sitting shall be deemed to be petty sessional courts.

Assignment
of certain
matters to
juvenile
courts.

46.—(1) Subject as hereinafter provided, no charge against a child or young person, and no application whereof the hearing is by rules made under this section assigned to juvenile courts, shall be heard by a court of summary jurisdiction which is not a juvenile court:

Provided that—

- (a) a charge made jointly against a child or young person and a person who has attained the age of seventeen years shall be heard by a court of summary jurisdiction other than a juvenile court; and
- (b) where a child or young person is charged with an offence, the charge may be heard by a court of summary jurisdiction which is not a juvenile court if a person who has attained the age of seventeen years is charged at the same time with aiding, abetting, causing, procuring, allowing or permitting that offence; and
- (c) where, in the course of any proceedings before any court of summary jurisdiction other than a juvenile court, it appears that the person to whom the proceedings relate is a child or young person, nothing in this subsection shall be construed as preventing the court, if it thinks fit so to do, from proceeding with the hearing and determination of those proceedings.

(2) No direction, whether contained in this or any other Act, that a charge shall be brought before a juvenile court shall be construed as restricting the powers of any justice or justices to entertain an application for bail or for a remand, and to hear such evidence as may be necessary for that purpose.

(3) The Lord Chancellor may by rules assign to juvenile courts the hearing of any applications for orders or licences relating to children or young persons, being applications cognisable by justices, courts of summary jurisdiction, or petty sessional courts, if, in his opinion, it is desirable in the interests of the children and young persons concerned that such applications should be heard by juvenile courts.

For the purposes of this subsection, any complaint under section forty-four or section forty-five of the Education Act, 1921 (which sections relate to the making of school attendance orders and to the proceedings to be taken where such orders are disobeyed), or under section fifty-four of that Act (which relates to the making of orders requiring defective or epileptic children to be sent to suitable classes or schools) shall be deemed to be an application for an order relating to a child.

47.—(1) Juvenile courts shall sit as often as may be necessary for the purpose of exercising any jurisdiction conferred on them by or under this or any other Act.

(2) A juvenile court shall, subject as hereinafter provided, sit either in a different building or room from that in which sittings of courts other than juvenile courts are held, or on different days from those on which sittings of such other courts are held; and no person shall be present at any sitting of a juvenile court except—

- (a) members and officers of the court;
- (b) parties to the case before the court, their solicitors and counsel, and witnesses and other persons directly concerned in that case;
- (c) bonâ fide representatives of newspapers or news agencies;
- (d) such other persons as the court may specially authorise to be present:

Provided that juvenile courts for the City of London shall sit at such place or places as the Court of the Lord Mayor and Aldermen of the City may from time to time determine.

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PART III.
—cont.Procedure
in juvenile
courts.

A.D. 1933.

PART III.
—cont.

(3) The Lord Chancellor may make rules for regulating the procedure in juvenile courts, and such of the provisions of the Summary Jurisdiction Acts and of the Acts relating to indictable offences as regulate procedure shall have effect subject to any rules so made.

Miscellaneous provisions as to powers of juvenile courts.

48.—(1) A juvenile court sitting for the purpose of hearing a charge against, or an application relating to, a person who is believed to be a child or young person may, if it thinks fit to do so, proceed with the hearing and determination of the charge or application, notwithstanding that it is discovered that the person in question is not a child or young person.

7 Edw. 7.
c. 17.

(2) Where the court before which any person is bound by his recognisance under the Probation of Offenders Act, 1907, to appear is a juvenile court, the attainment by him of the age of seventeen years shall not deprive that court of jurisdiction to enforce his attendance and deal with him in respect of any failure to observe the conditions of his recognisance or of jurisdiction to vary or discharge the recognisance.

(3) When a juvenile court has remanded a child or young person for information to be obtained with respect to him, any juvenile court acting for the same petty sessional division or place—

(a) may in his absence extend the period for which he is remanded, so, however, that he appears before a court or a justice of the peace at least once in every twenty-one days;

(b) when the required information has been obtained, may deal with him finally;

and where the court by which he was originally remanded has recorded a finding that he is guilty of an offence charged against him, it shall not be necessary for any court which subsequently deals with him under this subsection to hear evidence as to the commission of that offence, except in so far as it may consider that such evidence will assist the court in determining the manner in which he should be dealt with.

(4) Notwithstanding anything in subsection (8) of section twenty of the Summary Jurisdiction Act, 1879, (which provides that an indictable offence shall not be dealt with summarily under that Act except on a day publicly appointed for the hearing of indictable offences)

a juvenile court may sit on any day for the purpose of hearing and determining a charge against a child or young person in respect of an indictable offence.

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PART III.

—cont.

(5) A juvenile court sitting in the metropolitan police court area shall have all the powers of a metropolitan police magistrate; and for the purposes of any enactment by virtue of which any powers are exercisable—

- (a) by a court of summary jurisdiction acting for the same petty sessional division or place as a juvenile court by which some previous act has been done; or
- (b) by a juvenile court acting for the same petty sessional division or place as a court of summary jurisdiction by which some previous act has been done,

the metropolitan police court area shall be deemed to be the place for which all metropolitan police magistrates sitting in that area and all juvenile courts sitting in that area act.

(6) A juvenile court constituted and sitting in accordance with a determination of the Court of the Lord Mayor and Aldermen of the City of London shall have all the powers of a petty sessional court notwithstanding that the juvenile court is constituted only of the Lord Mayor or a single alderman and is not sitting in the justice room of the Mansion House or of the Guildhall.

49.—(1) Subject as hereinafter provided, no newspaper report of any proceedings in a juvenile court shall reveal the name, address or school, or include any particulars calculated to lead to the identification, of any child or young person concerned in those proceedings, either as being the person against or in respect of whom the proceedings are taken or as being a witness therein, nor shall any picture be published in any newspaper as being or including a picture of any child or young person so concerned in any such proceedings as aforesaid:

Restrictions
on news-
paper
reports of
proceedings
in juvenile
courts.

Provided that the court or the Secretary of State may in any case, if satisfied that it is in the interests of justice so to do, by order dispense with the requirements of this section to such extent as may be specified in the order.

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PART III.
—cont.

(2) Any person who publishes any matter in contravention of this section shall on summary conviction be liable in respect of each offence to a fine not exceeding fifty pounds.

*Juvenile Offenders.*Age of criminal
responsibility.

50. It shall be conclusively presumed that no child under the age of eight years can be guilty of any offence.

Removal of dis-
qualifications
attaching to
felony.

51. No conviction or finding of guilty of a child or young person shall be regarded as a conviction of felony for the purposes of any disqualification attaching to felony.

Restrictions
on punish-
ment of
children
and young
persons.

52.—(1) A child shall not be ordered to be imprisoned or be sent to penal servitude for any offence, or be committed to prison in default of payment of a fine, damages, or costs.

(2) A young person shall not be sent to penal servitude for any offence.

(3) A young person shall not be ordered to be imprisoned for an offence, or be committed to prison in default of payment of a fine, damages, or costs, unless the court certifies that he is of so unruly a character that he cannot be detained in a remand home or that he is of so depraved a character that he is not a fit person to be so detained.

Punishment
of certain
grave
crimes.

53.—(1) Sentence of death shall not be pronounced on or recorded against a person under the age of eighteen years, but in lieu thereof the court shall sentence him to be detained during His Majesty's pleasure, and, if so sentenced, he shall, notwithstanding anything in the other provisions of this Act, be liable to be detained in such place and under such conditions as the Secretary of State may direct.

(2) Where a child or young person is convicted on indictment of an attempt to murder, or of manslaughter, or of wounding with intent to do grievous bodily harm, and the court is of opinion that none of the other methods in which the case may legally be dealt with is suitable, the court may sentence the offender to be detained for such period as may be specified in the sentence; and where such a sentence has been passed the child or young person shall, during that period, notwithstanding anything in the other provisions of this Act, be liable to be detained in such place and on such conditions as the Secretary of State may direct.

(3) A person detained pursuant to the directions of the Secretary of State under this section shall, while so detained, be deemed to be in legal custody.

(4) Any person so detained as aforesaid may, at any time, be discharged by the Secretary of State on licence.

Such a licence may be in such form and may contain such conditions as the Secretary of State may direct, and may at any time be revoked or varied by the Secretary of State.

Where a licence has been revoked the person to whom the licence related shall return to such place as the Secretary of State may direct, and if he fails to do so may be apprehended without warrant and taken to that place.

54. Where a child or young person is found guilty of an offence punishable in the case of an adult with penal servitude or imprisonment, or where a child or young person would, if he were an adult, be liable to be imprisoned in default of payment of any fine, damages, or costs, the court may, if it considers that none of the other methods in which the case may legally be dealt with is suitable, order that he be committed to custody in a remand home named in the order for such term as may be specified in the order, not exceeding the term for which he might, but for this Act, be ordered to be imprisoned or committed to prison, nor in any case exceeding one month.

55.—(1) Where a child or young person is charged with any offence for the commission of which a fine, damages, or costs may be imposed, if the court is of opinion that the case would be best met by the imposition of a fine, damages, or costs, whether with or without any other punishment, the court may in any case, and shall if the offender is a child, order that the fine, damages, or costs awarded be paid by the parent or guardian of the child or young person instead of by the child or young person, unless the court is satisfied that the parent or guardian cannot be found or that he has not conduced to the commission of the offence by neglecting to exercise due care of the child or young person.

(2) In the case of a child or young person charged with any offence, the court may order his parent or guardian to give security for his good behaviour.

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PART III.

—cont.

Substitution
of custody
in remand
home
for im-
prisonment.Power to
order parent
to pay fine,
&c., instead
of child
or young
person.

A.D. 1933.

PART III.
—cont.

(3) An order under this section may be made against a parent or guardian who, having been required to attend, has failed to do so, but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(4) Any sums ordered under this section, or on forfeiture of any such security as aforesaid, to be paid by a parent or guardian may be recovered from him by distress or imprisonment in like manner as if the order had been made on the conviction of the parent or guardian of the offence with which the child or young person was charged.

(5) A parent or guardian may appeal against an order under this section—

(a) if made by a court of summary jurisdiction, to a court of quarter sessions; and

(b) if made by a court of assize or a court of quarter sessions, to the Court of Criminal Appeal in accordance with the Criminal Appeal Act, 1907, as if the parent or guardian against whom the order was made had been convicted on indictment, and the order were a sentence passed on his conviction.

7 Edw. 7.
c. 23.Power of
other courts
to remit
juvenile
offenders
to juvenile
courts.

56.—(1) Any court by or before which a child or young person is found guilty of an offence other than homicide, may, if it thinks fit, remit the case to a juvenile court acting for the place where the offender was committed for trial, or, if he was not committed for trial, to a juvenile court acting either for the same place as the remitting court or for the place where the offender resides; and, where any such case is so remitted, the offender shall be brought before a juvenile court accordingly, and that court may deal with him in any way in which it might have dealt with him if he had been tried and found guilty by that court.

(2) No appeal shall lie against an order of remission made under the last foregoing subsection, but nothing in this subsection shall affect any right of appeal against the verdict or finding on which such an order is founded, and a person aggrieved by the order of the juvenile court to which the case is remitted may appeal therefrom to quarter sessions as if he had been tried by, and had pleaded guilty before, the juvenile court.

(3) A court by which an order remitting a case to a juvenile court is made under this section may give such directions as appear to be necessary with respect to the custody of the offender or for his release on bail until he can be brought before the juvenile court, and shall cause to be transmitted to the clerk of the juvenile court a certificate setting out the nature of the offence and stating that the offender has been found guilty thereof, and that the case has been remitted for the purpose of being dealt with under this section.

A.D. 1933.

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PART III.
—cont.

57.—(1) Any court by or before which a child or young person is found guilty of an offence punishable in the case of an adult with imprisonment shall, in addition to any other powers exercisable by virtue of this or any other Act, have power—

Power to send juvenile offenders to approved schools or to commit them to fit persons.

- (a) to order him to be sent to an approved school;
- (b) to commit him to the care of a fit person, whether a relative or not, who is willing to undertake the care of him.

(2) Where an order is made under this section committing a child or young person to the care of a fit person, a probation order may also be made under the Probation of Offenders Act, 1907.

58. The Secretary of State may by order direct that—

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

- (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 subsection (2) of section fifty-three of this Act; 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 school,

shall be transferred or sent to and detained in an approved school 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

A.D. 1933. the Secretary of State attain the age of nineteen years
nor later—

PART III.
—cont.

(a) in the case of a person who was undergoing detention in a Borstal Institution, or was sentenced to detention under the said subsection (2), than the date on which his detention would have expired;

(b) in the case of a young person who has been sentenced to imprisonment and pardoned as aforesaid, than three years from the date as from which his sentence began to run.

Miscellaneous provisions as to summary proceedings against juvenile offenders.

59.—(1) The words “conviction” and “sentence” shall cease to be used in relation to children and young persons dealt with summarily and any reference in any enactment to a person convicted, a conviction or a sentence shall, in the case of a child or young person, be construed as including a reference to a person found guilty of an offence, a finding of guilt or an order made upon such a finding, as the case may be:

Provided that for the purposes of paragraph (b) of subsection (1) of section ten of the Criminal Justice Administration Act, 1914 (which relates to the power to send youthful delinquents to Borstal institutions), a finding that a person is guilty of an offence shall not have the effect of a conviction if he was dealt with for that offence under the Probation of Offenders Act, 1907.

(2) Where a child or young person is himself ordered by a court of summary jurisdiction to pay costs in addition to a fine, the amount of the costs so ordered to be paid shall in no case exceed the amount of the fine.

Amendments of certain enactments relating to criminal proceedings and courts of summary jurisdiction.

60.—The amendments specified in the second column of the Third Schedule to this Act shall be made in the enactments mentioned in the first column of that Schedule.

Children and Young Persons in need of Care or Protection.

Definition of “in need of care or protection.”

61.—(1) For the purposes of this Act a child or young person in need of care or protection means a person who is—

(a) a child or young person who, having no parent or guardian or a parent or guardian unfit to

exercise care and guardianship or not exercising proper care and guardianship, is either falling into bad associations, or exposed to moral danger, or beyond control; or

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PART III.

—*cont.*

(b) a child or young person who—

(i) being a person in respect of whom any of the offences mentioned in the First Schedule to this Act has been committed; or

(ii) being a member of the same household as a child or young person in respect of whom such an offence has been committed; or

(iii) being a member of the same household as a person who has been convicted of such an offence in respect of a child or young person; or

(iv) being a female member of a household whereof a member has committed an offence under the Punishment of Incest Act, 1908, in respect of another female member of that household;

8 Edw. 7.

c. 45.

requires care or protection; or

(c) a child in respect of whom an offence has been committed under section ten of this Act (which relates to the punishment of vagrants preventing children from receiving education).

(2) For the purposes of this section, the fact that a child or young person is found destitute, or is found wandering without any settled place of abode and without visible means of subsistence, or is found begging or receiving alms (whether or not there is any pretence of singing, playing, performing or offering anything for sale), or is found loitering for the purpose of so begging or receiving alms, shall (without prejudice to the generality of the provisions of paragraph (a) of the last foregoing subsection) be evidence that he is exposed to moral danger.

62.—(1) If a juvenile court is satisfied that any person brought before the court under this section by a local authority, constable, or authorised person, is a child or young person in need of care or protection, the court may either—

Powers of
juvenile
courts in
respect of
children and
young per-
sons in need

(a) order him to be sent to an approved school; or

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PART III.
—*cont.*
of care or
protection.

- (b) commit him to the care of any fit person, whether a relative or not, who is willing to undertake the care of him; or
- (c) order his parent or guardian to enter into a recognisance to exercise proper care and guardianship; or
- (d) without making any other order, or in addition to making an order under either of the last two foregoing paragraphs, make an order placing him for a specified period, not exceeding three years, under the supervision of a probation officer, or of some other person appointed for the purpose by the court.

(2) Any local authority, constable or authorised person having reasonable grounds for believing that a child or young person is in need of care or protection may bring him before a juvenile court; and it shall be the duty of a local authority to bring before a juvenile court any child or young person residing or found in their district who appears to them to be in need of care or protection unless they are satisfied that the taking of proceedings is undesirable in his interests, or that proceedings are about to be taken by some other person.

(3) The Summary Jurisdiction Acts shall apply in relation to recognisances under subsection (1) of this section as they apply in relation to recognisances to be of good behaviour, and where a recognisance under the said subsection (1) is adjudged to be forfeited the court, if it thinks fit, instead of adjudging the person bound thereby to pay the sum for which he is bound, may adjudge him to pay part only of the said sum or may remit payment thereof.

(4) For the purposes of this section, the expression "authorised person" means any officer of a society which is authorised by general or special order of the Secretary of State to institute proceedings under this section, and any person who is himself so authorised.

Powers of
other courts
with respect
to last
foregoing
section.

63.—(1) Any court by or before which a person is convicted of having committed in respect of a child or young person any of the offences mentioned in the First Schedule to this Act or any offence under section ten of this Act, may—

- (a) direct that the child or young person be brought before a juvenile court with a view to that

court making such order under the last foregoing section as may be proper; or

- (b) if satisfied that the material before the court is sufficient to enable it properly to exercise jurisdiction, may make any order which the juvenile court might make.

(2) Where any court has, under this section, directed that a child or young person be brought before a juvenile court it shall be the duty of the local authority in whose district he was residing or found to bring him before such a court under subsection (1) of the last foregoing section.

Refractory Children and Young Persons.

64. Where the parent or guardian of a child or young person proves to a juvenile court that he is unable to control the child or young person, the court, if satisfied—

- (a) that it is expedient so to deal with the child or young person; and
(b) that the parent or guardian understands the results which will follow from and consents to the making of the order,

may order the child or young person to be sent to an approved school, or may order him to be placed for a specified period, not exceeding three years, under the supervision of a probation officer or of some other person appointed for the purpose by the court:

Provided that an order that the child or young person be sent to an approved school shall not be made unless the local authority within whose area he is resident agree.

65. Where a poor law authority satisfy a juvenile court that any child or young person maintained in or boarded out from a school or other institution belonging to the authority is refractory, and that it is expedient that he should be sent to an approved school, the court may order him to be sent to such a school.

Supplemental.

66.—(1) Where a court makes an order under any of the foregoing provisions of this Part of this Act placing a child or young person under the supervision of

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PART III.
—cont.

Power of parent or guardian to bring child or young person before juvenile court.

Power of poor law authority to bring child or young person before juvenile court.

Supervision by probation officers

A.D. 1933.

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PART III.
—*cont.*
or other
persons,

a probation officer or of some other person, that officer or person shall, while the order remains in force, visit, advise and befriend him and, when necessary, endeavour to find him suitable employment and may, if it appears necessary in his interests so to do, at any time while the order remains in force and he is under the age of seventeen years, bring him before a juvenile court, and that court may, if it thinks that it is desirable in his interests so to do, order him to be sent to an approved school or commit him to the care of a fit person, whether a relative or not, who is willing to undertake the care of him.

(2) Where the probation officer or other person named in an order as aforesaid placing a child or young person under supervision has died or is unable for any reason to carry out his duties, or where it is made to appear that it is for any reason desirable that another person should be appointed in the place of that officer or person, a juvenile court may appoint another probation officer or person to act in his place.

15 & 16
Geo. 5. c. 86.

(3) For the purposes of the provisions of the Criminal Justice Act, 1925, relating to the salaries, remuneration and expenses of probation officers and of persons not being probation officers named in probation orders, an order as aforesaid placing a child or young person under supervision shall be deemed to be a probation order.

Removal or
remand of
child or
young
person to
place of
safety.

67.—(1) A constable, or any person authorised by any court or by any justice of the peace, may take to a place of safety any child or young person in respect of whom any of the offences mentioned in the First Schedule to this Act has been or is believed to have been committed, or who is about to be brought before a juvenile court in accordance with any of the last five foregoing sections, and a child or young person so taken to a place of safety, and any child or young person who has taken refuge in a place of safety, may be detained there until he can be brought before a juvenile court.

(2) If a juvenile court before which any child or young person is brought is not in a position to decide whether any and, if so, what, order ought to be made under the last five foregoing sections, it may make such interim order as it thinks fit for his detention or continued detention in a place of safety, or for his committal to the care of a fit person, whether a relative or not, who is willing to undertake the care of him.

An interim order under this subsection shall not remain in force for more than twenty-eight days; but if at the expiration of that period the court deems it expedient to do so, it may make a further interim order.

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PART III.
—cont.

68.—(1) A court before making an approved school order with respect to any child or young person shall endeavour to ascertain his religious persuasion.

Regard to be had to religious persuasion of person sent to approved school.

(2) A court, or the Secretary of State, in determining the approved school to which a person is to be sent shall, where practicable, select a school for persons of the religious persuasion to which he belongs.

(3) Where an order has been made sending a person to an approved school which is not a school for persons of the religious persuasion to which he belongs, his parent, guardian or nearest adult relative may apply—

- (a) if the order was made by a court of summary jurisdiction, to a juvenile court acting for the same petty sessional division or place; and
- (b) in any other case, to the Secretary of State,

to remove or send the person to an approved school for persons of his religious persuasion, and the court or Secretary of State shall, on proof of his religious persuasion and notwithstanding any declaration with respect thereto embodied in the approved school order, if any, relating to him, comply with the request of the applicant:

Provided that nothing in this subsection shall empower a court, or impose an obligation upon the Secretary of State, to comply with any such request as aforesaid unless the applicant has—

- (i) made his application before, or within thirty days after, the person's arrival at the school; and
- (ii) named a school for persons of the religious persuasion in question and shown to the satisfaction of the court or Secretary of State that the managers thereof have accommodation available.

69.—(1) An approved school order may be made to take effect immediately, or its operation may be postponed to a later date specified in the order or to be subsequently specified by endorsement thereon in accordance with the provisions of this Act:

Coming into force of approved school orders.

A.D. 1933.

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PART III.
—cont.

Provided that the operation of the order shall not be postponed except pending the completion of arrangements for the reception of the child or young person into a suitable school, or on account of his ill-health.

(2) If an approved school order is not made to take effect immediately, or if at the time when such an order takes effect the child or young person cannot be sent to the school, the court which made the order or any other court which would have jurisdiction to make an endorsement thereon under the next following section may make an order committing him either to custody in any place to which he might be committed on remand, or to the custody of a fit person to whose care he might be committed under this Act, and, subject as hereinafter provided, that order shall have effect until he is sent to an approved school in pursuance of the approved school order :

Provided that an order made under this subsection shall not remain in force for more than twenty-eight days, but if at the expiration of that period any such court as aforesaid considers it expedient so to do, the court may make a further order under this subsection.

Any order made under this subsection may be made in the absence of the child or young person concerned.

Contents of
approved
school
orders.

70.—(1) Every approved school order shall contain a declaration—

(a) as to the age; and

(b) as to the religious persuasion;

of the child or young person with respect to whom it is made.

(2) Every approved school order, other than an order made on the application of a poor law authority in their capacity as such or made by reason of the commission of an offence under section ten of this Act (which relates to the punishment of vagrants preventing children from receiving education), shall name the local authority within whose district the child or young person was resident, or if that is not known, the local authority or one of the local authorities within whose district the offence was committed or the circumstances arose (as the case may be) rendering him liable to be sent to an approved school :

Provided that—

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PART III.
—cont.

- (a) in determining for the purposes of this subsection the place of residence of a child or young person, any period during which he resided in any place as an inmate of a school or other institution, or while boarded out under this Act by a local authority to whose care he has been committed, or in accordance with the conditions of a recognisance, shall be disregarded; and
- (b) in the case of a child or young person not resident in England, the order shall, instead of naming a local authority, state that he was resident outside England.
- (3) Every approved school order which is made to take effect immediately shall—
- (a) specify the approved school to which the child or young person with respect to whom the order is made is first to be sent, being that one of the available schools (whether situate within the jurisdiction of the court making the order or not) which the court, after considering any representations made to it by the local authority concerned, considers to be most suitable to the case; and
- (b) state whether the local or poor law authority, if any, named therein or the probation officer or the police authority is to be responsible for conveying to his school the child or young person with respect to whom the order is made.
- (4) Where an approved school order is not made to take effect immediately, then if either the date to which its operation is postponed or the school to which the child or young person is to be sent or the authority or person who is to be responsible for conveying him, is not specified in the order, the date, school, authority, or person, shall be subsequently specified by endorsement thereon.
- (5) If for any reason a child or young person with respect to whom an approved school order has been made cannot be received into the approved school specified in or endorsed upon the order, another school may be

A.D. 1933. specified by an endorsement or further endorsement thereon, as the case may be.

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PART III.
—cont.

(6) An endorsement under the foregoing provisions of this section may be made either—

- (a) by the court which made the approved school order; or
- (b) if the order was made by a court of summary jurisdiction, by a juvenile court acting for the same petty sessional division or place; or
- (c) if the order was made by a court not being a court of summary jurisdiction, by a juvenile court acting for the petty sessional division or place where the child or young person was committed for trial, or if he was not committed for trial, by a juvenile court acting for the petty sessional division or place within which he was resident;

and any such endorsement may be made in the absence of the child or young person concerned.

(7) An approved school order made on the application of a poor law authority in their capacity as such shall state that it is so made upon the application of that authority, and an approved school order made by reason of the commission of an offence under section ten of this Act (which relates to the punishment of vagrants preventing children from receiving education) shall state that it is so made.

Duration of
approved
school
orders.

71.—(1) Where a court orders a child to be sent to an approved school, the order shall be an authority for his detention in an approved school until the expiration of a period of three years from the date of the order and, if at the expiration of that period he is under the age of fifteen years, for his further detention until he attains that age.

(2) Where a court orders a young person to be sent to an approved school, the order shall be an authority for his detention in an approved school—

- (a) if at the date of the order he has not attained the age of sixteen years, until the expiration of a period of three years from the date of the order; and

- (b) if at the date of the order he has attained the age of sixteen years, until he attains the age of nineteen years.

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PART III.—*cont.*

72.—(1) The court which makes, or makes any endorsement upon, an approved school order shall cause it to be delivered to the authority or person responsible for conveying the child or young person to his school, and the person who conveys him to the school shall deliver the order to the headmaster or person for the time being in charge of the school.

Conveyance
of children
or young
persons to
approved
school.

(2) The court by which an approved school order is made shall cause a record in the prescribed form, embodying all such information in the possession of the court with respect to the child or young person as is in the opinion of the court material to be known by the managers of the school, to be prepared and transmitted to the headmaster or person for the time being in charge of the school.

(3) The local or poor law authority, probation officer or police authority, stated by any approved school order to be responsible for conveying a child or young person to his school, shall be responsible for conveying him there at the expense of the local or poor law authority, the probation committee, or police authority, as the case may be.

(4) Where a child or young person has been ordered to be sent to an approved school, any person who harbours or conceals him after the time has come for him to go to his school shall on summary conviction be liable to be imprisoned for any term not exceeding two months, or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

(5) Where a person authorised to take a child or young person to an approved school is, when the time has come for him to go to his school, unable to find him or unable to obtain possession of him, a court of summary jurisdiction may, if satisfied by information on oath that some person named in the information can produce the child or young person, issue a summons requiring the person so named to attend at the court on such day as may be specified in the summons and produce the child or young person and, if he fails to do so without reasonable excuse, he shall, in addition to any other liability to which

A.D. 1933. he may be subject under the provisions of this Act, be
— liable on summary conviction to a fine not exceeding five
PART III. pounds.
—cont.

Extension
of period of
detention in
approved
schools.

73. If the managers of an approved school are satisfied that a person whose period of detention therein is, under the foregoing provisions of this Act, about to expire needs further care or training and cannot without it be placed in suitable employment they may, if the Secretary of State consents, detain him for a further period not exceeding six months, so, however, that he is not detained beyond the date on which he will attain the age of nineteen years :

Provided that the powers conferred by this section shall not extend to a person who, having been a person undergoing detention in a Borstal Institution or sentenced to detention under subsection (2) of section fifty-three of this Act, is detained in an approved school by order of the Secretary of State.

Supervision
and recall
after ex-
piration of
order.

74.—(1) A person sent to an approved school shall after the expiration of the period of his detention be under the supervision of the managers of his school—

- (a) if at the expiration of that period he has not attained the age of fifteen years, until he attains the age of eighteen years ;
- (b) if he has at the expiration of that period attained the age of fifteen years, for a period of three years or until he attains the age of twenty-one years, whichever may be the shorter period.

(2) The managers may, and, if the Secretary of State so directs, shall, by notice in writing recall to the school any person under their supervision who is at the date of the recall under the age of nineteen years :

Provided that a person shall not be so recalled, unless in the opinion of the managers, or, as the case may be, of the Secretary of State, it is necessary in his interests to recall him.

(3) A person who has been so recalled shall be released as soon as the managers think that he can properly be released, and in no case shall he be detained—

- (a) after the expiration of a period of three months, or of such longer period not exceeding six

months as the Secretary of State may, after considering the circumstances of his case, direct ;
or

(b) after attaining the age of nineteen years.

(4) The managers shall forthwith notify the Secretary of State of the recall of any person and shall state the reasons for his recall, and when the managers release any person so recalled they shall forthwith notify the Secretary of State that they have done so.

(5) For the purposes of this Act a person who is out under supervision from an approved school shall be deemed to be under the care of the managers of the school.

75.—(1) Before making an order under this Act committing a child or young person to the care of a fit person, the court shall endeavour to ascertain the religious persuasion of the child or young person, and in selecting the person to whose care the child or young person is to be committed the court shall if possible select a person who is of the same religious persuasion as the child or young person or who gives an undertaking that he will be brought up in accordance with that religious persuasion.

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PART III.

—cont.

Provisions
as to
making,
duration,
and effect,
of orders
of com-
mittal to fit
persons.

(2) Every order committing a child or young person to the care of a fit person shall contain a declaration—

(a) as to the age; and

(b) as to the religious persuasion;

of the child or young person with respect to whom it is made.

(3) Every order committing a child or young person to the care of a fit person shall, subject to the provisions of this Act, remain in force until he attains the age of eighteen years.

(4) The person to whose care a child or young person is committed by any such order as aforesaid shall, while the order is in force, have the same rights and powers and be subject to the same liabilities in respect of his maintenance as if he were his parent, and the person so committed shall continue in his care notwithstanding any claim by a parent or any other person.

A.D. 1933.

PART III.

—cont.

Committal
to local and
other autho-
rities as "fit
persons."

76.—(1) The local authority shall for the purposes of the provisions of this Act relating to the making of orders committing children and young persons to the care of fit persons be deemed to be a fit person and accordingly orders may be made committing children and young persons to their care and they may undertake the care of children and young persons so committed.

(2) An order may be made under this Act committing to the care of the Minister of Pensions, or of a person appointed by him, any child or young person for the care of whom it is the duty of the Minister under section nine of the War Pensions (Administrative Provisions) Act, 1918, to make provision, and accordingly in subsection (4) of that section the reference to an order made under section twenty-one or subsection (7) of section fifty-eight of the Children Act, 1908, shall be construed as including a reference to an order made under this Act.

8 & 9 Geo. 5.
c. 57.8 Edw. 7.
c. 67.

PART IV.

REMAND HOMES, APPROVED SCHOOLS, AND PERSONS
TO WHOSE CARE CHILDREN AND YOUNG PERSONS
MAY BE COMMITTED.*Remand Homes.*Provision of
remand
homes by
councils of
counties and
county
boroughs.

77.—(1) It shall be the duty of the council of every county and county borough to provide for their area remand homes, which may be situate either within or without the area, and for that purpose they may arrange with the occupiers of any premises for the use thereof, or may themselves establish, or join with the council of another county or county borough in establishing, such homes.

(2) The authority or persons responsible for the management of any institution other than a prison may, subject in the case of an institution supported wholly or partly out of public funds to the consent of the Government department concerned, arrange with the council of a county or county borough for the use of the institution, or any part thereof, as a remand home upon such terms as may be agreed.

(3) A child or young person who may lawfully be remanded in custody to any place situated within a

county or county borough may be so remanded to any remand home, wherever situate, which is provided under this section for that county or county borough.

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PART IV.
—cont.

(4) Nothing in this section shall be construed as requiring a council to provide additional remand homes for their area so long as any places of detention provided under the Children Act, 1908, and available for use by the council as remand homes remain suitable for that purpose and sufficient for the needs of the area.

78.—(1) The order or judgment in pursuance of which a child or young person is committed to custody in a remand home shall be delivered with the child or young person to the person in charge of the home and shall be a sufficient authority for his detention in the home in accordance with the tenour thereof.

Provisions
as to
custody of
children
and young
persons in
remand
homes.

(2) A child or young person while so detained and while being conveyed to and from the remand home shall be deemed to be in legal custody.

(3) The Secretary of State shall cause remand homes to be inspected, and may make rules as to the places to be used as remand homes, and as to their inspection, and as to the classification, treatment, employment and control of children and young persons detained in custody in a remand home, and for the children and young persons while so detained being visited from time to time by persons appointed in accordance with those rules.

(4) A child or young person who escapes from a remand home may be apprehended without warrant, and brought back thereto, and any person who knowingly assists or induces a child or young person so to escape or knowingly harbours or conceals a child or young person who has so escaped, or prevents him from returning, shall on summary conviction be liable to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding two months or to both such fine and imprisonment.

Approved Schools.

79.—(1) The managers of any school intended for the education and training of persons to be sent there in pursuance of this Act may apply to the Secretary of State to approve the school for that purpose, and the

Approval
of schools.

A.D. 1933. Secretary of State may, after making such inquiries as he thinks fit, approve the school for that purpose and issue a certificate of approval to the managers.

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PART IV.
—cont.

(2) If at any time the Secretary of State is dissatisfied with the condition or management of an approved school, or considers its continuance as an approved school unnecessary, he may by notice served on the managers withdraw the certificate of approval of the school as from a date specified in the notice, not being less than six months after the date of the notice, and upon the date so specified (unless the notice is previously withdrawn) the withdrawal of the certificate shall take effect and the school shall cease to be an approved school :

Provided that the Secretary of State, instead of withdrawing the certificate of approval, may by a notice served on the managers of the school prohibit the admission of persons to the school for such time as may be specified in the notice, or until the notice is revoked.

(3) The managers of an approved school may, on giving six months' notice in writing to the Secretary of State of their intention so to do, surrender the certificate of approval of the school, and at the expiration of six months from the date of the notice (unless the notice is previously withdrawn), the surrender of the certificate shall take effect, and the school shall cease to be an approved school.

(4) No person shall in pursuance of this Act be received into the care of the managers of an approved school after the date of the receipt by the managers of the school of a notice of withdrawal of the certificate of approval of the school or after the date of a notice of intention to surrender the certificate; but the obligations of the managers with respect to persons under their care at the respective dates aforesaid shall continue until the withdrawal or surrender takes effect.

(5) The Secretary of State shall cause any grant of a certificate of approval of an approved school, and any notice of the withdrawal of, or intention to surrender, such a certificate, to be advertised within one month from the date thereof in the London Gazette.

Provision
of approved
schools by

80.—(1) A local authority may, with the approval of the Secretary of State, undertake, or combine with any other local authority in undertaking, or contribute

such sums of money upon such conditions as they may think fit towards, the purchase, establishment, building, alteration, enlargement, rebuilding or management of an approved school :

Provided that, before giving his approval, the Secretary of State shall satisfy himself that the proposed expenditure is reasonable and, where it is proposed to purchase, build or establish a new school, that there is a deficiency of approved school accommodation which cannot properly be remedied in any other way.

(2) In the event of a deficiency of approved school accommodation, it shall be the duty of every local authority concerned to take, either alone or in combination with other local authorities, appropriate steps under this section to remedy the deficiency.

81.—(1) The Secretary of State may classify approved schools according to the age of the persons for whom they are intended, the religious persuasion of such persons, the character of the education and training given therein, their geographical position, and otherwise as he thinks best calculated to secure that a person sent to an approved school is sent to a school appropriate to his case, or as may be necessary for the purposes of this Act.

(2) The managers of an approved school shall be bound to accept any person who in pursuance of this Act is sent or transferred to their school or otherwise to their care, unless—

- (a) the school is a school for persons of a particular religious persuasion not being that of the person whom it is proposed to send or transfer; or
- (b) the school is a school provided by a local authority which is not, or by a combination of local authorities no one of which is, liable to make contributions in respect of the person whom it is proposed to send or transfer; or
- (c) the managers of the school satisfy the Secretary of State that there are already as many persons detained in that school, or, as the case may be, otherwise under their care, as is desirable.

(3) The provisions set out in the Fourth Schedule to this Act shall have effect in relation to the administration of approved schools and the treatment of persons sent thereto.

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PART IV.
—cont.

local authorities.

Classifica-
tion, admin-
istration,
and man-
agement.

A.D. 1933.

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PART IV.

—cont.

Escapes
from
approved
schools,
&c.

82.—(1) Any person who has been ordered to be sent to an approved school and who—

- (a) escapes from the school in which he is detained, or from any hospital, home or institution in which he is receiving medical attention; or
- (b) being absent from his school on temporary leave of absence or on licence, runs away from the person in whose charge he is, or fails to return to the school upon the expiration of his leave, or upon the revocation of his licence; or
- (c) being absent from his school under supervision, fails to return to the school upon being recalled,

may be apprehended without warrant, and may (any other Act to the contrary notwithstanding) be brought before a court of summary jurisdiction having jurisdiction where he is found, or where his school is situate; and that court may (notwithstanding any limitations contained in this Act upon the period during which he may be detained in an approved school) order him—

- (i) if he is under the age of sixteen years, to be brought back and to have the period of his detention in the school increased by such period not exceeding six months as the court may direct; or
- (ii) if he has attained the age of sixteen years, to be brought back and to have the period of his detention so increased, or to be sent to a Borstal institution for two years.

(2) Where a person is under the last foregoing subsection brought back to his school, the period of his detention shall (notwithstanding any limitations contained in this Act upon the period during which he may be detained in an approved school) be increased, over and above any increase ordered by a court, by a period equal to the period during which he was unlawfully at large.

(3) The expenses of bringing a person back to a school shall be borne by the managers of the school.

(4) If any person knowingly—

- (a) assists or induces a person to commit any such offence as is mentioned in subsection (1) of this section; or

- (b) harbours or conceals a person who has committed such an offence, or prevents him from returning,

A.D. 1933.

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PART IV.

—cont.

he shall, on summary conviction, be liable to be imprisoned for any term not exceeding two months, or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

(5) If a court of summary jurisdiction is satisfied by information on oath that such an offence as aforesaid has been committed and that there is reasonable ground for believing that some person named in the information could produce the offender, the court may issue a summons requiring that person to attend at the court on such day as may be specified in the summons, and to produce the offender, and, if he fails to do so without reasonable excuse, he shall, in addition to any other liability to which he may be subject under the provisions of this Act, be liable on summary conviction to a fine not exceeding five pounds.

83.—(1) Any person detained in a school under the law in force in Scotland or Northern Ireland may, with the consent of the Secretary of State, be transferred by order of the competent authority in Scotland or Northern Ireland to an approved school in England designated for the purpose by the Secretary of State, and after delivery to the managers of that school may be dealt with and shall be subject to the provisions of this Act as if the order sending him to the school in Scotland or Northern Ireland were an approved school order made upon the same date by a juvenile court.

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

(2) The Secretary of State may at any time by order direct that a person who under the last preceding subsection has been transferred to an approved school in England from a school in Scotland or Northern Ireland, shall be retransferred to the last-mentioned school, or to such other school as may be specified by the competent authority in Scotland or Northern Ireland, and thereupon the managers 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

A.D. 1933. to be sent to approved schools in England and if
— by that law provision satisfactory to the Secretary of
PART IV. State is made—
—cont.

- (a) for the expenses of the conveyance of the children or young persons, and of their reconveyance when discharged, or released on licence;
- (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 approved school as the Secretary of State may direct, and after delivery to the managers of that school may be dealt with, and shall be subject to the provisions of this Act, as if the order sending him to the school were an approved school order made upon the same date by a juvenile court.

(4) A person so ordered by the competent authority in Scotland or Northern Ireland or by a court in the Isle of Man or the Channel Islands to be retransferred or sent to an approved school in England, or so ordered by the Secretary of State to be retransferred to a school in Scotland or Northern Ireland, may be conveyed in the custody of any constable or other person acting under a warrant issued by the competent authority in Scotland or Northern Ireland, or by a court in the Isle of Man or the Channel Islands, or by 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, in relation to Scotland, the Scottish Education Department, and, 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.

Fit Persons.

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84.—(1) The provisions of this section shall apply in relation to orders under this Act committing a child or young person to the care of a fit person, and in this section the expressions "child" and "young person" mean a person with respect to whom such an order is in force, irrespective of whether at the date of the making of the order, or at any subsequent date while the order is in force, he was, or is, a child or young person.

(2) The Secretary of State may, if he thinks fit, make rules as to the manner in which children and young persons so committed are to be dealt with and as to the duties of the persons to whose care they are committed and may cause any children or young persons committed to the care of a local authority to be visited from time to time.

(3) A local authority may board out children and young persons committed to their care for such periods and on such terms as to payment and otherwise as they think fit:

Provided that—

- (a) the power of a local authority under this subsection shall be exercised in accordance with any rules made under the last foregoing subsection as to the persons with whom and the conditions under which children and young persons committed to the care of local authorities may be so boarded out;
- (b) in selecting the person with whom any child or young person is to be boarded out, the local authority shall, if possible, select a person who is of the same religious persuasion as the child or young person, or who gives an undertaking that he will be brought up in accordance with that religious persuasion.

(4) The Secretary of State may at any time in his discretion discharge a child or young person from the care of the person to whose care he has been committed, and any such discharge may be granted either absolutely or subject to conditions.

(5) The Secretary of State in any case where it appears to him to be for the benefit of a child or young

PART IV.

—cont.

General provisions as to children and young persons committed to the care of fit persons.

A.D. 1933.

—
PART IV.
—cont.

person may empower the person to whose care he has been committed to arrange for his emigration, but except with the authority of the Secretary of State no person to whose care a child or young person has been committed shall arrange for his emigration :

Provided that the Secretary of State shall not empower such a person to arrange for the emigration of a child or young person, unless he is satisfied that the child or young person consents and also that his parents have been consulted or that it is not practicable to consult them.

(6) An order committing a child or young person to the care of a fit person may, on the application of any person, be varied or revoked—

- (a) if the order was made by a court of summary jurisdiction, by a juvenile court acting for the same petty sessional division or place;
- (b) in any case, by a juvenile court acting for the petty sessional division or place within which the child or young person is residing.

(7) If on an application made by the parent or guardian or any near relative of a child or young person committed by any such order as aforesaid any court having power to vary or revoke the order is satisfied that he is not being brought up in accordance with his religious persuasion, the court shall, unless a satisfactory undertaking is offered by the person to whose care he has been committed, either revoke the order or vary it in such manner as the court thinks best calculated to secure that he is thenceforth brought up in accordance with that persuasion.

(8) Where the local authority are of opinion that any child or young person who has been committed to their care and who is under seventeen years of age should be sent to an approved school, they may apply to a juvenile court, and that court may, if it thinks that it is desirable in his interests to do so, order him to be sent to such a school.

Escapes
from care of
fit persons.

85.—(1) A child or young person who runs away from a person to whose care he has been committed under this Act may be apprehended without warrant and

brought back to that person, if he is willing to receive him, and if he is not willing to receive him, may be brought—

- (a) if the order committing him to the care of that person was made by a petty sessional court, before a juvenile court acting for the same petty sessional division or place as that court; or
- (b) in any other case, before a juvenile court having jurisdiction in the place where he was residing immediately before he ran away,

and that court may make any order with respect to him which the court might have made if he had been brought before it as being a child or young person who, having no parent or guardian, was beyond control.

(2) A child or young person who runs away from any person with whom he has been boarded out by a local authority under this Act may be apprehended without warrant and brought back to that person, or to such other person as the local authority direct.

(3) Any person who knowingly—

- (a) assists or induces a child or young person to run away from a person to whose care he has been committed or with whom he has been boarded out by a local authority, under this Act; or
- (b) harbours or conceals a child or young person who has so run away, or prevents him from returning,

shall on summary conviction be liable to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding two months, or to both such fine and imprisonment.

Provisions as to Contributions towards Expenses.

86.—(1) Where an order has been made by a court committing a child or young person to the care of a fit person, or sending him to an approved school, it shall be the duty of the following persons to make contributions in respect of him, that is to say:—

- (a) his father or stepfather;
- (b) his mother or stepmother;

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PART IV.
—cont.

Contributions to be made by parents, &c., of children and young persons committed to the care

A.D. 1933.

PART IV.

—cont.

of fit per
sons, or to
approved
schools.

(c) any person who, at the date when any such order as aforesaid is made, is cohabiting with the mother of the child or young person, whether he is his putative father or not.

(2) Where the child or young person has been committed to the care of a fit person not being a local authority, contributions under this section shall be payable to that person to be applied by him in or towards the maintenance, or otherwise for the benefit, of the child or young person.

(3) Where the child or young person has been committed to the care of a local authority, or ordered to be sent to an approved school, the contributions shall be payable to the council of the county or county borough within which the person liable to make the contributions is for the time being residing, and shall be paid over by the council to the Secretary of State at such times and in such manner, but subject to such deductions in respect of the services rendered by the council, as may be prescribed.

(4) Any sums received by the Secretary of State under the last foregoing subsection shall be applied in such manner as the Treasury may direct as appropriations in aid of moneys provided by Parliament for the purposes of this Act.

Enforce-
ment of
duty of
parent, &c.,
to make
contribu-
tions.

87.—(1) Where an order has been made by a court committing a child or young person to the care of a fit person or sending him to an approved school, the court which makes it may at the same time, and any court of summary jurisdiction having jurisdiction in the place where the person to be charged is for the time being residing may subsequently at any time, make an order (hereafter in this Act referred to as a "contribution order") on any person who is under the last foregoing section liable to make contributions in respect of the child or young person, requiring him to contribute such weekly sum as the court having regard to his means thinks fit:

Provided that the total amount to be contributed for any week in respect of any one child or young person under contribution orders shall not (together with any sum payable in respect of that child or young person under an affiliation order with respect to which an order under the

(next following section is in force) exceed such sum as may be prescribed, and for this purpose different sums may be prescribed in relation to different circumstances and, in the case of children sent to approved schools, in relation to different schools or classes of school.

A.D. 1933.

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PART IV.
—cont.

(2) A contribution order may, if the child or young person is committed to the care of a fit person not being a local authority, be made on the application of that person and may, if the child or young person is committed to the care of a local authority, or ordered to be sent to an approved school, be made on the application—

- (a) in the case of an order applied for at the time when the child or young person is so dealt with, of the local authority to whose care he has been committed, or who are named in the approved school order, as the case may be;
- (b) in the case of an order applied for subsequently, of the council of the county or county borough entitled to receive contributions.

(3) A contribution order shall remain in force, in the case of a child or young person committed to the care of a fit person, so long as the order for his committal is in force, and in the case of a child or young person ordered to be sent to an approved school, until he ceases to be under the care of the managers of such a school :

Provided that no contributions shall be payable under a contribution order in respect of any period during which a person ordered to be sent to an approved school is out on licence or under supervision from such a school.

(4) Subject to the provisions of this subsection—

- (a) a contribution order shall be enforceable as an affiliation order and the enactments relating to the enforcement of affiliation orders shall apply accordingly, subject to any necessary modifications; and
- (b) section thirty of the Criminal Justice Administration Act, 1914 (which contains provisions as to orders for the periodical payment of money made by courts of summary jurisdiction) shall apply to every contribution order whether the court which made it was, or was not, a court of summary jurisdiction ;

A.D. 1933.

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PART IV.
—cont.

but any powers conferred by any of the enactments aforesaid on any justices or courts of summary jurisdiction shall be exercisable, and exercisable only, by justices and courts of summary jurisdiction having jurisdiction in the place where the person liable is for the time being residing.

(5) A person on whom a contribution order is made shall, if he changes his address, forthwith give notice thereof to the person who was, immediately before the change, entitled to receive the contributions and, if he fails so to do, he shall be liable on summary conviction to a fine not exceeding two pounds.

Provision
as to affilia-
tion orders.

38.—(1) Where a child or young person who is ordered by a court to be committed to the care of a fit person, or to be sent to an approved school, is illegitimate, and an affiliation order for his maintenance is in force, that court may at the same time, and any court of summary jurisdiction having jurisdiction in the place where the putative father is for the time being residing may subsequently at any time, order the payments under the affiliation order to be paid to the person who is from time to time entitled under section eighty-six of this Act to receive contributions in respect of the child or young person.

Applications for orders under this subsection may be made by the persons by whom, and in the circumstances in which, applications for contribution orders may be made.

(2) Where an order made under this section with respect to an affiliation order is in force—

- (a) any powers conferred on any justices or courts of summary jurisdiction by the enactments relating to the enforcement of affiliation orders or by section thirty of the Criminal Justice Administration Act, 1914, shall as respects the affiliation order in question be exercisable, and exercisable only, by justices and courts of summary jurisdiction having jurisdiction in the place where the person liable is for the time being residing;
- (b) any sums received under the affiliation order shall be applied in like manner as if they were contributions received under a contribution order;

(c) if the putative father changes his address, he shall forthwith give notice thereof to the person who was immediately before the change entitled to receive payments under the order and, if he fails so to do, he shall be liable on summary conviction to a fine not exceeding two pounds;

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PART IV.

—cont.

(d) section one of the Affiliation Orders Act, 1914 (which relates to the duties of collecting officers), shall not apply in relation to the affiliation order, but nothing in this paragraph shall affect any powers of any court under section thirty of the Criminal Justice Administration Act, 1914, to order payments to be made through an officer of the court or any other specified person or officer.

4 & 5 Geo. 5.
c. 6.

(3) The making of an order under this section with respect to an affiliation order shall not, where the putative father was, at the date of the order committing the child or young person to the care of a fit person or ordering him to be sent to an approved school, cohabiting with the mother of the child or young person, be taken to relieve him from his obligation under the last two foregoing sections to make contributions in respect of the child or young person, except to the extent of any sums actually paid under the affiliation order to the person entitled to receive contributions.

(4) The making of an order under this section with respect to an affiliation order shall not extend the duration of that order, and that order shall not in any case remain in force (except for the purpose of the recovery of arrears)—

- (a) in the case of a child or young person committed to the care of a fit person, after the order for his committal has ceased to be in force;
- (b) in the case of a child or young person ordered to be sent to an approved school, after he has been released from his school, either absolutely, or on licence or under supervision :

Provided that, where an affiliation order would, but for the provisions of this subsection have continued in force, the mother, or any person entitled to make an application for an order under section three of the Affiliation Orders Act, 1914, may apply to a court of

A.D. 1933. summary jurisdiction having jurisdiction in the place
— where she or he is for the time being residing, for an
PART IV. order that the affiliation order may be revived, and that
—*cont.* payments thereunder may until the expiration thereof
be made to the applicant at such rate (not exceeding the
maximum rate allowed by the law in the case of affiliation
orders) as may be proper, and the court may make such
an order accordingly, and where such an order is so made,
any power to vary, revoke or again revive the affiliation
order or any part thereof, being a power which would but
for the provisions of this subsection be vested in the
court which originally made the affiliation order, shall
be exercisable, and exercisable only, by the court which
made the order under this subsection.

Miscel-
laneous
provisions
as to con-
tribution
orders.

89.—(1) The Secretary of State may in his discretion remit the whole or any part of any payment ordered under either of the two last foregoing sections to be made to a person entitled to receive contributions thereunder.

(2) Where, by virtue of an order made under either of the two last foregoing sections, any sum is payable to the council of a county or county borough, the council of the county or county borough in which the person liable under the order is for the time being residing shall be entitled to receive and give a discharge for, and, if necessary, enforce payment of, any arrears accrued due under the order, notwithstanding that those arrears may have accrued at a time when he was not resident in that county or county borough.

(3) In any proceedings under either of the two last foregoing sections a certificate purporting to be signed by the clerk to a council for the time being entitled to receive contributions, or by some other officer of the council duly authorised in that behalf, and stating that any sum due to the council under an order is overdue and unpaid shall be evidence of the facts stated therein.

(4) Nothing in this or in the three last foregoing sections shall apply in relation to an approved school order made on the application of a poor law authority in their capacity as such, but the sending of a child or young person to an approved school under such an order shall not affect any maintenance order made under section nineteen of the Poor Law Act, 1930, or any

20 & 21
Geo. 5. c. 16.

power of the poor law authority to obtain such an order, and for the purposes of the enactments relating to affiliation orders, he shall, while under the care of the managers of an approved school, be deemed to be still in receipt of relief.

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PART IV.
—cont.

90.—(1) Subject to the provisions of this section, the local authority named in an approved school order as being the authority within whose district the person to whom the order relates was resident, or within whose district the offence was committed, or the circumstances arose rendering him liable to be sent to an approved school, shall make in respect of him, throughout the time during which he is under the care of the managers of an approved school, such contributions to the expenses of the managers of his school as may be prescribed and for this purpose different contributions may be prescribed in relation to different circumstances and in relation to different schools or classes of school.

Contributions by local authorities in respect of persons sent to approved schools.

(2) A court by which an approved school order is made shall cause a copy thereof to be served forthwith on the local authority named in the order, and if that authority desire to contend that the person to whom the order relates was resident in the district of some other local authority or was resident outside England they may, by notice in writing given at any time within three months after the service upon them of the order, appeal—

- (a) if the order was made by a petty sessional court, to a court of summary jurisdiction acting for the same petty sessional division or place; and
- (b) if the order was made by a court which was not a petty sessional court, to a court of summary jurisdiction having jurisdiction in the place where that court sat, or in the place from which the person to whom the order relates was committed for trial,

and if, upon the hearing of the appeal, the court is satisfied that the person to whom the order relates was resident in the district of that other local authority, or was resident outside England, the court may by order vary the approved school order by substituting therein the name of that other authority or, as the case may

A.D. 1933. be, a statement that the said person was resident
— outside England.

PART IV.

—cont.

Notice of any appeal under this subsection shall be given to the other local authority concerned, if any, and to the clerk of the court, and the clerk of the court shall give to the parties to the appeal fourteen days' notice of the date fixed by the court for the hearing thereof.

(3) Any person aggrieved by an order made under the last foregoing subsection, or by a refusal to make such an order, may appeal to quarter sessions, and, in relation to an appeal from such a refusal, the refusal shall be deemed to be an order.

(4) An order made under this section by a court of summary jurisdiction or by a court of quarter sessions shall have effect retrospectively as from the making of the approved school order, and all necessary payments by way of adjustment shall be made accordingly.

(5) The foregoing provisions of this section shall not apply in relation to an approved school order which—

- (a) is made on the application of a poor law authority in their capacity as such; or
- (b) is made by reason of the commission of an offence under section ten of this Act (which relates to the punishment of vagrants preventing children from receiving education); or
- (c) relates to a child or young person stated in the order to have been resident outside England,

but in the first mentioned case the poor law authority on whose application the order is made shall, throughout the periods during which the child or young person belongs to either of the following classes of persons, that is to say—

- (i) persons under the care of the managers of an approved school, not being persons out on licence or under supervision;
- (ii) persons out on licence or under supervision from an approved school,

make such contributions in respect of him to the expenses of the managers of his school as the Secretary of State may determine to be reasonable, regard being had to the average expenses of the managers (including

establishment and administrative expenses) fairly attributable to persons belonging to the class in question.

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PART IV.

—cont.

(6) In determining for the purposes of this section the place of residence of a child or young person, any period during which he resided in any place as an inmate of a school or other institution, or while boarded out under this Act by a local authority to whose care he has been committed, or in accordance with the conditions of a recognisance, shall be disregarded.

91.—(1) Where a child or young person is by an order of any court made under this Act removed from the care of any person, and that person is entitled under any trust to receive any sum of money in respect of the maintenance of the child or young person, the court may order the whole or any part of the sums so payable under the trust to be paid to any person to whose care the child or young person is committed, to be applied by that person for the benefit of the child or young person in such manner as, having regard to the terms of the trust, the court may direct.

Variation of trusts for maintenance of child or young person.

(2) An appeal shall lie from an order of a court of summary jurisdiction under this section to quarter sessions.

PART V.

HOMES SUPPORTED BY VOLUNTARY CONTRIBUTIONS.

92. In this Part of this Act the expression "voluntary home" means any home or other institution for the boarding, care, and maintenance of poor children or young persons, being a home or other institution supported wholly or partly by voluntary contributions, but does not include any institution, house, or home certified or approved by the Board of Control under the Mental Deficiency Acts, 1913 to 1927, unless children or young persons who are not mental defectives within the meaning of those Acts are received therein.

Definition of voluntary homes.

93.—(1) It shall be the duty of the person in charge of any voluntary home to send the prescribed particulars with respect to the home to the Secretary of State within three months after the commencement of this Act, or in the case of a home established after the commencement of this Act within three months from the establishment

Notification of particulars with respect to voluntary homes.

A.D. 1933. of the home and to send such particulars in every subsequent year before such date as may be prescribed.

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PART V.
—cont.

(2) If default is made in sending the prescribed particulars with respect to any voluntary home in accordance with the requirements of this section, the person in charge of the home shall, on summary conviction, be liable to a fine not exceeding five pounds and to a further fine not exceeding twenty shillings in respect of each day during which the default continues after conviction.

Inspection
of volun-
tary homes.

94.—(1) The Secretary of State may cause any voluntary home to be inspected from time to time, unless the home is one which is, as a whole, otherwise subject to inspection by, or under the authority of, a Government department.

(2) The Secretary of State may, with the consent of the council of any county, county borough, or county district, appoint officers of that council to conduct inspections under this section on his behalf.

(3) Any person appointed by the Secretary of State to inspect any voluntary home shall have power to enter the home and to make such examinations into the state and management thereof and the condition and treatment of the children and young persons therein as he thinks requisite, and any person who obstructs him in the execution of his duties shall be liable on summary conviction to a fine not exceeding five pounds, and a refusal to allow a person so appointed to enter the home shall, for the purposes of section forty of this Act (which relates to search warrants) be deemed to be a reasonable cause to suspect that a child or young person in the home is being neglected in a manner likely to cause him unnecessary suffering or injury to health.

Control over
voluntary
homes.

95.—(1) If the Secretary of State is satisfied that the management of any voluntary home, or the accommodation provided for, or the treatment of, the children and young persons therein, is such as to endanger their welfare, he may serve upon the persons responsible for the management of the home such general or special directions with respect to the matters aforesaid, or any of them, as he thinks expedient for the welfare of the children and young persons in the home.

A direction under this subsection—

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- (a) may be served on the persons responsible for the management of a home by being delivered personally to any one of them, or by being sent, by post or otherwise, in a letter addressed to them or any of them at the home;
- (b) may be varied by a subsequent direction, or withdrawn by the Secretary of State.

PART V.
—cont.

(2) Where any such direction is not complied with, a court of summary jurisdiction having jurisdiction in the place where the home is situate may, on the complaint of any person appointed for the purpose by the Secretary of State, cause a summons to be served upon the person in charge of the home and upon such other persons as the court may direct, and upon the hearing of the summons may, if the court thinks fit, make an order for the removal of all children and young persons from the home :

Provided that—

- (a) such an order shall not be made unless the court is satisfied that the welfare of some of the children or young persons is endangered;
- (b) the court may, if it thinks fit, order that the direction shall be deemed to be modified to such extent as may be specified in the order and the direction shall have effect accordingly.

(3) An order for the removal of all children and young persons from a voluntary home shall operate as an authority to any person named in the order, and to any constable, to enter the home and to remove the children and young persons therein to a place of safety; and where any persons are so removed, it shall be the duty of the local authority to maintain them in a place of safety until they can be restored to their relatives, or until other arrangements have been made with respect to them.

(4) Where an order has been made for the removal of all children and young persons from a voluntary home, the home shall not be used for the reception of children or young persons without the consent of the Secretary of State, and any person who knowingly

A.D. 1933. permits it to be so used shall, on summary conviction, be
 — liable to a fine not exceeding five pounds and to a further
 PART V. fine not exceeding twenty shillings in respect of each
 —cont. day during which the user continues after conviction.

PART VI.

SUPPLEMENTAL.

Local Authorities.

Provisions
as to local
authorities.

96.—(1) Subject to the modifications hereinafter contained as to the City of London, where any powers or duties are by this Act conferred or imposed on local authorities (by that description), those powers and duties shall, as respects children, be powers and duties of local education authorities for elementary education and, as respects other persons, be powers and duties of councils of counties and county boroughs:

Provided that—

- (a) the attainment of the age of fourteen years by a person who has previously been ordered to be sent to an approved school, or to be committed to the care of a fit person, shall not divest or relieve any local education authority for elementary education of any powers or duties in respect of him, or confer or impose any powers or duties in respect of him upon the council of any county or county borough;
- (b) the council of an urban district (whether a borough or not) who have under the Education Act, 1921, or the Acts repealed by that Act, relinquished in favour of the council of the county all their powers and duties as a local education authority for elementary education, shall for the purposes of this Act be deemed not to be a local education authority for elementary education, and their district shall for the purposes of this Act be deemed to be part of the area of the county council.

(2) A county council may arrange with the councils of urban districts, whether boroughs or not, within the county which are local education authorities for elementary education for the exercise and performance by those councils within their respective areas of such of the

powers and duties of the county council under this Act and on such terms as to payment and otherwise, as may be agreed.

An arrangement under this subsection may provide for the exercise and performance of powers and duties by the urban district council either instead of, or as agents for, the county council, but notwithstanding anything in any such arrangement every county council shall remain accountable to the Secretary of State for all contributions paid in their county by parents and other persons in respect of persons committed to the care of local authorities or ordered to be sent to approved schools.

(3) Expenses incurred by a local authority in connection with powers and duties which are, under this Act, exercised and performed by them as local education authorities for elementary education shall be defrayed as expenses of elementary education under the Education Act, 1921.

(4) Expenses incurred under this Act by the council of a county or county borough, exclusive of any expenses to be defrayed under the last foregoing subsection as expenses of elementary education under the Education Act, 1921, shall be defrayed—

- (a) in the case of expenses incurred by the council in their capacity of poor law authority, as expenses of administering the Poor Law Act, 1930; and
- (b) in any other case, as expenses for general county purposes or, as the case may be, out of the general rate.

(5) A local authority may, for the purposes of their functions under this Act, acquire, dispose of, or otherwise deal with land—

- (a) in the case of a county council, in like manner as for the purposes of their other functions, and subsection (3) of section sixty-four and section sixty-five of the Local Government Act, 1888, shall apply accordingly;
- (b) in the case of the council of a county borough or urban district, in like manner as for the purposes of the Public Health Act, 1875, and

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PART VI.

—cont.

51 & 52 Vict.
c. 41.

A.D. 1933.

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PART VI.
—cont.

sections one hundred and seventy-five to one hundred and seventy-eight of that Act shall apply accordingly.

(6) A local authority may borrow for the purposes of this Act—

2 & 3 Geo. 5.
c. cv.

(a) in the case of the London County Council, under and in accordance with the London County Council (Finance Consolidation) Act, 1912, as amended by any subsequent enactment, and in the case of any other county council, under and in accordance with section sixty-nine of the Local Government Act, 1888, as amended by the Local Government Act, 1929; and

19 & 20
Geo. 5. c. 17.

(b) in the case of the council of a county borough or urban district, as for the purposes of the Public Health Acts, 1875 to 1926.

(7) Subject to the provisions of section four of the Education Act, 1921 (which require certain matters to be referred to education committees) a local authority may refer to a committee appointed for the purposes of this Act, or to any committee appointed for the purposes of any other Act, any matter relating to the exercise by the authority of any of their powers under this Act and may delegate any of the said powers (other than any power to borrow money) to any such committee.

(8) A local authority, or a committee to whom any powers of a local authority under this Act have been delegated, may by resolution empower the clerk or the chief education officer of the authority to exercise in the name of the authority in any case which appears to him to be one of urgency any powers of the authority or, as the case may be, of the committee with respect to the institution of proceedings under this Act.

Modifica-
tions of last
foregoing
section as
to City of
London.

97. The last foregoing section shall, in its application to the City of London, have effect subject to the modifications that the powers and duties of a local authority under this Act as respects young persons, and as respects street trading and employment, shall be powers and duties of the Common Council and any expenses of the Common Council shall be defrayed out of the general rate :

Provided that—

- (a) the powers and duties of a local authority with respect to the granting of licences for children to take part in entertainments shall be powers and duties of the London County Council in their capacity as local education authority for elementary education; and
- (b) nothing in this section shall exempt the City of London from the liability to contribute towards the expenses incurred by the London County Council as local authority under this Act, but the London County Council shall in each year repay to the Common Council any contributions paid by the Common Council in respect of persons under the care of the managers of an approved school.

98.—(1) A local authority or a poor law authority may institute proceedings for any offence under this Act, or under Part I of the Children Act, 1908.

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PART VI.
—cont.Institution
of proceed-
ings by local
or poor law
authorities.

(2) Any such authority may appear by their clerk or other officer duly authorised in that behalf in any proceedings instituted by them under this Act.

Supplementary Provisions as to Legal Proceedings.

99.—(1) Where a person, whether charged with an offence or not, is brought before any court otherwise than for the purpose of giving evidence, and it appears to the court that he is a child or young person, the court shall make due inquiry as to the age of that person, and for that purpose shall take such evidence as may be forthcoming at the hearing of the case, but an order or judgment of the court shall not be invalidated by any subsequent proof that the age of that person has not been correctly stated to the court, and the age presumed or declared by the court to be the age of the person so brought before it shall, for the purposes of this Act, be deemed to be the true age of that person, and, where it appears to the court that the person so brought before it has attained the age of seventeen years, that person shall for the purposes of this Act be deemed not to be a child or young person.

Presump-
tion and
determina-
tion of age.

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PART VI.
—cont.

(2) Where in any charge or indictment for any offence under this Act or any of the offences mentioned in the First Schedule to this Act, except an offence under the Criminal Law Amendment Act, 1885, it is alleged that the person by or in respect of whom the offence was committed was a child or young person or was under or had attained any specified age, and he appears to the court to have been at the date of the commission of the alleged offence a child or young person, or to have been under or to have attained the specified age, as the case may be, he shall for the purposes of this Act be presumed at that date to have been a child or young person or to have been under or to have attained that age, as the case may be, unless the contrary is proved.

(3) Where, in any charge or indictment for any offence under this Act or any of the offences mentioned in the First Schedule to this Act, it is alleged that the person in respect of whom the offence was committed was a child or was a young person, it shall not be a defence to prove that the person alleged to have been a child was a young person or the person alleged to have been a young person was a child in any case where the acts constituting the alleged offence would equally have been an offence if committed in respect of a young person or child respectively.

(4) Where a person is charged with an offence under this Act in respect of a person apparently under a specified age it shall be a defence to prove that the person was actually of or over that age.

Evidence of
wages of
defendant.

100. In any proceedings under this Act a copy of an entry in the wages book of any employer of labour, or if no wages book be kept a written statement signed by the employer or by any responsible person in his employ, shall be evidence that the wages therein entered or stated as having been paid to any person, have in fact been so paid.

Application
of Summary
Jurisdiction
Acts.

101.—(1) Subject to the provisions of this Act, all orders of a court of summary jurisdiction, whether a petty sessional court or not, under this Act shall be made, and all proceedings in relation to any such orders shall be taken, in manner provided by the Summary

Jurisdiction Acts, and the power of making rules under section twenty-nine of the Summary Jurisdiction Act, 1879, shall extend to making rules for regulating the procedure of courts of summary jurisdiction under this Act and matters incidental thereto.

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—cont.

(2) The provisions of section twenty-nine of the Summary Jurisdiction Act, 1879, with respect to the laying of rules before Parliament shall apply in relation to rules made by the Lord Chancellor under this Act as they apply in relation to rules made by him under the said section.

102.—(1) Appeals to quarter sessions from orders of a court of summary jurisdiction under this Act may be brought in the following cases and by the following persons, that is to say—

Appeals to
quarter
sessions.

- (a) in the case of an order committing a child or young person to the care of a fit person, requiring a child or young person to be sent to an approved school, or placing a child or young person under the supervision of a probation officer or other person, by the child or young person or his parent or guardian on his behalf;
- (b) in the case of an order requiring a person to enter into a recognisance to exercise proper care and guardianship over a child or young person, by the person required to enter into the recognisance;
- (c) in the case of an order requiring a person to contribute in respect of a child or young person, by the person required to contribute;
- (d) in the case of an order requiring all or any part of the payments accruing due under an affiliation order to be paid to some other person, by the person who would but for the order be entitled to the payments;
- (e) in the case of an order requiring the owner of an automatic machine for the sale of tobacco or the person on whose premises such a machine is kept, to take precautions to prevent the machine

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PART VI.
—cont.

being extensively used by persons apparently under the age of sixteen years or to remove the machine, by any person aggrieved;

(f) in the case of an order under subsection (2) of section ninety-five of this Act directing the removal of children and young persons from a voluntary home or, in the case of a refusal to make such an order, by any person aggrieved,

and, in relation to an appeal from a refusal to make an order under the said subsection (2), the refusal shall be deemed to be an order.

(2) Nothing in this section shall be construed as affecting the rights of appeal to quarter sessions conferred by sections fifty-five, fifty-six, ninety, and ninety-one of this Act or any other right of appeal conferred by this or any other Act.

Supplementary Provisions as to Secretary of State.

Power of
Secretary of
State to
appoint
inspectors.

103. The Secretary of State may appoint for the purposes of the enactments relating to children and young persons a chief inspector, and such number of inspectors to act under the direction of the chief inspector as the Treasury may approve, and may pay to the persons so appointed such remuneration and allowances as with the consent of the Treasury he may determine, and they shall perform such duties as the Secretary of State may from time to time direct.

Exchequer
grants and
expenses of
Secretary of
State.

104.—(1) There shall be paid out of money provided by Parliament—

(a) such sums on such conditions as the Secretary of State with the approval of the Treasury may recommend towards—

(i) the expenses of the managers of an approved school;

(ii) the expenses of a local authority in respect of children and young persons committed to their care;

(iii) the expenses of a council of a county or county borough in respect of remand homes;

- (b) any sums by which any education grants under any other Act are increased by reason of the additional powers and duties conferred or imposed by this Act upon local education authorities for elementary education;
- (c) any expenses incurred by the Secretary of State in the administration of this Act.

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PART VI.
—cont.

(2) The conditions on which any sums are paid under this section towards the expenses incurred in connection with the provision of a site for, or with the erection, enlargement, improvement or repair of, an approved school, may include conditions for securing the repayment in whole or in part of the sums paid in the event of the school ceasing to be an approved school, and, notwithstanding anything in the constitution of the school or of the managers thereof, or in the trusts, if any, to which the property of the school or of the managers is subject, the managers and any persons who are trustees of any of the said property may accept those sums on those conditions, and execute any instrument required for carrying into effect those conditions, and shall be bound by those conditions and by any instrument so executed and have power to fulfil the conditions and the obligations created by the instrument.

General.

105. An Order in Council under this Act may be revoked or varied by any subsequent Order in Council.

Variation
of Orders
in Council.

106.—(1) An order or other act of the Secretary of State under this Act may be signified under the hand of the Secretary of State or an Under-Secretary of State or an Assistant Under-Secretary.

Provisions
as to docu-
ments, &c.

(2) A document purporting to be a copy—

- (a) of an order made by a court under or by virtue of any of the provisions contained in sections fifty-six, fifty-seven and sixty-two to ninety of this Act or in the Fourth Schedule to this Act; or
- (b) of an order made after the commencement of this Act under section forty-five of the Education Act, 1921, sending a person to an

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PART VI.
—cont.

approved school or committing him to the care of a fit person; or

(c) of an affiliation order referred to in an order under section eighty-eight of this Act,

shall, if it purports to be certified as a true copy by the clerk of the court, be evidence of the order.

(3) The production of a copy of the London Gazette containing a notice of the grant, or of the withdrawal or surrender, of a certificate of approval of an approved school shall be sufficient evidence of the fact of a certificate having been duly granted to the school named in the notice, or of the withdrawal or surrender of such a certificate, and the grant of a certificate of approval of an approved school may also be proved by the production of the certificate itself, or of a document purporting to be a copy of the certificate and to be authenticated as such by an Under-Secretary of State or Assistant Under-Secretary.

(4) Any notice or other document required or authorised by this Act to be served on the managers of an approved school may, if those managers are a local authority or a joint committee representing two or more local authorities, be served either personally or by post upon their clerk, and in any other case, may be served either personally or by post upon any one of the managers, or their secretary, or the headmaster of the school.

(5) An order, licence, or other document may be authenticated on behalf of the managers of an approved school, if they are a local authority or a joint committee representing two or more local authorities, by the signature of their clerk or some other officer of the local authority duly authorised in that behalf, and in any other case, by the signature of one of the managers or their secretary, or of the headmaster.

Inter-
pretation.

107.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say,—

“Approved school” means a school approved by the Secretary of State under section seventy-nine of this Act;

“Approved school order” means an order made by a court sending a child or young person to an approved school;

- “ Chief officer of police ” means as regards the city of London, the Commissioner of the City Police, as regards other parts of England has the same meaning as in the Police Act, 1890, as regards Scotland has the same meaning as in the Police (Scotland) Act, 1890, and as regards Northern Ireland means a district inspector of the Royal Ulster Constabulary ;
- “ Child ” means a person under the age of fourteen years ;
- “ Guardian,” in relation to a child or young person, includes any person who, in the opinion of the court having cognisance of any case in relation to the child or young person or in which the child or young person is concerned, has for the time being the charge of or control over the child or young person ;
- “ In need of care or protection ” has the meaning assigned to it by section sixty-one of this Act ;
- “ Intoxicating liquor ” means any fermented, distilled or spirituous liquor which cannot according to any law for the time being in force be legally sold without a licence from the Commissioners of Customs and Excise ;
- “ Legal guardian ” in relation to a child or young person, means a person appointed, according to law, to be his guardian by deed or will, or by order of a court of competent jurisdiction ;
- “ Managers,” in relation to an approved school established or taken over by a local authority or by a joint committee representing two or more local authorities, means the local authority or the joint committee as the case may be, and in relation to any other approved school, means the persons for the time being having the management or control thereof :
- “ Metropolitan police court area ” means the area consisting of the police court divisions for the time being constituted under the Metropolitan Police Courts Acts, 1839 and 1840 ;
- “ Place of safety ” means any remand home, workhouse, or police station, or any hospital, surgery, or any other suitable place, the occupier of

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PART VI.

—cont.

53 & 54 Vict.
c. 45.53 & 54 Vict.
c. 67.

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PART VI.
—cont.

which is willing temporarily to receive a child or young person;

“Police authority” means as respects the city of London, the common council, and elsewhere has the same meaning as in the Police Act, 1890;

“Poor law authority” means the council of a county or county borough and includes also a joint committee of two or more such councils established under section three of the Poor Law Act, 1930;

“Prescribed” means prescribed by regulations made by the Secretary of State;

“Public place” includes any public park, garden, sea beach or railway station, and any ground to which the public for the time being have or are permitted to have access, whether on payment or otherwise;

“Street” includes any highway and any public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

“Young person” means a person who has attained the age of fourteen years and is under the age of seventeen years.

(2) References in this Act to findings of guilty and findings that an offence has been committed shall be construed as including references to pleas of guilty and admissions that an offence has been committed.

(3) References in this Act to any enactment or to any provision in any enactment shall, unless the context otherwise requires, be construed as references to that enactment or provision as amended by any subsequent enactment including this Act.

Transitory provisions.
52 & 53 Vict.
c. 63.

22 & 23
Geo. 5. c. 46.

108.—(1) Without prejudice to the provisions of the Interpretation Act, 1889, with respect to repeals, the transitory provisions set out in the Fifth Schedule to this Act shall have effect for the purposes of the transition to the provisions of this Act from the provisions of the enactments repealed by the Children and Young Persons Act, 1932, and by this Act.

(2) References in any Act to places of detention provided under section one hundred and eight of the Children Act, 1908, shall be construed as references to remand homes provided under this Act.

(3) References in any Act or other document to reformatory schools or industrial schools and to youthful offenders and children sent thereto or detained therein shall be construed as including references to approved schools and to children and young persons sent thereto or detained therein, and references in any Act or other document to orders committing a child or young person to the care of a fit person under any of the provisions of the Children Act, 1908, shall be construed as including references to orders of the like nature made under this Act.

(4) References in any Act or other document to juvenile courts under the Children Act, 1908, shall be construed as including references to such courts under this Act.

(5) References in any Act or other document to any enactment repealed and re-enacted with or without modifications by this Act (except references in Part VI of the Children Act, 1908, or Part VI of the Children and Young Persons Act, 1932) shall be construed as including references to the corresponding provision of this Act.

(6) The reference in the First Schedule to this Act to any offence under sections one, two, three, eleven or twenty-three of this Act shall be construed as including a reference to any offence under the Dangerous Performances Acts, 1879 and 1897, or under Part II of the Children Act, 1908.

109.—(1) This Act may be cited as the Children and Young Persons Act, 1933.

(2) This Act, except section nineteen thereof, shall come into operation on the first day on which, by virtue of orders made by the Secretary of State under subsection (3) of section ninety of the Children and Young Persons Act, 1932, all the provisions of that Act, except section fifty-one thereof, will be in operation in England.

(3) Save as therein otherwise expressly provided, this Act shall not extend to Scotland or Northern Ireland.

(4) The enactments mentioned in the Sixth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

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PART VI
—cont.Short title,
commence-
ment,
extent and
repeals.

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SCHEDULES.

FIRST SCHEDULE.

Sections 13,
14, 15, 40,
41, 42, 43,
63, 67, 99
and 108.OFFENCES AGAINST CHILDREN AND YOUNG PERSONS,
WITH RESPECT TO WHICH SPECIAL PROVISIONS OF
THIS ACT APPLY.

The murder or manslaughter of a child or young person.

Infanticide.

24 & 25 Vict.
c. 100.

Any offence under sections twenty-seven, fifty-five, or fifty-six of the Offences against the Person Act, 1861, and any offence against a child or young person under sections five, forty-two, forty-three, fifty-two or sixty-two of that Act, or under the Criminal Law Amendment Act, 1885.

Any offence under the Punishment of Incest Act, 1908, in respect of a child or young person.

Any offence under sections one, two, three, four, eleven or twenty-three of this Act.

Any other offence involving bodily injury to a child or young person.

Section 45.

SECOND SCHEDULE.

CONSTITUTION OF JUVENILE COURTS.

Outside Metropolitan Areas.

1.—(1) The provisions of this paragraph shall have effect with respect to juvenile courts outside the metropolitan police court area and the City of London.

(2) Subject to the provisions of the next following subparagraph, a panel of justices specially qualified for dealing with juvenile cases shall be formed for the purposes of this Act in every petty sessional division, and no justice shall be qualified to sit as a member of a juvenile court unless he is a member of such a panel.

(3) The Secretary of State, after considering any representations made to him by the justices of the petty sessional divisions concerned, may by order direct that there shall be only one panel for any two or more petty sessional divisions and may by the same or a subsequent order provide for sittings of juvenile courts constituted from that panel being held at such places, whether within or without the petty sessional division for which the court is for the time being acting, as may be specified in the order.

An order under this sub-paragraph may contain such supplemental, incidental and consequential provisions as appear to the Secretary of State to be necessary or proper for the purposes of the order, and may be varied or revoked by a subsequent order.

(4) Rules made by the Lord Chancellor shall provide—

- (a) for the formation and periodical revision of panels of justices;
- (b) for limiting the number of justices who may sit as members of any juvenile court, and for the manner in which they are to be selected;
- (c) for one of the justices acting as chairman of the court and for the manner in which the chairman is to be selected.

In Metropolitan Police Court Area.

2.—(1) His Majesty may by Order in Council specify as respects the metropolitan police court area the places (which, notwithstanding anything in the Metropolitan Police Courts Acts, 1839 and 1840, may be places other than police courts) in which juvenile courts are to sit, and assign as a division to each such place such portion of that area as may be specified in the Order.

(2) Every juvenile court in the metropolitan police court area shall be constituted of a metropolitan police magistrate nominated by the Secretary of State to act as chairman of juvenile courts within the said area and two justices of the peace for the county of London, one of whom shall be a woman, and both of whom shall be selected, in such manner as may be directed by Order in Council, from a panel of such justices nominated from time to time by the Secretary of State :

Provided that—

- (a) if for special reasons the Secretary of State considers it advisable so to do, he may nominate such a justice of the peace as aforesaid to act as a chairman of juvenile courts within the said area; and

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2ND SCH.
—cont.

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2ND SCH.
—cont.

(b) if at any time, by reason of illness or other emergency, no person so nominated is available to act as chairman of a juvenile court, any metropolitan police magistrate although not so nominated, or, with the consent of the Secretary of State, any justice of the peace selected from the panel, may act temporarily as chairman; and

(c) where it appears to the chairman that the court cannot without adjournment be fully constituted, and that the adjournment would be inexpedient in the interests of justice, he may sit with one justice selected from the panel (whether a man or a woman) or, if he is a metropolitan police magistrate, may sit alone.

(3) The Secretary of State, in nominating the chairmen of juvenile courts and the members of a panel, shall have regard to the previous experience of the persons available and their special qualifications for dealing with juvenile cases; and every such nomination shall be for a specified period and shall be revocable by the Secretary of State.

(4) An Order in Council made under this paragraph may contain such supplemental, incidental and consequential provisions as appear to His Majesty in Council to be necessary or proper for the purposes of the Order.

In the City of London.

3. Juvenile courts for the City of London shall be constituted in such manner as the Court of the Lord Mayor and Aldermen of the City may from time to time determine.

Section 60.

THIRD SCHEDULE.

AMENDMENTS OF CERTAIN ENACTMENTS RELATING TO
CRIMINAL PROCEEDINGS AND COURTS OF SUMMARY
JURISDICTION.

Enactment.	Amendment.
42 & 43 Vict. c. 49. Summary Jurisdiction Act, 1879.	For section ten there shall be substituted the following section :— “ 10.—(1) A court of summary jurisdiction before whom a child is charged with an indictable offence other than homicide may, without consulting the parent or guardian of

Enactment.

Amendment.

A.D. 1933.

3RD SCH.
—cont.

the child, deal with him summarily and shall so deal with him unless some other person who is charged jointly with him and is not a child is committed for trial, in which case the court may, if in the interests of justice they think it necessary so to do, also commit the child for trial.

- (2) A court of summary jurisdiction who deal summarily with a child in respect of an indictable offence shall, in addition to any other powers exercisable by virtue of this or any other Act, have power to impose a fine not exceeding forty shillings and when the child is a male, to adjudge the child to be, as soon as practicable, privately whipped with not more than six strokes of a birch rod by a constable, in the presence of an inspector or other officer of police of higher rank than a constable, and also in the presence, if he desires to be present, of the parent or guardian of the child."

In subsection (2) of section eleven the words "by the evidence" shall be omitted.

In subsection (3) of section seventeen the words from "unless the parent or guardian" to the end of the subsection shall be omitted.

In section forty-nine, for the definitions of child and young person there shall be substituted the following definitions—

"The expression 'child' means a person who in the opinion of the court before whom he is brought is under the age of fourteen years.

The expression 'young person' means a person who in the opinion of the court before whom he is brought is of the age of fourteen years and under the age of seventeen years."

A.D. 1933.

Enactment.

Amendment.

3RD SCH.
—cont.7 Edw. 7. c. 17. Pro-
bation of Offenders
Act, 1907.At the end of subsection (2) of section
two there shall be inserted the following
proviso—

“ Provided that—

- (a) it shall not be made a condition of a recognisance that a person under the age of seventeen years shall reside in any institution which is not subject to inspection by the Secretary of State unless he is while residing in the institution to be employed, or to seek employment, outside it; and
- (b) where it is made a condition of a recognisance that a person under the age of seventeen years shall reside in any institution the court by which the probation order is made shall forthwith give notice of the terms of the order to the Secretary of State; and
- (c) where such residence as aforesaid has, in the case of a person under the age of seventeen years, been made a condition of a recognisance the Secretary of State may at any time, if he considers that it is in the interests of that person so to do, cause an application to be made to the court before which he is bound by his recognisance to appear, and thereupon that court may vary the conditions of the recognisance by excluding therefrom the condition as to residence, or by substituting the name of some other institution.”

In subsection (5) of section six for the words “ if the case was one in which the “ court in the first instance might under “ section fifteen of the Industrial Schools “ Act, 1866, have ordered the offender to “ be sent to a certified industrial school “ and the offender is still apparently under “ the age of twelve years ” there shall be

Enactment

Amendment.

A.D. 1933.

3RD SCH.
—cont.

substituted the words “if the case was
“one in which the court had power to
“make an order sending him to an
“approved school and he is still under
“the age of seventeen years.”

11 & 12 Geo. 5. c. 51.
Education Act,
1921.

For section forty-five there shall be
substituted the following section—

“Proceedings
on disobe-
dience of
order of court
for attendance
at school.

45.—(1) Where a school attendance
order is not complied with, without any
reasonable excuse, a court of summary
jurisdiction, on complaint made by the
local education authority, may, if they
think fit, order as follows:—

(a) in the first case of non-compliance
if the parent of the child does not
appear, or appears and fails to satisfy
the court that he has used all reason-
able efforts to enforce compliance
with the order, the court may impose
a fine not exceeding with the costs
twenty shillings; but if the parent
satisfies the court that he has used
all reasonable efforts as aforesaid,
the court may, without inflicting a
fine, order the child to be sent to an
approved school or to be committed
to the care of a fit person in accord-
ance with the provisions of the
Children and Young Persons Act,
1933; and

(b) in the second or any subsequent case
of non-compliance with the order,
the court may order the child to be
sent to an approved school or to be
committed to the care of a fit person
in accordance with the provisions of
the Children and Young Persons Act,
1933, and may further in their dis-
cretion inflict any such fine as afore-
said, or they may for each such non-
compliance inflict any such fine as
aforesaid without ordering the child
to be so sent or committed as
aforesaid:

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Enactment.

Amendment.

3RD SCH.
—cont.

Provided that a complaint under this section with respect to a continuing non-compliance with a school attendance order shall not be repeated by the local education authority at any less interval than two weeks.

(2) Where an order is made under this section either sending a child to an approved school, or committing him to the care of a fit person, the provisions of the Children and Young Persons Act, 1933, shall apply in relation to the order as if it were an order made under that Act."

15 & 16 Geo. 5. c. 86.
Criminal Justice
Act, 1925.

In subsection (4) of section twenty-four, for the word "sixteen" there shall be substituted the word "seventeen."

Sections 81
and 106.

FOURTH SCHEDULE.

PROVISIONS AS TO ADMINISTRATION OF APPROVED SCHOOLS AND TREATMENT OF PERSONS SENT THERETO.

General Provisions.

1.—(1) The Secretary of State may make rules for the management and discipline of approved schools, and different rules may be made as respects different schools or classes of school.

(2) The managers of an approved school may make supplementary rules for the management and discipline of the school, but rules so made shall not have effect unless approved by the Secretary of State.

2. No substantial addition to, or diminution or alteration of, the buildings or grounds of an approved school shall be made without the approval in writing of the Secretary of State.

Treatment of Pupils.

3. A minister of the religious persuasion to which a person in an approved school belongs may visit him at the school on such days, at such times, and on such conditions, as may be fixed by rules made by the Secretary of State, for the purpose of affording him religious assistance and instruction.

4. If it appears to the managers of an approved school that a person who has been ordered to be sent to their school requires medical attention before he can properly be received into the school, or that a person detained in the school requires such attention, they may make arrangements for him to be received into and detained in any hospital, home or other institution where he can receive the necessary attention; and that person, while so detained, shall for the purposes of this Act be deemed to be under the care of the managers of the school, and shall, for the purposes of section nine of the Mental Deficiency Act, 1913, be deemed to be detained in the school.

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4TH SCH.
—cont.3 & 4 Geo. 5.
c. 28.*Power to Place out Pupils.*

5. At any time during the period of a person's detention in an approved school the managers of the school may grant leave to him to be absent therefrom in the charge of such person and for such period as they think fit, but during such leave he shall, for the purposes of this Act, be deemed to be under the care of the managers of the school, and the managers may at any time require him to return to the school.

6.—(1) At any time during the period of a person's detention in an approved school the managers of the school may and, if the Secretary of State so directs, shall by licence in writing permit him to live with his parent, or with any trustworthy and respectable person (to be named in the licence) who is willing to receive and take charge of him :

Provided that, without the consent of the Secretary of State, a licence shall not be granted during the first twelve months of the period of a person's detention.

(2) The Secretary of State shall through his inspectors review the progress made by persons detained in approved schools with a view to ensuring that they shall be placed out on licence as soon as they are fit to be so placed out.

(3) The managers of the school may at any time by order in writing revoke any licence, and require the person to whom it relates to return to the school.

(4) For the purposes of this Act a person who is out on licence from an approved school shall be deemed to be under the care of the managers of the school.

7. If a person under the care of the managers of an approved school conducts himself well, the managers of the school may, with his written consent, apprentice or place him in any trade, calling, or service, including service in the Navy, Army or Air Force, or may, with his written consent and with the written consent of the Secretary of State, arrange for his emigration.

A.D. 1933.

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4TH SCH.
—cont.

Before exercising their powers under this paragraph the managers shall, in any case where it is practicable so to do, consult with the parents of the person concerned.

Misconduct of Pupils.

8. If a person detained in an approved school is guilty of serious misconduct, the managers, if authorised by the Secretary of State so to do, may bring him before a court of summary jurisdiction and that court may (notwithstanding any limitations contained in this Act upon the period during which he may be detained in an approved school) order him—

- (a) if he is under the age of sixteen years, to have the period of his detention in the school increased by such period not exceeding six months as the court may direct; or
- (b) if he has attained the age of sixteen years but is under the age of seventeen years, to have the period of his detention so increased, or to be sent to a Borstal institution for a period of two years; or
- (c) if he has attained the age of seventeen years, to have the period of his detention so increased, or to be sent to a Borstal institution for two years, or to be imprisoned for three months.

Discharge and Transfer.

9.—(1) The Secretary of State may at any time order a person under the care of the managers of an approved school to be discharged, or to be transferred to the care of the managers of another school, or with the consent of the Scottish Education Department, to the care of the managers of a school in Scotland which is an approved school within the meaning of the Children and Young Persons (Scotland) Act, 1932.

22 & 23
Geo. 5. c. 47.

(2) Upon a person being so discharged or transferred as aforesaid, the Secretary of State shall cause notice to be sent to the local authority liable to make contributions in respect of him.

(3) Where a person is transferred under the foregoing provisions of this paragraph to the care of the managers of a school in Scotland, the provisions of this Act relating to contributions by parents, guardians and others, and local authorities, shall apply in respect of him as if the school in Scotland were an approved school within the meaning of this Act, and if under the law in force in Scotland he is retransferred to the care of the managers of a school in England which is an approved school within the meaning of this Act, this Act shall have effect in relation to the retransfer as if it were a

transfer under this paragraph from the care of the managers of one approved school in England to the care of the managers of another approved school in England.

A.D. 1933.

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4TH SCH.
—cont.

10. The provisions of section sixty-eight of this Act (which relate to religious persuasion) shall apply in relation to the transfer of persons to approved schools and orders made for that purpose as they apply in relation to the sending of persons to such schools and orders made for that purpose.

11. Where a person detained in an approved school is transferred to the care of the managers of another school, he shall be conveyed to his new school by and at the expense of the managers of the first-mentioned school.

*Powers and duties of Managers and other Persons
in Charge of Pupils.*

12.—(1) Subject as hereinafter provided, all rights and powers exercisable by law by a parent shall as respects any person under the care of the managers of an approved school be vested in them :

Provided that, where a person out on licence or under supervision from an approved school is lawfully living with his parents or either of them, the said rights and powers shall be exercisable by the parents or, as the case may be, by the parent with whom he is living ; but it shall be the duty of any such parent so to exercise those rights and powers as to assist the managers to exercise control over him.

(2) The managers of an approved school shall be under an obligation to provide for the clothing, maintenance and education of the persons under their care, except that while such a person is out on licence, or under supervision, their obligation shall be to cause him to be visited, advised and befriended and to give him assistance (including, if they think fit, financial assistance) in maintaining himself and finding suitable employment.

13. Every person who—

- (a) is authorised by the managers of an approved school to take charge of a person under their care, or to apprehend such a person and bring him back to the school ; or
- (b) is authorised by a local or poor law authority or, being a probation officer, is authorised by a court, to take to an approved school a person ordered to be detained therein,

shall, for the purposes of his duty as aforesaid have all the powers, protection, and privileges of a constable.

A.D. 1933.

*Superannuation of Officers.*4TH SCH.
—cont.

14. The managers of any approved school may, as part of the expenses of the management of the school, pay, or contribute towards the payment of—

(a) a superannuation allowance or gratuity—

(i) to any officer who retires by reason of old age or permanent infirmity of mind or body;

(ii) to any officer, who, in accordance with the terms of his appointment, is required to vacate his office by reason of the death, or the retirement on account of old age or permanent infirmity, of another officer;

(b) a gratuity to any dependant of an officer who has died in the service of the school :

Provided that no payment or contribution in respect of any such superannuation allowance or gratuity shall be made unless it is made in accordance with rules approved by the Secretary of State with the concurrence of the Treasury for regulating the grant of such allowances and gratuities, or unless it is specially sanctioned by the Secretary of State.

Section 108.

FIFTH SCHEDULE.

TRANSITORY PROVISIONS.

1. Any Order in Council, order, or regulation made, any certificate given, any deposition taken, and anything done, under any enactment repealed by this Act shall, for the purposes of this Act, be deemed to have been made, given, taken or done, under the corresponding provisions of this Act.

2. Any rule, byelaw, warrant or licence under any enactment repealed either by the Children and Young Persons Act, 1932 (hereinafter referred to as the Act of 1932) or by this Act and re-enacted, with or without modifications, by this Act shall have the like effect, and the like proceedings may be had thereon and in respect thereof, as if it had been made, made and confirmed, or granted, under this Act :

Provided that this paragraph shall not apply to rules made under section fifty-four of the Children Act, 1908 (hereinafter referred to as the Act of 1908) for the management and discipline of a certified school or to byelaws made under section ninety-one of the Education Act, 1921, with respect to street trading.

3. Any person who at the commencement of the Act of 1932 is under section twenty of the Act of 1908 being detained in a place of safety may be so detained until he can be brought before a juvenile court under this Act.

A.D. 1933.

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5TH SCH.
—cont.

4. Nothing in this Act or in the Act of 1932 shall render invalid any summons pending at the commencement of that Act for bringing a child or young person before a petty sessional court with a view to his being committed under section twenty-one or under Part IV of the Act of 1908 to the care of a relative or other fit person or with a view to his being sent to a certified school, but the petty sessional court before which the child or young person is brought under the summons, if it is constituted as a juvenile court, shall proceed as if he had been brought before it as being a child or young person in need of care or protection, and if it is not constituted as a juvenile court, shall adjourn the case until it can be so constituted and shall then proceed as aforesaid.

5. Where before the commencement of the Act of 1932 an order has been made under the Act of 1908 or under section forty-five of the Education Act, 1921, committing a child or young person to the care of a relative or other fit person, this Act shall have effect in relation to the child or young person as if the order were an order made under this Act :

Provided that notwithstanding anything in this Act the order shall not have effect for any longer period than the period for which it would have had effect if neither this Act nor the Act of 1932 had passed.

6. This Act shall apply in relation to a school which at the commencement of the Act of 1932 was a certified reformatory school or a certified industrial school as if the certificate for the school were a certificate of approval issued under this Act.

7. The Secretary of State may, if he thinks fit, approve for the purposes of this Act any school which on the twelfth day of July nineteen hundred and thirty-two was a certified day industrial school, and if he so approves any such school the provisions of this Act shall apply in relation to that school and to children previously sent or thereafter to be sent thereto, subject to such adaptations, modifications and exceptions as he may from time to time by order direct.

8. Where a child or young person had at the commencement of the Act of 1932 been ordered to be sent to a certified school but has not reached his school, the like proceedings may be had and the like things done for the purpose of securing that he is sent to a school, and with respect to his custody in the meantime, as might have been had or done if neither this Act nor the Act of 1932 had passed.

A.D. 1933.

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5TH SCH.
—cont.

9. Subject to the provisions of this Schedule, this Act shall apply in relation to persons who at or after the commencement of the Act of 1932 are lawfully detained in, or out on licence or under supervision from, or are absentees from, a certified school, as if they were persons detained in, or out on licence or under supervision from, or absentees from, an approved school under the provisions of this Act :

Provided that the periods for which such persons are liable to be detained in approved schools and to remain under the supervision of the managers shall (except so far as increased by virtue of the provisions of this Act relating to persons guilty of misconduct in schools or of escaping, running away or refusing to return when recalled) be such as if neither this Act nor the Act of 1932 had passed.

10. Where a child or young person has before the commencement of the Act of 1932 been ordered to be sent to a certified school, it shall be the duty of the local authority, if any, who under the Act of 1908 were liable to provide for his reception and maintenance in the school to make such contributions in respect of him as would by this Act be required to be made if he had been sent to the school under an approved school order and they were the local authority named in that order as being the authority within whose district he was resident: and if in any such case as aforesaid—

- (a) it had not been determined at the commencement of the Act of 1932 who are the authority who are responsible as aforesaid; or
- (b) proceedings might but for the passing of this Act and the Act of 1932 have been had for varying a determination as to that question,

the like proceedings may be had for determining the question and for varying any determination in respect thereof as might have been had if neither this Act nor the Act of 1932 had passed.

11. Where a child or young person has before the commencement of the Act of 1932 been ordered to be sent to a certified school at the instance of a poor law authority or of the managers of a district poor law school, the poor law authority concerned shall be under the like obligation to make contributions to the expenses of the managers of the school as they would be under if he had been sent to the school by virtue of an approved school order made on their application in their capacity as a poor law authority.

12. Where before the commencement of the Act of 1932 a child or young person has been committed to the care of a relative or other fit person or has been ordered to be sent to a certified school and an order is in force at the commencement of

the said Act requiring any person liable to maintain him to contribute to his maintenance, or requiring the whole or any part of any payment under an affiliation order to be paid to a person named in the order, this Act shall apply in relation to the order as if it had been made under this Act, and where the order provides for the making of payments to the chief inspector of reformatory and industrial schools it shall, by virtue of this Act and without more, be deemed to provide that the payments shall be made to the council of the county or county borough within which the person liable to make the payments is from time to time resident.

A.D. 1933.

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5TH SER.
—cont.

13. Where in pursuance of section fifty-three of the Act of 1908 a child has been boarded out by the managers of a certified school, this Act shall apply in relation to that child—

- (a) if the managers are a local authority, as if he had been committed under this Act to their care and had been boarded out by them under this Act;
- (b) if the managers are not a local authority, as if he were out on licence from the school.

14. Where before the commencement of the Act of 1932 a child or young person has entered into a recognisance under the proviso to subsection (4) of section fifty-eight of the Act of 1908 or under section sixty of that Act, the provisions of section sixty-six of this Act shall apply as if such an order as is mentioned in that section had been made placing him under the supervision of a probation officer, and the recognisance shall cease to have effect.

15. The repeal by the Act of 1932 of the provisions of the Act of 1908 relating to places of detention shall not render illegal the custody of a child or young person in such a place unless and until a remand home for the area in question has been provided in substitution therefor, and when such a home has been provided, the children or young persons in custody in the place of detention shall be transferred to and kept in custody in the home.

A.D. 1933.

SIXTH SCHEDULE.

Section 109.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
8 Edw. 7. c. 67.	The Children Act, 1908.	Sections twelve to seventeen, nineteen, twenty-four, twenty-seven to thirty-two, thirty-five, and thirty-seven; subsection (2) of section thirty-eight; sections thirty-nine to forty-three, ninety-four, ninety-five, ninety-seven to one hundred and six, one hundred and nine, and one hundred and fourteen to one hundred and twenty-one; in section one hundred and twenty-three, subsection (1); in subsection (2) the words "or indictment," from the words "or any of the offences" to the words "Criminal Law Amendment Act, 1885," the words "by or," the words "was a child or young person or" and the words "a child or young person or to have been," wherever those words occur; and subsections (3) and (4); section one hundred and twenty-four; in section one hundred and twenty-seven the words "or young person" wherever those words occur; sections one hundred and twenty-eight and one hundred and thirty; in section one hundred and thirty-one the definitions of "guardian," "local education authority," "police authority," "street," "public place," and "intoxicating liquor," and in the

Session and Chapter.	Short Title.	Extent of Repeal.
8 Edw. 7. c. 67. <i>cont.</i>	- . . -	definitions of "legal guardian" and "place of safety" the words "child or young person"; and the First Schedule.
10 Edw. 7. & 1 Geo. 5. c. 25.	The Children Act (1908) Amendment Act, 1910.	The whole Act.
3 & 4 Geo. 5. c. 7.	The Children (Employment Abroad) Act, 1913.	The whole Act, as well in its application to Scotland and Northern Ireland as in its application to England.
4 & 5 Geo. 5. c. 58.	The Criminal Justice Administration Act, 1914.	Subsection (2) of section twenty-eight.
15 & 16 Geo. 5. c. 86.	The Criminal Justice Act, 1925.	Section forty-eight.
20 & 21 Geo. 5. c. 21.	The Children (Employment Abroad) Act, 1930.	The whole Act, as well in its application to Scotland and Northern Ireland as in its application to England.
22 & 23 Geo. 5. c. 46.]	The Children and Young Persons Act, 1932.	Sections one to sixty-three; section sixty-four, as well in its application to Northern Ireland as in its application to England; in section seventy from the words "and in the definitions" to the end of the section; sections seventy-one to seventy-six, seventy-eight, sections eighty to eighty-six; in subsection (1) of section eighty-seven the definitions of "Chief Officer of Police," "Metropolitan Police Court Area," "needing care or protection," and "prescribed," and subsections (2), (3) and (4) of that section; section eighty-eight; in subsection (2) of section ninety the words "save as otherwise expressly provided;" the First Schedule; the Second Schedule, except so far as it relates to the following provisions of the Children Act, 1908, that is to say, sections one, two, three,

A.D. 1933.

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6TH SCH.
—*cont.*

A.D. 1933.

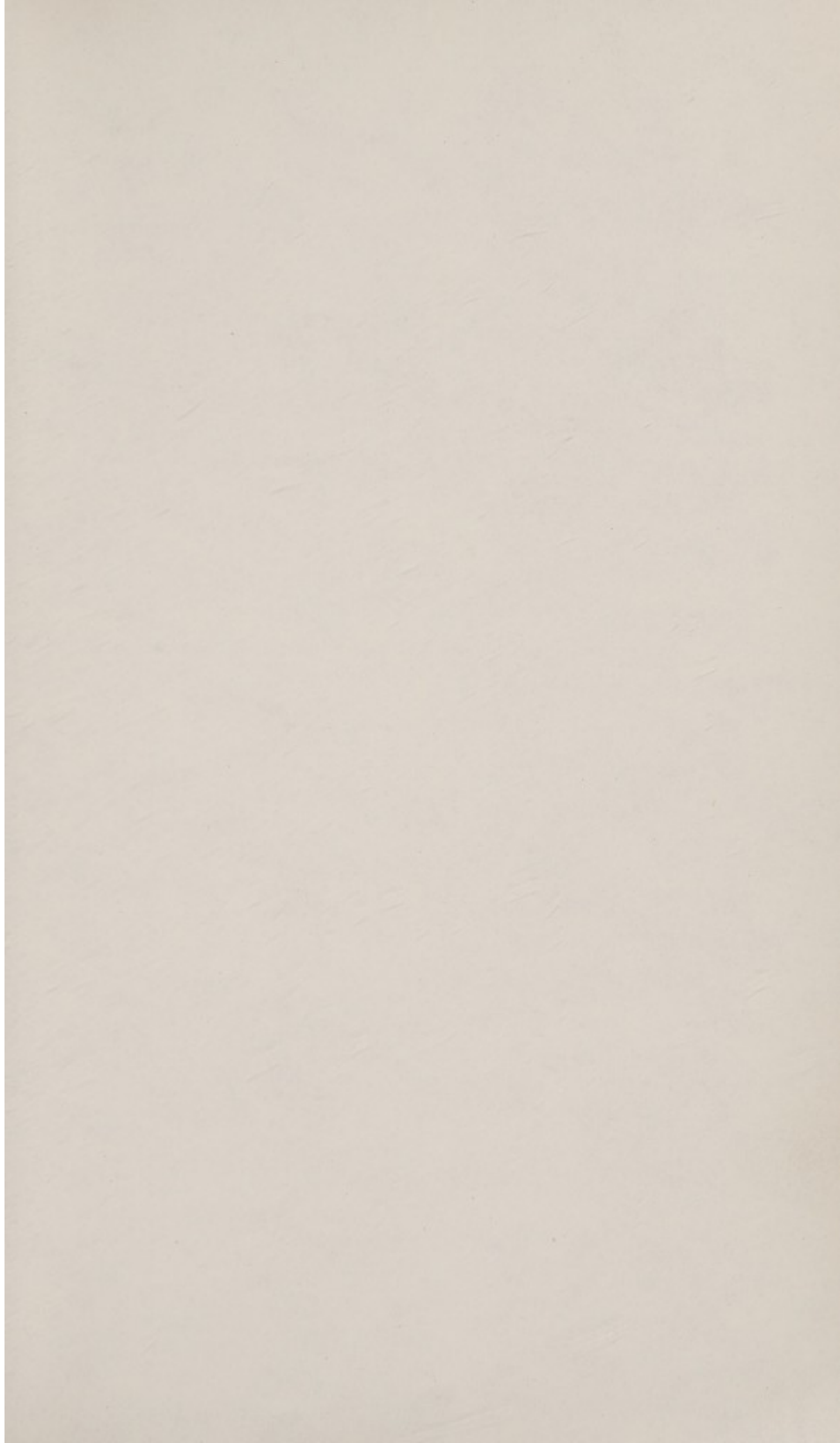
6TH SCH.
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
22 & 23 Geo. 5. c. 46—cont.	- - -	eight and nine, subsection (2) of section one hundred and twenty-three, and the definitions in section one hundred and thirty-one of "young person," "legal guardian," "place of safety," "police fund" and "common fund"; and the Third and Fourth Schedules.
22 & 23 Geo. 5. c. 47.	The Children and Young Persons (Scotland) Act, 1932.	Section fifty-eight.

PRINTED IN ENGLAND BY WM. POLLARD & CO. LTD., FOR
HARRY PITCHFORTH

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament





LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

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