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11 & 12 Geo. 6. CH. 43.



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CHAPTER 43.

An Act to make further provision for the care or welfare, up to the age of eighteen and, in certain cases, for further periods, of boys and girls when they are without parents or have been lost or abandoned by, or are living away from, their parents, or when their parents are unfit or unable to take care of them, and in certain other circumstances; to amend the Children and Young Persons Act, 1933, the Children and Young Persons (Scotland) Act, 1937, the Guardianship of Infants Act, 1925 and certain other enactments relating to children; and for purposes connected with the matters aforesaid. [30th June 1948.]

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.

DUTY OF LOCAL AUTHORITIES TO ASSUME CARE OF CHILDREN.

1.—(1) Where it appears to a local authority with respect to a child in their area appearing to them to be under the age of seventeen—

(a) that he has neither parent nor guardian or has been and remains abandoned by his parents or guardian or is lost; or

(b) that his parents or guardian are, for the time being or permanently, prevented by reason of mental or bodily disease or infirmity or other incapacity or any other circumstances from providing for his proper accommodation, maintenance and upbringing; and

PART I.
—*cont.*

- (c) in either case, that the intervention of the local authority under this section is necessary in the interests of the welfare of the child,

it shall be the duty of the local authority to receive the child into their care under this section.

(2) Where a local authority have received a child into their care under this section, it shall, subject to the provisions of this Part of this Act, be their duty to keep the child in their care so long as the welfare of the child appears to them to require it and the child has not attained the age of eighteen.

(3) Nothing in this section shall authorise a local authority to keep a child in their care under this section if any parent or guardian desires to take over the care of the child, and the local authority shall, in all cases where it appears to them consistent with the welfare of the child so to do, endeavour to secure that the care of the child is taken over either—

(a) by a parent or guardian of his, or

(b) by a relative or friend of his, being, where possible, a person of the same religious persuasion as the child or who gives an undertaking that the child will be brought up in that religious persuasion.

(4) Where a local authority receive a child into their care under this section who is then ordinarily resident in the area of another local authority,—

(a) that other local authority may at any time not later than three months after the determination (whether by agreement between the authorities or in accordance with the following provisions of this subsection) of the ordinary residence of the child, or with the concurrence of the first-mentioned authority at any subsequent time, take over the care of the child; and

(b) the first-mentioned authority may recover from the other authority any expenses duly incurred by them under Part II of this Act in respect of him (including any expenses so incurred after he has ceased to be a child and, if the other authority take over the care of him, including also any travelling or other expenses incurred in connection with the taking-over).

Any question arising under this subsection as to the ordinary residence of a child shall be determined by the Secretary of State.

(5) In determining for the purposes of the last foregoing subsection the ordinary residence of any child, any period

during which he resided in any place as an inmate of a school or other institution, or in accordance with the requirements of a supervision order or probation order or the conditions of a recognisance, or while boarded out under this Act, the Poor Law Act, 1930, the Children and Young Persons Act, 1933, the Poor Law (Scotland) Act, 1934, or the Children and Young Persons (Scotland) Act, 1937, by a local authority or education authority shall be disregarded.

PART I.
—cont.

20 & 21 Geo. 5.
c. 17.
23 & 24 Geo. 5.
c. 12.
24 & 25 Geo. 5.
c. 52.
1 Edw. 8 &
1 Geo. 6. c. 37.

2.—(1) Subject to the provisions of this Part of this Act, a local authority may resolve with respect to any child in their care under the foregoing section in whose case it appears to them—

Assumption by
local authority
of parental
rights.

- (a) that his parents are dead and that he has no guardian;
or
- (b) that a parent or guardian of his (hereinafter referred to as the person on whose account the resolution was passed) has abandoned him or suffers from some permanent disability rendering the said person incapable of caring for the child, or is of such habits or mode of life as to be unfit to have the care of the child,

that all the rights and powers which the deceased parents would have if they were still living, or, as the case may be, all the rights and powers of the person on whose account the resolution was passed, shall vest in the local authority.

(2) In the case of a resolution passed by virtue of paragraph (b) of the last foregoing subsection, unless the person on whose account the resolution was passed has consented in writing to the passing of the resolution, the local authority, if the whereabouts of the said person are known to them, shall forthwith after the passing of the resolution serve on him notice in writing of the passing thereof; and if, not later than one month after such a notice is served on him, the person on whose account the resolution was passed serves a notice in writing on the local authority objecting to the resolution, the resolution shall, subject to the provisions of subsection (3) of this section, lapse on the expiration of fourteen days from the service of the notice of objection.

Every notice served by a local authority under this subsection shall inform the person on whom the notice is served of his right to object to the resolution and of the effect of any objection made by him.

(3) Where a notice has been served on a local authority under subsection (2) of this section, the authority may not later than fourteen days from the receipt by them of the notice complain to a juvenile court, or in Scotland the sheriff, having jurisdiction in the area of the authority, and in that

PART I.
—cont.

event the resolution shall not lapse by reason of the service of the notice until the determination of the complaint, and the court or sheriff may, on the hearing of the complaint, order that the resolution shall not lapse by reason of the service of the notice:

Provided that the court or sheriff shall not so order unless satisfied that the child had been, and at the time when the resolution was passed remained, abandoned by the person who made the objection or that that person is unfit to have the care of the child by reason of unsoundness of mind or mental deficiency or by reason of his habits or mode of life.

(4) Any notice under this section may be served by post, so however that a notice served by a local authority under subsection (2) of this section shall not be duly served by post unless it is sent in a registered letter.

Effect of
assumption
by local
authority of
parental
rights.

3.—(1) While a resolution passed by virtue of paragraph (a) of subsection (1) of section two of this Act is in force with respect to a child, all rights and powers which the deceased parents would have if they were still living shall, in respect of the child, be vested in the local authority in accordance with the resolution.

(2) While a resolution passed by virtue of paragraph (b) of the said subsection (1) is in force with respect to a child, all rights and powers of the person on whose account the resolution was passed shall, in respect of the child, be vested in the local authority in accordance with the resolution, and subsection (3) of section one of this Act shall not in respect of the child apply in relation to the person on whose account the resolution was passed.

(3) A resolution under section two of this Act shall not prevent the local authority from allowing, either for a fixed period or until the local authority otherwise determine, the care of the child to be taken over by, and the child to be under the control of, a parent, guardian, relative or friend in any case where it appears to the authority to be for the benefit of the child.

(4) Where a resolution under section two of this Act is in force in respect of a child and the child has ceased to be in the care of the local authority by whom the resolution was passed, then (without prejudice to the provisions of section one of this Act if those provisions apply) the local authority by whom the resolution was passed shall have power to receive the child back into their care in any circumstances in which it appears to them that their intervention under this subsection is necessary in the interests of the welfare of the child.

(5) Where a local authority receive a child into their care under the last foregoing subsection, the provisions of this Act, except subsections (4) and (5) of section one thereof, shall

apply as if the child had been received into their care under the said section one.

PART I.
—cont.

(6) A resolution under the said section two shall not relieve any person from any liability to maintain, or contribute to the maintenance of, the child.

(7) A resolution under the said section two shall not authorise a local authority to cause a child to be brought up in any religious creed other than that in which he would have been brought up but for the resolution.

(8) Any person who knowingly—

(a) assists or induces or persistently attempts to induce a child to whom this subsection applies to run away, or

(b) harbours or conceals a child to whom this subsection applies who has run away, or prevents him from returning to the place from which he has run away,

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 such imprisonment.

This subsection applies to any child in the care of a local authority under section one of this Act in whose case a resolution is in force under section two thereof, being a child for whom accommodation (whether in a home or otherwise) is being provided by the local authority in pursuance of Part II of this Act, and references in this subsection to running away shall be construed as references to running away from a place where accommodation is or was being so provided.

4.—(1) Subject to the provisions of this Part of this Act, a resolution under section two of this Act shall continue in force until the child with respect to whom it was passed attains the age of eighteen.

Duration and
rescission of
resolutions
under section
two.

(2) A resolution under the said section two may be rescinded by resolution of the local authority if it appears to them that the rescinding of the resolution will be for the benefit of the child.

(3) On complaint being made—

(a) in the case of a resolution passed by virtue of paragraph (a) of subsection (1) of the said section two, by a person claiming to be a parent or guardian of the child;

(b) in the case of a resolution passed by virtue of paragraph (b) thereof, by the person on whose account the resolution was passed,

a juvenile court, or in Scotland the sheriff, having jurisdiction where the complainant resides, if satisfied that there was no

PART I.
—cont.

ground for the making of the resolution or that the resolution should in the interests of the child be determined, may by order determine the resolution, and the resolution shall thereupon cease to have effect:

Provided that, if the court or sheriff think fit, they or he may, in lieu of determining the resolution, order that, either for a fixed period or until they or he, or, if the order so provides, the local authority, otherwise direct, the local authority shall allow the care of the child to be taken over by, and the child to be under the control of, the complainant.

Duty of local authority to act as fit person under the Children and Young Persons Acts.

5.—(1) In any case where, under the Children and Young Persons Act, 1933, a court has power to commit a person brought before the court to the care of a fit person, the assent of a local authority shall not be required for the making by the court of an order committing him to the care of the authority unless a probation order or supervision order is in force or the court proposes to make such an order at the same time as the order committing the child to the care of the authority, and accordingly the following subsections shall be substituted for subsection (1) of section seventy-six of that Act:—

“(1) The appropriate local authority shall, for the purposes of the provisions of this Act relating to the making of orders committing a child or young person to the care of a fit person, be deemed to be a fit person willing to undertake the care of him, and accordingly orders may be made committing children and young persons to their care, and they shall undertake the care of children and young persons so committed:

Provided that where a probation order or supervision order is in force as respects a child or young person, or the court proposes to make such an order at the same time as an order for committal to the care of the local authority, the last-mentioned order shall not be made unless the local authority consent to the making thereof.

(1A) Before making an order under the last foregoing subsection in any case where the consent of the local authority is not required, the court shall, unless so to do would in the opinion of the court cause undue delay, permit the authority to make representations to the court as to the making of the order and shall, before making the order, consider any representations so made.

(1B) In this section the expression ‘the appropriate local authority’ means the local authority in whose area the child or young person was resident, or, if his residence is not known or he was resident outside England, the local authority or one of the local authorities within whose area

the offence was committed or the circumstances arose (as the case may be) rendering him liable to be committed to the care of a fit person :

PART I.
—*cont.*

Provided that 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 in accordance with the requirements of a supervision order or probation order or the conditions of a recognisance, or while boarded out under this Act, the Poor Law Act, 1930, the Poor Law (Scotland) Act, 1934, the Children and Young Persons (Scotland) Act, 1937, or Part II of the Children Act, 1948, by a local authority or education authority shall be disregarded."

(2) In the application of this section to Scotland, for references to the Children and Young Persons Act, 1933, and section seventy-six thereof, there shall be substituted references to the Children and Young Persons (Scotland) Act, 1937 and section eighty thereof, for the reference to the Children and Young Persons (Scotland) Act, 1937, there shall be substituted a reference to the Children and Young Persons Act, 1933, and for the word " England " there shall be substituted the word " Scotland."

6.—(1) The reception of a child into their care by a local authority under section one of this Act, and the passing of a resolution with respect to him under section two of this Act, shall not affect any supervision order or probation order previously made with respect to him by any court.

Application of preceding provisions to children already subject, or becoming subject, to orders of court.

(2) Where an order of any court is in force giving the custody of a child to any person, the foregoing provisions of this Part of this Act shall have effect in relation to the child as if for references to the parents or guardian of the child or to a parent or guardian of his there were substituted references to that person.

(3) The following provisions shall have effect with respect to approved school orders and orders under the Children and Young Persons Act, 1933, or the Children and Young Persons (Scotland) Act, 1937, committing children to the care of fit persons, that is to say :—

(a) where an approved school order comes into force with respect to a child in the care of a local authority under section one of this Act he shall thereupon cease to be in the care of the authority under that section and any resolution under section two of this Act in force with respect to him shall thereupon cease to have effect;

PART I.
—cont.

(b) no resolution under the said section two shall be passed with respect to a child while an order is in force committing him to the care of a fit person under the said Act of 1933 or 1937;

(c) save as aforesaid the provisions of subsection (2) of this section shall apply as if the order were an order giving the custody of the child to the managers of the approved school or the person to whose care he was committed by the order, as the case may be.

(4) Where under section seventy-four of the said Act of 1933 or section seventy-eight of the said Act of 1937, a child is under the supervision of the managers of an approved school or under paragraph 6 of the Fourth Schedule to the said Act of 1933, or paragraph 6 of the Second Schedule to the said Act of 1937, the managers of an approved school by licence permit a child to live away from the school, and in either case it appears to the managers that the child has no home or that his home is unsatisfactory, then with the consent of the managers, in a case falling within the said section seventy-four or seventy-eight, or if the licence so provides, in a case falling within the said paragraph 6, a local authority may (without prejudice to the provisions of section one of this Act if those provisions apply) receive the child into their care; and where they do so—

(a) the provisions of this Act, except subsections (4) and (5) of section one thereof and so much of subsection (3) of that section as requires a local authority to endeavour to secure that the care of a child is taken over by a parent, guardian, relative or friend, shall apply as if the child had been received into their care under the said section one; but

(b) the child shall not for the purposes of the said Act of 1933, or the said Act of 1937, be deemed to have ceased to be under the care of the managers of the school.

Children in
care of
Minister
of Pensions.

7.—(1) Where a child in the care of a local authority under section one of this Act is a child for whose welfare the Minister of Pensions is responsible, that Minister may at any time require that the care of the child shall be transferred to him, and thereupon the child shall cease to be in the care of the local authority.

(2) Where immediately before the care of a child is transferred to the said Minister in pursuance of the last foregoing subsection a resolution under section two of this Act is in force with respect to the child, the rights and powers conferred on the local authority by the resolution—

(a) shall not thereafter be exercisable against the said Minister or so as to interfere with any arrangements

for the welfare of the child made by the said Minister; but

PART I.
—cont.

- (b) save as provided in the last foregoing paragraph, shall continue to be exercisable by the local authority so long as the resolution is in force.

(3) References in this section to a child for whose welfare the Minister of Pensions is responsible shall be construed as references to a child such that if he were suffering from neglect or want of proper care it would be the duty of that Minister to make provision for him under section nine of the War Pensions (Administrative Provisions) Act, 1918.

9 & 10 Geo. 5
c. 53.

8. If a child who is in the care of a local authority under section one of this Act comes under the control of any person or authority under the provisions of the Mental Deficiency Acts, 1913 to 1938, or the Lunacy and Mental Treatment Acts, 1890 to 1930, or in Scotland the Mental Deficiency (Scotland) Acts, 1913 and 1940, or the Lunacy (Scotland) Acts, 1857 to 1919, he shall thereupon cease to be in the care of the local authority under this Act; but where, immediately before he comes under the control of a person or authority as aforesaid, a resolution under section two of this Act is in force with respect to him, the rights and powers conferred on the local authority by the resolution shall, so long as the resolution is in force, continue to be exercisable by the local authority, so however that the said rights and powers shall not be exercisable against the person or authority having control of the child or so as to interfere with anything done by the said person or authority with respect to the child.

Children becoming subject to Mental Deficiency or Lunacy and Mental Treatment Acts.

9. Save as expressly provided in section six of this Act, any reference in this Part of this Act to the parents or guardian of a child shall be construed as a reference to all the persons who are parents of the child or who are guardians of the child.

Meaning of "parents or guardian".

10.—(1) The parent of a child who has not attained the age of sixteen and is in the care of a local authority under section one of this Act shall secure that the appropriate local authority are informed of the parent's address for the time being.

Duty of parents to maintain contact with local authorities having their children in care.

(2) Where under subsection (4) of section one of this Act a local authority take over the care of a child from another local authority, that other authority shall where possible inform the parent of the child that the care of the child has been so taken over.

(3) For the purposes of subsection (1) of this section, the appropriate local authority shall be the authority in whose care the child is for the time being:

Provided that where under subsection (4) of section one of this Act a local authority have taken over the care of a

PART I.
—*cont.*

child from another authority, then unless and until a parent is informed that the care of a child has been so taken over the appropriate local authority shall in relation to that parent continue to be the authority from whom the care of the child was taken over.

(4) Any parent who knowingly fails to comply with subsection (1) of this section shall be liable on summary conviction to a fine not exceeding five pounds:

Provided that it shall be a defence in any proceedings under this subsection to prove that the defendant was residing at the same address as the other parent of the child, and had reasonable cause to believe that the other parent had informed the appropriate authority that both parents were residing at that address.

PART II.

TREATMENT OF CHILDREN IN CARE OF LOCAL AUTHORITIES.

Scope of
Part II.

11. This Part of this Act relates to the powers and duties of local authorities in relation to children received by them into their care under section one of this Act and children who by an order of any court under the Children and Young Persons Act, 1933, or the Children and Young Persons (Scotland) Act, 1937, have been committed (whether as children or as young persons as defined in the said Act of 1933 or 1937) to their care as a fit person, and references in this Part of this Act to a child in the care of a local authority are references to a child for the time being in the care of the authority under the said section one or for the time being committed as aforesaid to the care of the authority as a fit person.

General duty
of local
authority.

12.—(1) Where a child is in the care of a local authority, it shall be the duty of that authority to exercise their powers with respect to him so as to further his best interests, and to afford him opportunity for the proper development of his character and abilities.

(2) In providing for a child in their care, a local authority shall make such use of facilities and services available for children in the care of their own parents as appears to the local authority reasonable in his case.

Mode of
provision of
accommoda-
tion and
maintenance.

13.—(1) Subject to the provisions of this section, a local authority shall discharge their duty to provide accommodation and maintenance for a child in their care—

(a) by boarding him out on such terms as to payment by the authority and otherwise as the authority may, subject to the provisions of this Act and regulations thereunder, determine; or

- (b) where it is not practicable or desirable for the time being to make arrangements for boarding-out, by maintaining the child in a home provided under this Part of this Act or by placing him in a voluntary home the managers of which are willing to receive him.

(2) Where a child in the care of a local authority is under three years of age, a local authority may provide accommodation and maintenance for him in premises in which accommodation is being provided under the National Assistance Act, 1948, being premises approved by the Secretary of State for the purposes of this subsection which are and have since before the commencement of this Act been in use solely as a nursery. 11 & 12 GEO. 6.
c. 29.

The approval by the Secretary of State of any premises for the purposes of this subsection shall have effect for such period as he may from time to time determine, but—

- (a) the Secretary of State may at any time withdraw his approval notwithstanding that the period for which it was given has not expired,
- (b) the Secretary of State shall not give or continue his approval for the purposes of this subsection unless he is satisfied that suitable alternative accommodation is not for the time being available.

(3) Where a child in the care of a local authority has attained the age of three, the local authority, if it is necessary so to do, may provide accommodation and maintenance for the child in any premises in which accommodation is being provided under the said Act of 1948:

Provided that a child shall not be accommodated and maintained as mentioned in this subsection for any period exceeding fourteen days except with the consent of the Secretary of State; and—

- (a) the Secretary of State shall not give his consent for the purposes of this subsection for a period exceeding eight weeks, but may renew any such consent for a further such period or periods;
- (b) The Secretary of State may at any time withdraw his consent given for the purposes of this subsection notwithstanding that the period for which it was given or renewed has not expired.

(4) A child in the care of a local authority who is over compulsory school age may be accommodated and maintained in any hostel (whether provided by a local authority

PART II.
—*cont.*

or not) which is wholly or mainly intended for persons who are over compulsory school age but have not attained the age of twenty-one.

(5) Nothing in this section shall be construed as preventing a local authority from making use, in the case of any child, of any such facilities and services as are referred to in subsection (2) of the last foregoing section, and for that purpose arranging for his accommodation and maintenance in any suitable manner not specified in the foregoing provisions of this section.

(6) Notwithstanding anything in the foregoing provisions of this section, a local authority may, where it appears to them necessary so to do, accommodate and maintain a child in their care in premises under the control of a local authority other than premises such as are mentioned in the foregoing provisions of this section:

Provided that a local authority shall only exercise their powers under this subsection with the authorisation of the Secretary of State given either generally or as respects particular premises, and subject to such conditions as may be imposed by him.

(7) Where under this section a local authority provide for a child by maintaining him in a home or hostel not provided by the authority, the terms, whether as to payment by the authority or other matters, upon which the child is so maintained shall be such as, subject to the provisions of this Act, may be agreed between the authority and the persons providing the home or hostel.

Regulations
as to
boarding-out.

14.—(1) The Secretary of State may by regulations make provision for the welfare of children boarded out by local authorities under paragraph (a) of subsection (1) of the last foregoing section.

(2) Without prejudice to the generality of the last foregoing subsection, regulations under this section may provide—

- (a) for the recording by local authorities of information relating to persons with whom children are boarded out as aforesaid and persons who are willing to have children so boarded out with them;
- (b) for securing that children shall not be boarded out in any household unless that household is for the time being approved by such local authority as may be prescribed by the regulations;
- (c) for securing that where possible the person with whom any child is to be boarded out is either of the

same religious persuasion as the child or gives an undertaking that the child will be brought up in that religious persuasion;

PART II.
—cont.

- (d) for securing that children boarded out as aforesaid, and the premises in which they are boarded out, will be supervised and inspected by a local authority and that the children will be removed from those premises if their welfare appears to require it.

15.—(1) A local authority may, and shall in so far as the Secretary of State so requires, provide, equip and maintain, either within or without their area, homes for the accommodation of children in their care. Duty of local authorities to provide homes.

(2) The accommodation provided under the last foregoing subsection by a local authority shall include separate accommodation for the temporary reception of children, with, in particular, the necessary facilities for observation of their physical and mental condition.

(3) A local authority may discharge their functions under the foregoing provisions of this section by making arrangements with another local authority for the provision in homes provided by that other local authority of accommodation for children in the care of the first-mentioned local authority; and arrangements under this subsection may contain provisions as to payment by the first-mentioned local authority and other terms upon which the accommodation is to be provided.

(4) The Secretary of State may make regulations as to the exercise by local authorities of their functions under this section and the conduct of homes provided thereunder and for securing the welfare of the children in the homes, and regulations under this subsection may in particular—

- (a) impose requirements as to the accommodation and equipment to be provided in homes and as to the medical arrangements to be made for protecting the health of the children in the homes;
- (b) impose requirements as to the facilities which are to be given for the children to receive a religious upbringing appropriate to the persuasion to which they belong;
- (c) require the approval of the Secretary of State to the construction, acquisition or appropriation of buildings with a view to the use thereof for the purposes of homes, or to the doing of anything (whether by way of addition, diminution or alteration) which materially affects the buildings or grounds or other facilities or amenities available for children in the homes;

PART II.
—(cont.)

(d) provide for consultation with the Secretary of State as to applicants for appointment to the charge of a home and empower the Secretary of State to prohibit the appointment of any particular applicant therefor except in the cases (if any) in which the regulations dispense with such consultation by reason that the person to be appointed possesses such qualifications as may be prescribed by the regulations;

(e) contain provisions for limiting the period during which children may remain in accommodation provided for the temporary reception of children,

and may contain different provisions for different description of cases and as respects different descriptions of homes.

(5) Where it appears to the Secretary of State that any premises used for the purposes of a home provided under this section are unsuitable therefor, or that the conduct of any such home is not in accordance with regulations made by him under the last foregoing subsection or is otherwise unsatisfactory, he may by notice in writing served on the local authority direct that as from such date as may be specified in the notice the premises shall not be used for the said purposes.

(6) A direction given under the last foregoing subsection may at any time be revoked by the Secretary of State.

Accommodation of children in voluntary homes.

16.—(1) Notwithstanding any agreement made in connection with the placing of a child in a voluntary home under this Part of this Act by a local authority, the authority may at any time, and shall if required so to do by the Secretary of State or the managers of the home, remove the child from the home.

(2) No child in the care of a local authority shall be placed in a voluntary home which does not afford facilities for him to receive a religious upbringing appropriate to the persuasion to which he belongs.

Power of local authorities to arrange for emigration of children.

17.—(1) A local authority may, with the consent of the Secretary of State, procure or assist in procuring the emigration of any child in their care.

(2) The Secretary of State shall not give his consent under this section unless he is satisfied that emigration would benefit the child, and that suitable arrangements have been or will be made for the child's reception and welfare in the country to which he is going, that the parents or guardian of the child have been consulted or that it is not practicable to consult them, and that the child consents:

Provided that where a child is too young to form or express a proper opinion on the matter, the Secretary of State may consent to his emigration notwithstanding that the child

is unable to consent thereto in any case where the child is to emigrate in company with a parent, guardian or relative of his, or is to emigrate for the purpose of joining a parent, guardian, relative or friend.

PART II.
—cont.

(3) In the last foregoing subsection the expression " parents or guardian " shall be construed in accordance with the provisions of section nine of this Act.

18.—(1) A local authority may cause to be buried or cremated the body of any deceased child who immediately before his death was in the care of the authority:

Burial or
cremation of
deceased
children

Provided that the authority shall not cause the body to be cremated where cremation is not in accordance with the practice of the child's religious persuasion.

(2) Where a local authority exercise the powers referred to in subsection (1) of this section, they may if at the time of his death the child had not attained the age of sixteen years recover from any parent of the child any expenses incurred by them under the said subsection (1) and not reimbursed under subsection (5) of section twenty-two of the National Insurance Act, 1946 (which enables payments to be made to local authorities out of the National Insurance Fund in respect of the cost of burial or cremation of certain persons).

9 & 10 Geo. 6.
c. 67

(3) Any sums recoverable by a local authority under subsection (2) of this section shall, without prejudice to any other method for the recovery thereof, be recoverable summarily as a civil debt.

(4) Nothing in this section shall affect any enactment regulating or authorising the burial, cremation or anatomical examination of the body of a deceased person.

19.—(1) A local authority may, with the approval of the Secretary of State, provide hostels for persons—

Provision of
hostels for
persons under
twenty-one.

(a) who are over compulsory school age but have not attained the age of twenty-one; and

(b) who are, or have at any time after ceasing to be of compulsory school age been, in the care of a local authority,

for their accommodation near the place where they may be employed, or seeking employment, or in receipt of education or training.

(2) A local authority may accommodate in hostels provided under this section persons who fulfil the conditions specified in paragraph (a), but not the conditions specified in paragraph (b), of subsection (1) of this section, as well as persons who fulfil the conditions specified in both those paragraphs; and a local authority, in determining how much hostel

PART II.
—cont.Financial
assistance
towards
expenses of
maintenance,
education or
training of
persons over
eighteen.

accommodation to provide under subsection (1) of this section, shall have regard to the desirability of facilitating the association of persons who fulfil the conditions specified in both those paragraphs with persons who do not.

20.—(1) A local authority may make contributions to the cost of the accommodation and maintenance of any such person as is mentioned in subsection (1) of the last foregoing section, being a person who has attained the age of eighteen, in any place near the place where he may be employed, or seeking employment, or in receipt of education or training.

(2) A local authority may make grants to persons who have attained the age of eighteen, but have not attained the age of twenty-one and who immediately before they attained the age of eighteen were in the care of a local authority, to enable them to meet expenses connected with their receiving suitable education or training.

(3) Where a person—

- (a) is engaged in a course of education or training at the time when he attains the age of twenty-one; or
- (b) having previously been engaged in a course of education or training which has been interrupted by any circumstances, resumes the course as soon as practicable,

then if a local authority are at the said time, or were at the time when the course was interrupted, as the case may be, making any contributions or grants in respect of him under any of the foregoing provisions of this section, their powers under those provisions shall continue with respect to him until the completion of the course.

Allocation
of functions
as between
local
authority
and local
education
authority.

21. The Secretary of State and the Minister of Education, or in Scotland the Secretary of State, may make regulations for providing, where a local authority under this Part of this Act and a local education authority as such have concurrent functions, by which authority the functions are to be exercised, and for determining as respects any functions of a local education authority specified in the regulations whether a child in the care of a local authority is to be treated as a child of parents of sufficient resources or a child of parents without resources.

Power of local
authority to
defray
expenses of
parents, etc.,
visiting
children or
attending
funerals.

22. A local authority may make payments to any parent or guardian of, or other person connected with, a child in their care in respect of travelling, subsistence or other expenses incurred by the parent, guardian or other person in visiting the child or attending his funeral, if it appears to the authority that the parent, guardian or other person would not otherwise be able to visit the child or attend the funeral without undue hardship and that the circumstances warrant the making of the payments.

PART III.

CONTRIBUTIONS TOWARDS MAINTENANCE OF CHILDREN.

23.—(1) Subject to the provisions of this Part of this Act, sections eighty-six to eighty-eight of the Children and Young Persons Act, 1933, and sections ninety to ninety-two of the Children and Young Persons (Scotland) Act, 1937 (which provide for the making of contributions in respect of children committed to the care of a fit person or sent to approved schools and for the payment to local authorities of sums due under affiliation orders or decrees for aliment) shall apply to children received into the care of a local authority under section one of this Act as they apply to children committed to the care of a local authority as a fit person. Contributions in respect of children in care of local authority.

(2) Subject to the provisions of this Part of this Act, to the provisions of the said Acts of 1933 and 1937 as to appeals and to the provisions of the said Act of 1937 as to revocation or variation, a contribution order in respect of a child in the care of a local authority under section one of this Act shall remain in force so long as he remains in the care of a local authority under the said section one.

(3) In the application of the said section eighty-eight to children in the care of a local authority under section one of this Act, subsection (4) of the said section eighty-eight (which relates to the duration of affiliation orders) shall have effect as if for paragraphs (a) and (b) thereof there were substituted—

“ after the child or young person has ceased to be in the care of a local authority under section one of the Children Act, 1948.”

24.—(1) The persons liable under section eighty-six of the said Act of 1933 or section ninety of the said Act of 1937 to make contributions shall be the persons specified in that behalf in the following provisions of this section, and no others. Persons liable to make contributions.

(2) The father and the mother of a child shall be liable to make contributions in respect of the child, but only so long as the child has not attained the age of sixteen; and no payments shall be required to be made under a contribution order made on the father or mother of a child in respect of any period after the child has attained that age.

(3) A person who has attained the age of sixteen and is engaged in remunerative full-time work shall be liable to make contributions in respect of himself.

25. The proviso to subsection (1) of section eighty-seven of the said Act of 1933 and the proviso to subsection (1) of section ninety-one of the said Act of 1937 (under which the aggregate of the weekly amounts payable under contribution Repeal of limit to amount of contributions

PART III
—cont.

orders and certain affiliation orders in respect of any one child may not exceed such sum as may be prescribed by the Secretary of State) shall cease to have effect.

Affiliation
orders.

26.—(1) In England or Wales, where—

- (a) an illegitimate child is in the care of a local authority under section one of this Act, or
- (b) an order is in force for the committal of an illegitimate child to the care of a local authority as a fit person, or
- (c) a local authority are maintaining an illegitimate child in an approved school of which they are the managers or are liable in respect of an illegitimate child to make contributions to the managers of any other approved school under whose care the child is,

and no affiliation order has been made in respect of the child, the local authority whose area includes the place where the mother of the child resides may make application to a court of summary jurisdiction having jurisdiction in that place for a summons to be served under section three of the Bastardy Laws Amendment Act, 1872:

35 & 36 Vict.
c. 65.

Provided that no application shall be made under this subsection—

- (i) in a case falling within paragraph (a) of this subsection, after the expiration of three years from the time when the child was received or last received into the care of the local authority or of another local authority from whom the care of the child was taken over by the first-mentioned authority;
- (ii) in a case falling within paragraph (b) or (c) of this subsection, after the expiration of three years from the coming into force of the order mentioned in the said paragraph (b) or, as the case may be, the time when the local authority began to maintain the child or became liable in respect of him, as mentioned in the said paragraph (c).

(2) In any proceedings on an application under the last foregoing subsection the court shall hear such evidence as the local authority may produce, in addition to the evidence required to be heard by section four of the said Act of 1872, and shall in all other respects, but subject to the provisions of the next following subsection, proceed as on an application made by the mother under the said section three.

(3) An order made under section four of the said Act of 1872 on an application under subsection (1) of this section shall provide that the payments to be made under the order

shall, in lieu of being made to the mother or a person appointed to have the custody of the child, be made to the person who is from time to time entitled under section eighty-six of the said Act of 1933 to receive contributions in respect of the child.

PART III.

—cont.

(4) Where in accordance with subsection (4) of section eighty-eight of the Children and Young Persons Act, 1933 (which limits the duration of affiliation orders) an affiliation order has ceased to be in force, and but for that subsection the order would still be in force, then if the condition specified in paragraph (a), (b) or (c) of subsection (1) of this section is fulfilled, the local authority whose area includes the place where the putative father of the child resides may make application to a court of summary jurisdiction having jurisdiction in that place—

(a) for the affiliation order to be revived, and

(b) for payments thereunder to be made to the person who is from time to time entitled under section eighty-six of the said Act of 1933 to receive contributions in respect of the child,

and the court may make an order accordingly.

(5) Part IV of the said Act of 1933 shall apply in relation to an order made on an application under subsection (1) of this section or to an affiliation order revived under the last foregoing subsection as if it were an affiliation order in respect of which an order had been made under subsection (1) of section eighty-eight of that Act.

(6) Paragraph (a) of subsection (2) of the said section eighty-eight of the said Act of 1933 (which paragraph provides for the enforcement and variation of affiliation orders where an order under that section is in force) shall have effect notwithstanding anything in paragraphs 5 and 6 of the Second Schedule to the Emergency Laws (Miscellaneous Provisions) Act, 1947 (which contain general provisions for the variation and revocation of affiliation orders). 11 & 12 Geo. 6.
c. 10.

(7) The Secretary of State may issue such new or altered forms of proceedings as he may deem necessary or expedient for giving effect to the foregoing provisions of this section.

(8) In Scotland, where the condition specified in paragraph (a), (b) or (c) of subsection (1) of this section is fulfilled and no decree for aliment has been granted in respect of the child—

(a) the local authority shall have the like right as the mother to raise an action of affiliation and aliment concluding for payment of aliment for the child;

PART III.
—*cont.*

- (b) where in an action of affiliation and aliment raised under the last foregoing paragraph, the court grants decree against any person for aliment of the child, Part V of the said Act of 1937 shall apply to payments under the decree as if they were payments in respect of which an order had been made under subsection (1) of section ninety-two of that Act;
- (c) the local authority or other person in whose favour any such order as aforesaid is made shall have the like right to enforce the decree (so far as relating to the said sums) by diligence, including the right to take proceedings under the Civil Imprisonment (Scotland) Act, 1882, as if the decree were a decree in favour of the authority or person.

45 & 46 Vict.
c. 42.

In this subsection, references to the local authority include, where the context so requires, references to the education authority, and the reference to paragraph (c) of subsection (1) of this section shall be construed accordingly.

PART IV.

VOLUNTARY HOMES AND VOLUNTARY ORGANISATIONS.

Provisions as to voluntary homes to extend to homes supported wholly or partly by endowments.
7 & 9 Geo. 6.
c. 31.
9 & 10 Geo. 6.
c. 72.

Extension of age limits in provisions relating to voluntary homes.

27. Section ninety-two of the Children and Young Persons Act, 1933, and section ninety-six of the Children and Young Persons (Scotland) Act, 1937 (which define the expression "voluntary home") shall have effect as if to the reference therein to a home or other institution supported wholly or partly by voluntary contributions there were added a reference to a home or other institution supported wholly or partly by endowments, not being a school within the meaning of the Education Act, 1944, or the Education (Scotland) Act, 1946.

28. A person shall not be deemed for the purposes of Part V of the Children and Young Persons Act, 1933, or Part VI of the Children and Young Persons (Scotland) Act, 1937, to cease to be a young person until he attains the age of eighteen, and accordingly references to young persons in the said Part V or the said Part VI, or any other enactment in so far as it relates to the said Part V or the said Part VI, shall be construed as including references to all persons over the age of fourteen who have not attained the age of eighteen.

Registration of voluntary homes.

29.—(1) After the end of the year nineteen hundred and forty-eight no voluntary home shall be carried on unless it is for the time being registered in a register to be kept for the purposes of this section by the Secretary of State.

(2) Application for registration under this section shall be made by the persons carrying on or intending to carry on the home to which the application relates, and shall be made in such manner, and accompanied by such particulars, as the Secretary of State may by regulations prescribe.

(3) On an application duly made under the last foregoing subsection—

- (a) if the home to which the application relates was at the commencement of this Act open for the reception of children, the application shall be granted;
- (b) in any other case, the Secretary of State may either grant or refuse the application, as he thinks fit, but where he refuses the application he shall give the applicant notice in writing of the refusal.

(4) Where at any time after the end of the year nineteen hundred and forty-eight it appears to the Secretary of State that the conduct of any voluntary home is not in accordance with regulations made or directions given under section thirty-one of this Act or is otherwise unsatisfactory, he may, after giving to the persons carrying on the home not less than twenty-eight days' notice in writing of his proposal so to do, remove the home from the register.

(5) Any person who carries on a voluntary home in contravention of the provisions of subsection (1) of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds and to a further fine not exceeding two pounds in respect of each day during which the offence continues after conviction.

(6) Where—

- (a) a voluntary home is carried on in contravention of the provisions of subsection (1) of this section; or
- (b) notice of a proposal to remove a voluntary home from the register is given under subsection (4) thereof,

the Secretary of State may, notwithstanding that the time for any appeal under the next following section has not expired or that such an appeal is pending, notify the local authority in whose area the home is situated, and require them forthwith to remove from the home and receive into their care under section one of this Act all or any of the children for whom accommodation is being provided in the home; and the local authority shall comply with the requirement whether or not the circumstances of the children are such that they fall within paragraphs (a) to (c) of subsection (1) of the said section one and notwithstanding that any of the children may appear to the local authority to be over the age of seventeen.

PART IV.
—cont.

For the purpose of carrying out the duty of the local authority under this subsection, any person authorised in that behalf by the local authority may enter any premises in which the home in question is being carried on.

(7) Where the Secretary of State registers a home under this section or removes a home from the register, he shall notify the local authority in whose area the home is situated.

(8) Any notice under this section required to be given by the Secretary of State to the persons carrying on, or intending to carry on, a voluntary home may be given to those persons by being delivered personally to any one of them, or being sent by post in a registered letter to them or any one of them.

52 & 53 Vict.
c. 63.

For the purposes of section twenty-six of the Interpretation Act, 1889 (which defines "service by post") a letter enclosing a notice under this section to the persons carrying on a voluntary home or any one of them shall be deemed to be properly addressed if it is addressed to them or him at the home.

(9) Section ninety-five of the Children and Young Persons Act, 1933, and section ninety-nine of the Children and Young Persons (Scotland) Act, 1937, are hereby repealed as from the first day of January, nineteen hundred and forty-nine.

Appeals.

30.—(1) Where under the last foregoing section application for the registration of a voluntary home is refused, or it is proposed to remove a voluntary home from the register, the persons intending to carry on or carrying on the home, as the case may be, may within fourteen days from the giving of the notice under subsection (3) or subsection (4) of that section appeal against the refusal or proposal; and where the appeal is brought against a proposal to remove a home from the register, the home shall not be removed therefrom before the determination of the appeal.

(2) An appeal under this section shall be brought by notice in writing addressed to the Secretary of State requiring him to refer the refusal or proposal to an appeal tribunal constituted in accordance with the provisions of Part I of the First Schedule to this Act.

(3) On an appeal under this section the appeal tribunal may confirm the refusal or proposal of the Secretary of State or may direct that the home shall be registered or, as the case may be, shall not be removed from the register, and the Secretary of State shall comply with the direction.

(4) The Lord Chancellor may with the concurrence of the Lord President of the Council make rules as to the practice and procedure to be followed with respect to the constitution of appeal tribunals for the purposes of this section, as to the manner of making appeals to such tribunals, and as to pro-

ceedings before such tribunals and matters incidental to or consequential on such proceedings; and without prejudice to the generality of the foregoing provisions of this subsection such rules may make provision as to the particulars to be supplied by or to the Secretary of State of matters relevant to the determination of the appeal, and as to representation before such tribunals, whether by counsel or solicitor or otherwise.

(5) The Secretary of State may out of moneys provided by Parliament—

- (a) pay to members of tribunals constituted for the purposes of this section such fees and allowances as he may with the consent of the Treasury determine,
- (b) defray the expenses of such tribunals up to such amount as he may with the like consent determine.

(6) The provisions of the Arbitration Acts, 1889 to 1934, shall not apply to any proceedings before a tribunal constituted for the purposes of this section except so far as any provisions thereof may be applied thereto with or without modifications by rules made under this section.

(7) In the application of this section to Scotland, for the reference to Part I of the First Schedule to this Act there shall be substituted a reference to Part II of that Schedule, and for the references to the Lord Chancellor and the Lord President of the Council there shall respectively be substituted references to the Lord President of the Court of Session and to the Secretary of State; and rules made under subsection (4) of this section may make provision for a reference to the Court of Session, by way of stated case, of any question of law arising in such proceedings.

31.—(1) The Secretary of State may make regulations as to the conduct of voluntary homes and for securing the welfare of the children therein, and regulations under this section may be made in particular—

- (a) impose requirements as to the accommodation and equipment to be provided in homes, authorise the Secretary of State to give directions prohibiting the provision for the children in any home of clothing of any description specified in the directions, and impose requirements as to the medical arrangements to be made for protecting the health of the children in the homes;
- (b) require the furnishing to the Secretary of State of information as to the facilities provided for the parents and guardians of children in the homes to

PART IV.
—cont.

visit and communicate with the children, and authorise the Secretary of State to give directions as to the provision of such facilities;

- (c) authorise the Secretary of State to give directions limiting the number of children who may at any one time be accommodated in any particular home;
- (d) provide for consultation with the Secretary of State as to applicants for appointment to the charge of a home and empower the Secretary of State to prohibit the appointment of any particular applicant therefor except in the cases (if any) in which the regulations dispense with such consultation by reason that the person to be appointed possesses such qualifications as may be prescribed by the regulations;
- (e) require notice to be given to the Secretary of State of any change of the person in charge of a home; and
- (f) impose requirements as to the facilities which are to be given for children to receive a religious upbringing appropriate to the persuasion to which they belong,

and may contain different provisions for different descriptions of cases and as respects different descriptions of homes.

(2) Where any regulation under this section provides that this subsection shall have effect in relation thereto, any person who contravenes or fails to comply with the regulation or any requirement or direction thereunder shall be liable on summary conviction to a fine not exceeding fifty pounds.

Provisions
where
particulars
to be sent
of voluntary
homes are
varied.

32.—(1) Where the Secretary of State by regulations made under section ninety-three of the Children and Young Persons Act, 1933, or section ninety-seven of the Children and Young Persons (Scotland) Act, 1937, varies the particulars which are to be sent by persons in charge of voluntary homes—

- (a) the person in charge of such a home shall send the prescribed particulars to the Secretary of State within three months from the date of the making of the regulations;
- (b) where any such home was established before, but not more than three months before, the making of the regulations, compliance with the last foregoing paragraph shall be sufficient compliance with the requirement of the said section ninety-three or ninety-seven to send the prescribed particulars within three months from the establishment of the home;
- (c) in the year in which the particulars are varied, compliance with paragraph (a) of this subsection by the person in charge of any voluntary home shall be

sufficient compliance with the requirement of the said section ninety-three or ninety-seven to send the prescribed particulars before the prescribed date in that year.

PART IV
—cont.

(2) Any default in complying with the requirements of paragraph (a) of the last foregoing subsection shall be deemed to be such a default as is mentioned in subsection (2) of the said section ninety-three or in subsection (3) of the said section ninety-seven, as the case may be.

33.—(1) The Secretary of State may by regulations control the making and carrying out by voluntary organisations of arrangements for the emigration of children.

Powers of
Secretary of
State as to
voluntary
organisations.

(2) Any such regulations may contain such consequential and incidental provisions as appear to the Secretary of State to be necessary or expedient, including, in particular, provisions for requiring information to be given to the Secretary of State as to the operations or intended operations of the organisation and for enabling the Secretary of State to be satisfied that suitable arrangements have been or will be made for the children's reception and welfare in the country to which they are going.

(3) The power conferred by Part II of this Act on the Secretary of State to make regulations as to the boarding-out of children by local authorities shall extend also to the boarding-out of children by voluntary organisations:

Provided that in the provisions of the said Part II conferring that power any reference to the supervision and inspection by a local authority of boarded-out children and the premises in which they are boarded out shall, in relation to children boarded out by voluntary organisations, be deemed to be a reference to supervision and inspection either by a local authority or, where it is so provided by or under the regulations, by a voluntary organisation.

(4) Where any regulation under this section provides that this subsection shall have effect in relation thereto, any person who contravenes or fails to comply with the regulation shall be liable on summary conviction to a fine not exceeding fifty pounds.

34.—(1) Where it comes to the knowledge of a local authority that there is in their area any child over compulsory school age who at the time when he ceased to be of that age or at any subsequent time was, but is no longer,—

After-care
of children
formerly in
care of local
authorities
or voluntary
organisations.

(a) in the care of a local authority under section one of this Act, or

(b) in the care of a voluntary organisation,

then, unless the authority are satisfied that the welfare of the child does not require it, they shall be under a duty so long

PART IV.
—cont.

as he has not attained the age of eighteen to advise and befriend him:

Provided that where in a case falling within paragraph (b) of this subsection the local authority are satisfied that the voluntary organisation have the necessary facilities for advising and befriending him, the local authority may make arrangements whereby, while the arrangements continue in force, he shall be advised and befriended by the voluntary organisation instead of by the local authority.

(2) Where a child over compulsory school age—

(a) ceases to be in the care of a local authority under section one of this Act and proposes to reside in the area of another local authority, or

(b) ceases to be in the care of a voluntary organisation, the authority or organisation shall inform the local authority for the area in which the child proposes to reside.

(3) Where it comes to the knowledge of a local authority or a voluntary organisation that a child whom they have been advising and befriending in pursuance of this section proposes to transfer or has transferred his residence to the area of another local authority, the first-mentioned local authority or, as the case may be, the voluntary organisation, shall inform the said other local authority.

PART V.

CHILD LIFE PROTECTION.

General extension of Child Life Protection provisions to all children below school leaving age

26 Geo. 5 &
1 Edw. 8. c. 49.
26 Geo. 5 &
1 Edw. 8. c. 50.
2 & 3 Geo. 6.
c. 27.

35. The following provisions, that is to say—

(a) Part VII of the Public Health Act, 1936, Part XIII of the Public Health (London) Act, 1936, and Part I of the Children and Young Persons (Scotland) Act, 1937 (which provide for the protection of children under the age of nine who are maintained apart from their parents for reward); and

(b) section seven of the Adoption of Children (Regulation) Act, 1939 (which provides for the supervision of children under the age of nine where arrangements are made through third parties for placing them in the care and possession of persons other than their parents),

shall be extended so as to apply to children of compulsory school age who are over the age of nine as they apply to children who are under that age; and subject to the provisions of the next following section references in the said provisions to the age of nine, and to nursing and maintaining, shall be construed accordingly.

36. Where any of the provisions specified in paragraphs (a) and (b) of the last foregoing section apply in respect of a child at the time when he ceases to be of compulsory school age, the said provisions and the provisions of this Act relating thereto shall continue to apply in respect of him—

PART V.

—cont.

Extension of certain Child Life Protection provisions to children up to eighteen.

(a) until the time when he attains the age of eighteen or ceases to live apart from his parents with the person with whom he was living when he ceased to be of compulsory school age;

(b) if he dies before attaining the age of eighteen and while living as aforesaid, as respects the notice to be given under the said provisions on his death.

37.—(1) Where a child one or both of whose parents are dead is being maintained by a person who is not a parent, guardian or relative of his, and by reason of his being so maintained a guardian's allowance under the National Insurance Act, 1946, or a family allowance under the Family Allowances Act, 1945, is payable to that person, the said person shall be treated for the purposes of the provisions specified in paragraph (a) of the last but one foregoing section as having undertaken, on the date hereinafter specified, the nursing and maintenance of the child for reward.

Miscellaneous amendments of Child Life Protection provisions.

8 & 9 Geo. 6. c. 41.

The date hereinbefore referred to is the last of the following dates, that is to say—

(a) the date on which the application for the allowance was granted or, where the application was granted before the commencement of this Act but so as to take effect at a subsequent date not earlier than the commencement thereof, the date on which the allowance became payable;

(b) the date of the death of the first to die of the child's parents;

(c) where it is proved that at the later of the dates mentioned in the foregoing paragraphs the person in question had reasonable cause to believe that both parents of the child were alive, the date on which the said person became aware that one of the child's parents had died.

(2) A voluntary home shall be exempted from the provisions of Part VII of the Public Health Act, 1936, whether or not it is such a home as is mentioned in paragraphs (a) to (c) of subsection (1) of section two hundred and nineteen of that Act.

(3) Nothing in the said Part VII, in Part XIII of the Public Health (London) Act, 1936, or in Part I of the Children and Young Persons (Scotland) Act, 1937, shall

PART V.
—cont.

apply in relation to any undertaking given by a person with whom a child is boarded out by the Minister of Pensions, by a local authority under Part II of this Act or by a voluntary organisation.

(4) The provisions of section seven of the Adoption of Children (Regulation) Act, 1939, shall not have effect in relation to any arrangements for the boarding-out of a child by a voluntary organisation or in relation to any arrangements in which the Minister of Pensions participates.

(5) Nothing in any of the provisions mentioned in section thirty-five of this Act shall apply in relation to a child on whom a requirement as to residence is imposed by a supervision order or probation order.

(6) For the avoidance of doubt it is hereby declared that the references in section two hundred and nineteen of the Public Health Act, 1936, section two hundred and seventy-one of the Public Health (London) Act, 1936, and section eleven of the Children and Young Persons (Scotland) Act, 1937, to hospitals maintained by a Government department include references to hospitals maintained by Regional Hospital Boards on behalf of the Minister of Health or the Secretary of State.

PART VI.

ADMINISTRATIVE AND FINANCIAL PROVISIONS.

Local
authorities.

38.—(1) In England and Wales, the local authorities for the purposes of this Act and of Parts III and IV of the Children and Young Persons Act, 1933, and the welfare authorities for the purposes of the provisions relating to child life protection of Part VII of the Public Health Act, 1936, shall be the councils of counties and county boroughs, and the local authority for the purposes of Part XIII of the Public Health (London) Act, 1936, shall be the London County Council.

(2) In Scotland, the local authorities for the purposes of this Act shall be the councils of counties and large burghs.

Children's
committee.

39.—(1) Subject to the provisions of the next following section, every local authority shall establish a children's committee for the purposes of their functions under the following enactments, that is to say—

(a) Parts III and IV of the Children and Young Persons Act, 1933, or, as the case may be, Parts IV and V of the Children and Young Persons (Scotland) Act, 1937;

(b) the provisions relating to child life protection of Part VII of the Public Health Act, 1936, the provisions of

Part XIII of the Public Health (London) Act, 1936, or the provisions of Part I of the Children and Young Persons (Scotland) Act, 1937, as the case may be;

PART VI.
—cont.

- (c) the Adoption of Children (Regulation) Act, 1939; and
(d) this Act.

(2) All matters relating to the discharge of the functions of a local authority under the enactments specified in subsection (1) of this section shall stand referred to the children's committee, and except with the consent of the Secretary of State no matter not relating to the discharge of the said functions shall be referred to or dealt with by the children's committee.

(3) Before exercising any of the said functions a local authority shall, unless the matter is urgent, consider a report of the children's committee with respect thereto, and they may authorise the children's committee to exercise on their behalf any of the said functions except the power to borrow money or to levy or to issue a precept for a rate.

(4) The children's committee may include persons specially qualified by reason of experience or training in matters relating to the functions of the committee, notwithstanding that they are not members of the local authority:

Provided that at least a majority of the members of the committee shall be members of the authority.

(5) A children's committee may, subject to any restrictions imposed by the local authority, establish such sub-committees as the children's committee may determine, and any sub-committee established under this subsection shall be constituted in such manner as the children's committee may, subject to any restrictions so imposed, determine, and may include persons specially qualified as aforesaid notwithstanding that they are not members of the local authority or of the children's committee:

Provided that every such sub-committee shall include at least one member of the local authority.

(6) A sub-committee under the last foregoing subsection may be appointed by the children's committees of two or more local authorities jointly, so however that a sub-committee so appointed shall include at least one member of each of the local authorities.

(7) The children's committee or committees by which a sub-committee is appointed under this section may, subject to any restrictions imposed by the local authority or any of the respective local authorities, authorise the sub-committee to exercise on behalf of the children's committee or committees, as the case may be, any of their functions.

PART VI.
—cont.

(8) The provisions of subsection (2) of this section shall not prevent a local authority from referring to any committee appointed by them other than the children's committee any matter relating to the discharge of their functions under the enactments specified in subsection (1) of this section which, by reason that it relates also to a general service of the authority, ought in the opinion of the authority to be so referred, and the provisions of subsections (2) and (3) of this section shall not apply to any matter which is so referred:

Provided that before deciding on any proposal for a reference under this subsection, the local authority shall receive and consider a report on the proposal from the children's committee.

Modification,
in certain
cases, of
requirements
of last
foregoing
section.

40.—(1) If, before a local authority have appointed a children's committee under the last foregoing section, the Secretary of State is satisfied that owing to special circumstances the authority can better discharge their functions under the enactments specified in subsection (1) of that section without establishing a children's committee, he may direct that the said section shall not apply to the authority.

(2) If, at any time after three years from the commencement of this Act, a local authority which have established a children's committee satisfy the Secretary of State that owing to special circumstances the authority can better discharge their functions under the enactments specified in subsection (1) of the last foregoing section without a children's committee, the Secretary of State may direct that thenceforth the said section shall not apply to the authority.

(3) A direction under subsection (1) or subsection (2) of this section may be revoked by the Secretary of State either—

(a) on the application of the local authority concerned;
or

(b) without any such application, if the Secretary of State is of the opinion that experience of the arrangements made by the authority for the discharge of their functions under the enactments specified in subsection (1) of the last foregoing section has shown that the arrangements are not satisfactory.

(4) Nothing in this or the last foregoing section shall be construed as prejudicing the powers conferred by section ninety-one of the Local Government Act, 1933, as to the appointment of joint committees, and references to the appointment of a children's committee by an authority, and to the children's committee of an authority, shall accordingly be construed, as respects England and Wales, as including

23 & 24 Geo. 5.
c. 51.

references to concurrence in the appointment of a joint committee under the said section ninety-one, and to any joint committee so appointed; and the requirement of the last foregoing section that a sub-committee shall include at least one member of the local authority shall, in relation to a sub-committee of any such joint committee, be construed as a requirement that the sub-committee shall include at least one member of each local authority.

PART VI.
—cont.

(5) In Scotland, any two or more local authorities may agree to combine in the establishment of a children's committee for the discharge of their functions under the enactments specified in subsection (1) of the last foregoing section, and the provisions of sections one hundred and nineteen and one hundred and twenty-one of the Local Government (Scotland) Act, 1947, shall apply in so far as they are not inconsistent with the provisions of the last foregoing section. In relation to a sub-committee of any such joint committee, the requirement of the last foregoing section that a sub-committee shall include one member of the local authority shall be construed as a requirement that a sub-committee shall include at least one member of each local authority: .

10 & 11 Geo. 6.
c. 43.

Provided that nothing in this or the last foregoing section shall be construed as precluding a local authority from joining another local authority in establishing remand homes in accordance with the provisions of subsection (1) of section eighty-one of the Children and Young Persons (Scotland) Act, 1937, and subsections (2) and (3) of the last foregoing section shall not apply to any arrangement so made.

41.—(1) For the purposes of their functions under the enactments specified in subsection (1) of section thirty-nine of this Act, a local authority shall in accordance with the provisions of this section appoint an officer to be known as the children's officer.

(2) A local authority shall not appoint a person to be the children's officer except after consultation with the Secretary of State, and for the purpose of such consultation shall send to the Secretary of State particulars showing the name, age, experience and qualifications of the persons from whom they propose to make a selection, and if the Secretary of State is of opinion that any of those persons is not a fit person to be the children's officer of the authority he may give directions prohibiting his appointment:

Provided that the Secretary of State may, if he thinks fit so to do in the case of the first appointment made under this section by any particular local authority, dispense with compliance with this subsection if the authority are proposing to appoint a person who, on the date of the passing of this

PART VI.
—*cont.*

Act, was performing as an officer of the authority functions corresponding to those falling to be performed after the commencement of this Act by the children's officer.

(3) Where the Secretary of State is satisfied that the same person can efficiently discharge the functions of children's officer for two or more local authorities, he may approve the appointment of one person as the children's officer by each of the authorities.

(4) The children's officer of an authority shall not, except with the consent of the Secretary of State, be employed by that authority in any other capacity.

(5) A local authority shall secure the provision of adequate staff for assisting the children's officer in the exercise of his functions.

(6) The provisions as to remuneration and tenure of office contained in sections one hundred and five and one hundred and six of the Local Government Act, 1933, section seventy-five of the London Government Act, 1939, or sections eighty-two and ninety-two of the Local Government (Scotland) Act, 1947, as the case may be, shall apply to children's officers.

Powers of
Secretary of
State with
respect to
functions of
local
authorities.

42.—(1) Local authorities shall exercise their functions under the enactments specified in subsection (1) of section thirty-nine of this Act (including any discretion conferred on them thereunder) under the general guidance of the Secretary of State.

(2) Sections three hundred and twenty-two, three hundred and twenty-four and three hundred and twenty-five of the Public Health Act, 1936 (which make provision for the exercise by the Minister of Health of certain functions otherwise exercisable by certain authorities) shall not apply in relation to any functions of local authorities under Part VII of that Act, being functions relating to child life protection.

Advisory
Council on
Child Care.

43.—(1) There shall be a council, to be known as the Advisory Council on Child Care, for the purpose of advising the Secretary of State on matters connected with the discharge of his functions in England and Wales under this Act, Parts IV and V of the Children and Young Persons Act, 1933, or any of the enactments specified in paragraphs (b) and (c) of subsection (1) of section thirty-nine of this Act.

(2) The said council shall consist of such persons, to be appointed by the Secretary of State, as the Secretary of State may think fit, being persons specially qualified to deal with matters affecting the welfare of children and persons having such other qualifications as the Secretary of State considers requisite.

Among the persons appointed under this subsection there shall be persons having experience in local government.

PART VI.
—cont.

(3) The Secretary of State shall appoint a person to be chairman, and a person to be the secretary, of the said council.

(4) It shall be the duty of the said council to advise the Secretary of State on any matter which the Secretary of State may refer to them, being such a matter as is mentioned in subsection (1) of this section, and they may also, of their own motion, make representations to the Secretary of State as respects any such matter as is mentioned in that subsection.

(5) The Secretary of State may make out of moneys provided by Parliament such payments to the members of the said council in respect of travelling, subsistence and other expenses as he may with the consent of the Treasury determine.

44.—(1) There shall be a separate Advisory Council on Child Care for Scotland, for the purpose of advising the Secretary of State on matters connected with the discharge of his functions under this Act, Parts I, V and VI of the Children and Young Persons (Scotland) Act, 1937, and the Adoption of Children (Regulation) Act, 1939, and the provisions of subsections (2) to (4) of the last foregoing section shall apply accordingly.

Advisory
Council on
Child Care for
Scotland.

(2) The Secretary of State may require the Advisory Council to appoint, and the council with the approval of the Secretary of State shall have power to appoint, committees to deal with any matter mentioned in the last foregoing subsection.

(3) Any committee appointed under the last foregoing subsection shall include such persons as may be nominated by the Secretary of State, being persons, other than members of the council, having special knowledge or experience of the subject with which the committee is required to deal.

(4) A report of any such committee shall be submitted to the Secretary of State by the council, who may make such comments thereon as they think fit.

(5) The Secretary of State may make out of moneys provided by Parliament such payments to the members of the said council and to the members of any committees appointed under the provisions of this section, in respect of travelling, subsistence and other expenses as he may with the consent of the Treasury determine.

PART VI.
—cont.Grants for
training in
child care.

45.—(1) The Secretary of State with the consent of the Treasury may out of moneys provided by Parliament defray or contribute towards any fees or expenses incurred by persons undergoing training approved by the Secretary of State with a view to, or in the course of, their employment for the purposes of any of the enactments specified in subsection (1) of section thirty-nine of this Act, or their employment by a voluntary organisation for similar purposes, and may defray or contribute towards the cost of maintenance of persons undergoing such training.

(2) The Secretary of State may out of moneys provided by Parliament make grants of such amounts, and subject to such conditions, as he may with the consent of the Treasury determine towards expenses incurred by any body of persons in providing courses suitable for persons undergoing training as aforesaid.

Grants to
voluntary
organisations.

46.—(1) The Secretary of State may make out of moneys provided by Parliament grants of such amounts, and subject to such conditions, as he may with the consent of the Treasury determine towards expenses incurred or to be incurred by voluntary organisations, in circumstances such that it appears to the Secretary of State requisite that the grants should be made, for improving premises in which voluntary homes are being carried on or the equipment of voluntary homes, or for securing that voluntary homes will be better provided with qualified staff.

(2) A local authority may, with the consent of the Secretary of State, make contributions to any voluntary organisation the object or primary object of which is to promote the welfare of children.

Grants to
local
authorities.

47.—(1) There shall be paid out of moneys provided by Parliament to a local authority in respect of expenditure incurred by them for the purpose of the discharge of their functions under any of the enactments specified in subsection (1) of section thirty-nine of this Act, other than expenses incurred as managers of an approved school or in respect of children sent to an approved school or in respect of remand homes,—

- (a) such sums not exceeding fifty per cent. of the expenditure as the Secretary of State may with the consent of the Treasury direct, and subject to such conditions as he may with the like consent determine;
- (b) such additional sums as he may with the like consent direct as representing the share appropriate to the

local authority of sums received under the provisions of the Children and Young Persons Act, 1933, or the Children and Young Persons (Scotland) Act, 1937, as the case may be, as to contributions towards expenses, or under subsection (3), or paragraph (b) of subsection (8), of section twenty-six of this Act, and paid over to the Secretary of State, other than such sums so paid over which were received in respect of children sent to approved schools,

subject however to the deduction of an amount equal to such proportion not exceeding fifty per cent. as the Secretary of State may with the consent of the Treasury determine of so much of the expenditure incurred by the Secretary of State under the two last foregoing sections as he may with the like consent allocate to that authority.

(2) No payment shall be made under section one hundred and four of the Children and Young Persons Act, 1933, or section one hundred and seven of the Children and Young Persons (Scotland) Act, 1937, (which provide for Exchequer grants for certain expenditure under those Acts) in respect of any expenditure in respect of which payments are authorised to be made under the last foregoing subsection.

48. The administrative expenses incurred by the Secretary of State under this Act shall be defrayed out of moneys provided by Parliament.

Administrative
expenses of
Secretary of
State.

49.—(1) The council of every county borough shall keep separate accounts of the sums received and expended by them in the exercise of their functions under any of the enactments mentioned in subsection (1) of section thirty-nine of this Act, other than sums received or expended by them as managers of an approved school or in respect of children sent to an approved school or in respect of remand homes.

Accounts of
councils of
county
boroughs.

(2) The accounts to be kept under this section shall be made up and audited in like manner as the accounts of a county council.

(3) The enactments relating to the audit of accounts by a district auditor and to the matters incidental to such audit and consequential thereon shall have effect in relation to the accounts which the council of a county borough are required to keep under this section as they have effect in relation to the accounts of a county council.

PART VII.

MISCELLANEOUS AND GENERAL.

Appointment
of guardians.
15 & 16 Geo. 5.
c. 45.

50. In section four of the Guardianship of Infants Act, 1925, the following subsection shall be inserted after subsection (2):—

“(2A) Where an infant has no parent, no guardian of the person, and no other person having parental rights with respect to him, the court, on the application of any person, may if it thinks fit appoint the applicant to be the guardian of the infant.”

Provisions as
to places of
safety.

51.—(1) Local authorities shall make provision, in homes provided by them under Part II of this Act, for the reception and maintenance of children removed to a place of safety under the Children and Young Persons Act, 1933, the Children and Young Persons (Scotland) Act, 1937, the Public Health Act, 1936, the Public Health (London) Act, 1936, or the Adoption of Children (Regulation) Act, 1939.

(2) The provision to be made in pursuance of the last foregoing subsection shall as far as practicable be made in such separate accommodation for the temporary reception of children as is required to be provided by subsection (2) of section fifteen of this Act.

(3) Where under any of the enactments mentioned in subsection (1) of this section a child is removed to a place of safety not being a home provided by a local authority under Part II of this Act and not being a hospital vested in the Minister of Health or the Secretary of State, the expenses of the child's maintenance there shall be recoverable from the local authority within whose area the child was immediately before his removal.

Amendment
of Family
Allowances
Act, 1945,
ss. 11 and 26.

52.—(1) In section eleven of the Family Allowances Act, 1945, the following subsection shall be substituted for subsection (3):—

“(3) A child in respect of whom there is in force a resolution of a local authority passed under subsection (1) of section two of the Children Act, 1948, shall not, for the purposes of this Act, be treated as included in any family:

Provided that this subsection shall not have effect as respects any period during which under the provisions of section three or section four of the said Act of 1948 the child is allowed by the local authority to be, either for a fixed period or otherwise, under the control of a parent, guardian, relative or friend of the child.”

(2) Subsection (1) of this section shall have effect both as respects England and Wales and as respects Scotland.

PART-VII.
—cont.

(3) For the avoidance of doubt it is hereby declared that references in the said section eleven to an order or resolution made or passed under any enactment include references to an order or resolution which by virtue of any other provision is deemed to be made or passed under the said enactment.

53. An order of a court of summary jurisdiction for the payment of money under the Guardianship of Infants Act, 1886, whether made before or after the commencement of this Act, may be enforced, varied or revoked in like manner as an affiliation order, and the enactments relating to affiliation orders shall apply accordingly, with the necessary modifications.

Enforcement
of orders for
payment of
money under
Guardianship
of Infants
Acts.

49 & 50 Vict.
c. 27.

54.—(1) In section one hundred and three of the Children and Young Persons Act, 1933, and section one hundred and six of the Children and Young Persons (Scotland) Act, 1937, (which provide for the appointment by the Secretary of State of inspectors for the purposes of the enactments relating to children and young persons) the references to the enactments relating to children and young persons shall include references to this Act.

Provisions as
to entry and
inspection.

(2) Any inspector appointed under the said section one hundred and three or the said section one hundred and six may enter any of the following places, that is to say—

- (a) any premises provided by a local authority under Part II of this Act;
- (b) any premises in which under subsection (2) or subsection (3) of section thirteen of this Act accommodation and maintenance are for the time being provided for a child in the care of a local authority;
- (c) any place where a foster child within the meaning of Part VII of the Public Health Act, 1936 or Part XIII of the Public Health (London) Act, 1936, is being maintained;
- (d) any place where a child in respect of whom a notice is required to be given under Part I of the Children and Young Persons (Scotland) Act, 1937, is being maintained;
- (e) any place where a child is being maintained in pursuance of any arrangements to which subsection (1) of section seven of the Adoption of Children (Regulation) Act, 1939 (which relates to arrangements for taking over the care of children effected through third parties) applies; and

PART VII
—cont.

- (f) any place where a child is for the time being boarded out either by a local authority or by a voluntary organisation,

and inspect the place and any children therein.

(3) It shall be the duty of local authorities from time to time to cause children in voluntary homes in their area to be visited in the interests of the wellbeing of the children, and any person authorised in that behalf by a local authority may enter any voluntary home in the area of the authority for the purpose of visiting the children in the home.

(4) Any person authorised in that behalf by a local authority may enter any voluntary home outside the area of the authority for the purpose of visiting children in the home who are in the care of the authority under section one of this Act or are for the time being committed to the care of the authority as a fit person by an order of any court under the Children and Young Persons Act, 1933 or the Children and Young Persons (Scotland) Act, 1937.

(5) Nothing in the two last foregoing subsections shall apply to a voluntary home which, otherwise than by virtue of section ninety-four of the said Act of 1933 or section ninety-eight of the said Act of 1937, is as a whole subject to inspection by, or under the authority of, a Government department.

(6) A person who proposes to exercise any power of entry or inspection conferred by this Act shall if so required produce some duly authenticated document showing his authority to exercise the power.

(7) Any person who obstructs the exercise of any such power as aforesaid shall be guilty of an offence and liable on summary conviction to a fine not exceeding five pounds in the case of a first offence or twenty pounds in the case of a second or any subsequent offence.

Prosecution
of offences.

55.—(1) In England and Wales, a local authority may institute proceedings for any offence under this Act, the provisions of the Children and Young Persons Act, 1933, other than the provisions of Parts I and II thereof, or the provisions relating to child life protection of Part VII of the Public Health Act, 1936, or Part XIII of the Public Health (London) Act, 1936.

(2) Subsection (5) of section twenty-three and subsection (1) of section one hundred and two of the Children and Young Persons (Scotland) Act, 1937 shall cease to have effect.

56.—(1) The council of a county borough may be authorised by the Minister of Health to purchase compulsorily any land, whether situated within or outside the area of the council, for the purpose of any of their functions under this Act; and the council of a county or large burgh in Scotland may be authorised by the Secretary of State to purchase compulsorily any land, whether situated within or outside the county or burgh, for the purpose of any of their functions under this Act.

PART VII.

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Acquisition
of land.

(2) The Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply in relation to the compulsory purchase of land under this section by the council of a county borough as, by virtue of subsection (1) of section one hundred and fifty-nine of the Local Government Act, 1933, it applies to the compulsory purchase of land by a county council for the purpose of their functions under this Act; and accordingly for the purposes of the said Act of 1946 subsection (1) of this section shall be deemed to have been in force immediately before the commencement of that Act.

9 & 10 Geo. 6.

c. 49.

(3) Section two of the said Act of 1946 (which confers temporary powers for the speedy acquisition of land in urgent cases) shall not apply to the acquisition of land for the purposes of this Act, whether by a county council or by a county borough council.

(4) The Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947 (other than section two thereof) shall apply in relation to the compulsory purchase of land under this section as if subsection (1) thereof had been in force immediately before the commencement of the said Act.

10 & 11 Geo. 6.

c. 42.

57.—(1) The Secretary of State may by regulations provide—

Transfer,
super-annuation and
compensation
of officers.

(a) for the transfer to a local authority of officers employed immediately before the commencement of this Act by the Common Council of the City of London or the council of a metropolitan borough or county district solely or mainly for the purposes of functions transferred by this Act from that council to the said local authority;

(b) for enabling the Common Council of the City of London and the council of any metropolitan borough or county district in the case of any officer of the council who is a contributory employee or local Act contributor within the meaning of the Local Government Superannuation Act, 1937, and is transferred under the regulations to secure, by resolution passed in respect of him not later than three months after

1 Edw. 8 &
1 Geo. 6. c. 68.

PART VII.

—cont.

his transfer under the regulations, that for the purposes of the said Act of 1937 any non-contributing service of his shall be reckonable as contributing service and, in the case of any such officer on whom if he had remained in their employment a similar benefit could have been conferred by the council on his becoming entitled to a superannuation allowance, that the length of his service shall be deemed for the purposes of the said Act of 1937 or, as the case may be, the local Act in question, to be increased by such period as may be specified in the resolution;

- (c) for granting to persons who immediately before being transferred under the regulations were, by virtue of the employment from which they are so transferred, entitled to participate in superannuation benefits, an option either to participate, by virtue of their employment by the local authority to which they are transferred under the regulations, in superannuation benefits under a superannuation scheme of the local authority specified in the regulations or to retain rights corresponding with those previously enjoyed by them;
- (d) for the payment by local authorities, subject to such exceptions or conditions (if any) as may be prescribed by the regulations, of compensation to persons of such descriptions as may be so prescribed who immediately before such date as may be so prescribed were employed by the Common Council of the City of London, the council of a metropolitan borough or the council of a county district in such full-time work as may be prescribed by the regulations and who suffer loss of employment or loss or diminution of emoluments which is attributable to the passing of this Act;
- (e) for extending any provision made under paragraph (d) of this subsection to persons of such descriptions as may be prescribed by the regulations who, having before such date as aforesaid been employed as aforesaid and being persons who would have been so employed immediately before that date but for any national service (as defined in the regulations) in which they have been engaged, lose the prospect of their re-employment in any such work as a consequence of the passing of this Act;
- (f) for such matters supplementary to and consequential on the matters aforesaid as appear to the Secretary of State to be necessary.

(2) Regulations under this section may provide for the determination by the Secretary of State of all questions arising under the regulations and may make different provisions for different classes of cases.

PART VII.
—cont.

58.—(1) Any power to make regulations or orders conferred on a Minister by this Act shall be exercisable by statutory instrument. Regulations and orders.

(2) Any statutory instrument made in the exercise of any power to make regulations conferred by this Act shall be subject to annulment in pursuance of resolution of either House of Parliament.

59.—(1) In this Act, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively:— Interpretation.

“ approved school order ” has the same meaning as in the Children and Young Persons Act, 1933, or, as respects Scotland, the Children and Young Persons (Scotland) Act, 1937;

“ child ” means a person under the age of eighteen years;

“ complain ” in relation to Scotland means to make an application, and the expressions “ complaint ” and “ complainant ” shall be construed accordingly;

“ compulsory school age ” has in England and Wales the same meaning as in the Education Act, 1944, and in Scotland means school age as defined in the Education (Scotland) Act, 1946;

“ contribution order ” means in England or Wales a contribution order under section eighty-seven of the Children and Young Persons Act, 1933, and in Scotland a contribution order under section ninety-one of the Children and Young Persons (Scotland) Act, 1937;

“ functions ” includes powers and duties;

“ guardian ” means a person appointed by deed or will or by order of a court of competent jurisdiction to be the guardian of a child;

“ hospital ” has the meaning assigned to it by section seventy-nine of the National Health Service Act, 1946, or, as respects Scotland, section eighty of the National Health Service (Scotland) Act, 1947; 9 & 10 Geo. 6.
c. 81.
10 & 11 Geo. 6.
c. 27.

“ Large burgh ” has the same meaning as in the Local Government (Scotland) Act, 1947;

PART VII

—CONT—

“ local education authority ” means a local education authority for the purposes of the Education Act, 1944, or in Scotland an education authority for the purposes of the Education (Scotland) Act, 1946;

“ parent ”—

(a) in relation to a child adopted in pursuance of any enactment, means the person or persons by whom he was adopted, to the exclusion of his natural parents;

(b) in relation to a child who is illegitimate, means his mother, to the exclusion of his father;

“ precept for a rate ”, in relation to Scotland, means requisition for a rate;

“ recognisance ”, in relation to Scotland, means bond;

“ recoverable summarily as a civil debt ”, in relation to Scotland, means recoverable as a civil debt;

“ relative ” has, throughout Great Britain, the meaning assigned to it by section two hundred and twenty of the Public Health Act, 1936;

“ voluntary home ” has the same meaning as in Part V of the Children and Young Persons Act, 1933, or, as respects Scotland, Part VI of the Children and Young Persons (Scotland) Act, 1937;

“ voluntary organisation ” means a body the activities of which are carried on otherwise than for profit, but does not include any public or local authority.

(2) Any reference in this Act to the functions of a local authority under the Children and Young Persons Act, 1933 shall be construed as including a reference to the functions of the council of a county or county borough with respect to remand homes.

(3) References in this Act to any enactment shall, except where the context otherwise requires, be construed as references to the enactment as amended by or under any other enactment, including this Act.

(4) As respects Scotland any reference in this Act to a county or to the council thereof shall be construed, in relation to counties combined for the purposes mentioned in subsection (1) of section one hundred and eighteen of the Local Government (Scotland) Act, 1947, as a reference to the combined county or the joint county council.

(5) A small burgh, as defined in the said Act of 1947, shall for the purposes of this Act be deemed to be included in the county in the area of which it is situated.

60.—(1) The transitional provisions set out in the Second Schedule to this Act shall have effect for the purposes of this Act.

PART VII.

—cont.

Transitional provisions, minor amendments and repeals.

(2) The enactments specified in the Third Schedule to this Act shall have effect subject to the amendments specified therein, being minor amendments and amendments consequential on the provisions of this Act.

(3) The enactments specified in the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule:

Provided that the repeal of the enactments specified in Part II of that Schedule shall take effect only on the first day of January, nineteen hundred and forty-nine.

61. This Act shall, in its application to the Isles of Scilly, have effect subject to such exceptions, adaptations and modifications as may be prescribed by order of the Secretary of State, and any such order may be revoked or varied by a subsequent order.

Application to Isles of Scilly.

62.—(1) This Act may be cited as the Children Act, 1948.

Short title, commencement and extent.

(2) This Act shall come into operation on the fifth day of July, nineteen hundred and forty-eight.

(3) This Act shall not extend to Northern Ireland.

SCHEDULES.

Section 30.

FIRST SCHEDULE.

APPEAL TRIBUNALS.

PART I.

CONSTITUTION OF APPEAL TRIBUNALS FOR ENGLAND AND WALES.

1. For the purpose of enabling appeal tribunals to be constituted as occasion may require, there shall be appointed two panels, that is to say—

- (a) a panel (hereinafter referred to as the "legal panel") appointed by the Lord Chancellor, of persons who will be available to act when required as chairman of any such tribunal; and
- (b) a panel (hereinafter referred to as the "welfare panel") appointed by the Lord President of the Council, of persons who will be available to act when required as members of any such tribunal.

2.—(1) No person shall be qualified to be appointed to the legal panel unless he possesses such legal qualifications as the Lord Chancellor considers suitable, and no person shall be qualified to be appointed to the welfare panel unless he has had such experience in children's welfare work as the Lord President of the Council considers suitable.

(2) An officer of any Government department shall be disqualified from being appointed to either of the said panels.

3. Any person appointed to be a member of either of the said panels shall hold office as such subject to such conditions as to the period of his membership and otherwise as may be determined by the Lord Chancellor or the Lord President of the Council, as the case may be.

4. Where any appeal is required to be determined by a tribunal constituted in accordance with this Part of this Schedule, the tribunal shall consist of a chairman being a member of the legal panel and two other members being members of the welfare panel, and the chairman and other members of the tribunal shall be impartial persons appointed from those panels by the Lord Chancellor and the Lord President of the Council respectively.

PART II.

CONSTITUTION OF APPEAL TRIBUNALS FOR SCOTLAND.

5. For the purpose of enabling appeal tribunals to be constituted as occasion may require, there shall be appointed by the Secretary of State a panel (hereinafter referred to as the "welfare panel") of persons to act when required as members of any such tribunal.

6. No officer of any Government department shall be qualified to be appointed to the welfare panel.

7. Any person appointed to be a member of the welfare panel shall hold office for such period and subject to such conditions as may be determined by the Secretary of State.

1ST SCH.
—*cont.*

8. Where any appeal is required to be determined by a tribunal constituted in accordance with this Schedule, the tribunal shall consist of a sheriff (or, if he is unable to act, a person qualified for appointment as sheriff nominated by the Lord President of the Court of Session), who shall be chairman, and two other members being impartial persons who shall be appointed from the welfare panel by the Secretary of State.

9. In this Part of this Schedule the expression "sheriff" does not include sheriff-substitute, and means the sheriff of the county in which the voluntary home to which the appeal relates is situated or is proposed to be established.

SECOND SCHEDULE.

Section 60.

TRANSITIONAL PROVISIONS.

1.—(1) Where, immediately before the commencement of this Act, a child was being relieved by a local authority under the enactments relating to the relief of the poor, and the relief was not outdoor relief, the provisions of this Act shall apply to him as if, at the commencement of this Act, he were in the care of the authority under section one thereof:

Provided that if the child has then attained the age of sixteen, or is being relieved as aforesaid together with a parent or other person in charge of him who has attained that age, this paragraph shall not apply if it appears to the authority more appropriate that the child should be treated as a person for whom accommodation is being provided under the National Assistance Act, 1948.

(2) If, immediately before the commencement of this Act, the cost of the relief referred to in the last foregoing sub-paragraph was recoverable by the local authority therein referred to from another local authority, the provisions of subsection (4) of section one of this Act shall apply to the child as if the first-mentioned authority had received him into their care as a child ordinarily resident in the area of that other authority.

2. Where, immediately before the commencement of this Act, a resolution passed under section fifty-two of the Poor Law Act, 1930, 20 & 21 Geo. 5. was in force with respect to a child, it shall, as from the commencement of this Act, be deemed to be a resolution duly passed and notified under section two of this Act. c. 17.

3.—(1) Where immediately before the commencement of this Act an order made under subsection (1) of section sixty-one or subsection (2) of section sixty-six of the Children and Young Persons (Scotland) Act, 1937, or subsection (2) of section thirty-eight of the Education (Scotland) Act, 1946, was in force committing a child to the care of an education authority as a fit person, that order shall

2ND SCH.
—cont.

as from the commencement of this Act be deemed to be an order committing him to the care of the council of the county, or county of a city comprised in the area of that education authority.

(2) Subsection (4) of section one of this Act shall apply to any such child as aforesaid in like manner as it applies to a child received by a local authority into their care.

4.—(1) Any rules of the Secretary of State in force immediately before the commencement of this Act under subsection (2) of section eighty-four of the Children and Young Persons Act, 1933, or subsection (2) of section eighty-eight of the Children and Young Persons (Scotland) Act, 1937, with respect to the boarding-out of children and young persons committed to the care of local authorities or, as the case may be, education authorities, under those Acts respectively shall, as from the commencement of this Act, have effect as if—

(a) they were regulations made under Part II of this Act; and

(b) they had been made so as to apply to children in the care of a local authority under section one of this Act in like manner as to children committed to the care of a local authority or education authority as a fit person,

and shall continue in force, and may be revoked and varied, accordingly.

(2) Where immediately before the commencement of this Act a child was boarded out under subsection (3) of the said section eighty-four or subsection (3) of the said section eighty-eight, then as from the commencement of this Act the boarding-out shall be deemed to be effected under Part II of this Act.

(3) Anything done before the commencement of this Act under any order made under the Poor Law Act, 1930, or under any regulations made under the Poor Law (Scotland) Act, 1934, being an order or regulations relating to the boarding-out of children and in force immediately before the commencement of this Act, shall be deemed to have been done under the corresponding provision of the said rules.

5. A contribution order made before the commencement of this Act shall not as respects any period after the commencement of this Act operate so as to require the making of any payment which could not have been required if this Act had been in force when the contribution order was made.

6.—(1) Any maintenance order in respect of a child in force immediately before the commencement of this Act under section nineteen of the Poor Law Act, 1930, shall, if at the commencement of this Act the child was under the care of the managers of an approved school, be deemed for the purposes of the Children and Young Persons Act, 1933, and of this Act to be a contribution order made on the sending of the child to the approved school.

(2) Paragraph (a) of subsection (5) of section ninety of the Children and Young Persons Act, 1933 (which contains special provisions as to contributions by poor law authorities to the expenses of approved schools) shall cease to have effect, and for the purposes of subsection (1) of the said section ninety (by which certain local authorities named

in approved school orders are required to make contributions to the said expenses) where an approved school order has been made on the application of a local authority, being a poor law authority, in their capacity as poor law authority, the authority shall be deemed to have been named in the approved school order as being the authority within whose district the person to whom the order relates was resident.

(3) Paragraph (a) of subsection (4) of section ninety-four of the Children and Young Persons (Scotland) Act, 1937 (which contains special provisions as to contributions by poor law authorities to the expenses of approved schools in Scotland) shall cease to have effect, and for the purposes of subsection (1) of the said section ninety-four (by which the education authority named in an approved school order is required to make contributions to the said expenses) where an approved school order has been made on the application of a poor law authority and no education authority has been named therein the education authority of the area which comprises the area of the poor law authority by whom the application was made shall be deemed to have been so named.

7. Where by virtue of the provisions of Part IV of this Act a home established before the commencement of this Act becomes a voluntary home within the meaning of Part V of the Children and Young Persons Act, 1933, or Part VI of the Children and Young Persons (Scotland) Act, 1937, the home shall, for the purposes of the said Part V or the said Part VI, be deemed to have been established at the commencement of this Act.

8.—(1) Any land which immediately before the commencement of this Act was held by a local authority solely for the purposes of a children's home shall be deemed to have been appropriated under the Local Government Act, 1933, the London Government Act, 1939, 2 & 3 Geo. 6. or the Local Government (Scotland) Act, 1947, as the case may be, c. 40. for the purposes of a home to be provided under Part II of this Act.

(2) Where a local authority have taken any steps for the compulsory acquisition of land for the purposes of a children's home but the acquisition has not been completed at the commencement of this Act, anything duly done before the commencement thereof in relation to the acquisition shall have effect as if it had been duly done in relation to the compulsory acquisition of the land for the purposes of a home to be provided by the authority under Part II of this Act.

(3) In this paragraph the expression "children's home," does not include any premises provided or to be provided under the Public Health Act, 1936, the Public Health (London) Act, 1936, or the Notification of Births (Extension) Act, 1915.

5 & 6 Geo. 5.
c. 64.

9. Where in consequence of the passing of the National Health Service Act, 1946, a person became employed by the council of a county or county borough in their capacity as a local health authority and there is conferred on him by any regulations made under that Act an option, exercisable by virtue of that employment, to retain rights to superannuation benefits corresponding to those previously enjoyed by him, then if in consequence of the passing of this Act that person becomes employed by the said council for the purposes of a home provided under Part II thereof, he shall have the like rights in connection with the option as if his employment for the said purposes were employment by a local health authority.

2ND SCH.
—cont.

10.—(1) Where by virtue of section thirty-five or thirty-seven of this Act the provisions of Part VII of the Public Health Act, 1936, Part XIII of the Public Health (London) Act, 1936, or Part I of the Children and Young Persons (Scotland) Act, 1937, become applicable to a child at the commencement of this Act, those provisions and the following provisions of this Schedule shall have effect as if the child had been received for reward at the commencement of this Act.

(2) Where by virtue of the said section thirty-five or thirty-seven the first mentioned provisions become applicable to a child at, or within one month after, the commencement of this Act, any notice required to be given before the reception of the child may be given within one month after the commencement of this Act:

Provided that nothing in this sub-paragraph shall exclude or postpone, as regards any child, the operation of any provision of the said Part VII or the said Part XIII relating to foster children or of the said Part I relating to children in respect of whom a notice is required to be given.

(3) Where by virtue of the said section thirty-five or thirty-seven the said provisions become applicable to a child at the commencement of this Act, any notice required to be given before a change of residence may, if the change takes place not later than one month after the commencement of this Act, be given at any time before the expiration of the said month, and if such a notice is duly given no notice under the said provisions need be given in connection with the reception of the child.

(4) In the case of a child who at the commencement of this Act and by virtue of the said section thirty-five or thirty-seven becomes a foster child as defined in the said Part VII or the said Part XIII, or a child in respect of whom a notice is required to be given under the said Part I, a person shall not be guilty of an offence against the provisions of the said Part VII, Part XIII or Part I requiring in certain cases the consent of the welfare authority or local authority for the keeping of children if, not later than one month after the commencement of this Act, application for that consent was made and the child in question is not kept after notification has been received of the refusal of the application or after the expiration of such longer period as the welfare authority or local authority may allow.

(5) Where immediately before the commencement of this Act the keeping of any children in any premises was lawful under the provisions of the said Part VII, Part XIII or Part I limiting the number of children who may be so kept, a person shall not be guilty of an offence under the said provisions by reason only that by virtue of this Act the said provisions are extended to children in the premises above the age of nine, or that by virtue of section thirty-seven of this Act a child in the premises becomes a foster-child or a child in respect of whom a notice is required to be given under the said Part I, so long as—

- (a) any conditions imposed under the said provisions are complied with, and
- (b) no child is kept in the premises who was not kept there immediately before the commencement of this Act.

(6) Where by virtue of section thirty-seven of this Act the provisions of the said Part VII, Part XIII or Part I become applicable to a child after the commencement of this Act by reason of the death of a parent of the child, the provisions of the three last foregoing sub-paragraphs shall apply as if for references therein to the commencement of this Act there were substituted references to the date at which the said provisions become applicable to the child.

(7) Nothing in section thirty-five or thirty-seven of this Act shall affect any contract of life assurance entered into before the commencement thereof.

II.—(1) Where by virtue of section thirty-five of this Act the provisions of section seven of the Adoption of Children (Regulation) Act, 1939, become applicable to a child at the commencement of this Act, those provisions and the following provisions of this paragraph shall have effect as if possession of the child had been taken at the commencement of this Act.

(2) Where by virtue of the said section thirty-five the provisions of the said section seven become applicable to a child at the commencement of this Act, no notice under the said section seven need be given in connection with the taking possession of the child.

(3) Where by virtue of the said section thirty-five the provisions of the said section seven become applicable to a child within one month after the commencement of this Act, any notice required to be given before possession of the child is taken may be given within one month after the commencement of this Act.

(4) Where by virtue of the said section thirty-five the provisions of the said section seven become applicable to a child at the commencement of this Act, any notice required to be given before a change of residence may, if the change takes place not later than one month after the commencement of this Act, be given at any time before the expiration of the said month.

12. The transitional provisions of the National Assistance Act, 1948, shall take effect subject to the provisions of this Schedule.

THIRD SCHEDULE.

Section 60.

MINOR AND CONSEQUENTIAL AMENDMENTS.

The Children and Young Persons Act, 1933.

23 & 24 Geo. 5. c. 12.

In section seventy, in proviso (a) to subsection (2), for the words from "by" to "committed" there shall be substituted the words "the Poor Law Act, 1930, the Poor Law (Scotland) Act, 1934, the Children and Young Persons (Scotland) Act, 1937, or Part II of the Children Act, 1948, by a local authority or education authority".

In section eighty-two, in paragraph (a) of subsection (4), after the word "induces," there shall be inserted the words "or persistently attempts to induce".

3RD SCH.
—cont.

In section eighty-four, subsections (2) and (5) shall not apply to children and young persons committed to the care of a local authority, and in the proviso to subsection (5) after the words "the child or young person consents" there shall be inserted the words "or, being too young to form or express a proper opinion on the matter, is to emigrate in company with a parent, guardian or relative of his, or is to emigrate for the purpose of joining a parent, guardian, relative or friend".

In section eighty-five, in subsection (2), for the words "by a local authority under this Act" there shall be substituted the words "under Part II of the Children Act, 1948, by a local authority to whose care he has been committed as a fit person", and in subsection (3), in paragraph (a), after the word "induces," there shall be inserted the words "or persistently attempts to induce," and for the words from "or with whom" to "Act" there shall be substituted the words "as a fit person or with whom he has been boarded out under Part II of the Children Act, 1948, by a local authority to whose care he has been so committed".

In section eighty-six, in subsection (1), for the words "the following persons" there shall be substituted the words "the persons specified in section twenty-four of the Children Act, 1948", and the words from "that is to say" to the end of the subsection shall be omitted.

In section ninety, in subsection (6), for the words from "by" to "committed" there shall be substituted the words "the Poor Law Act, 1930, the Poor Law (Scotland) Act, 1934, the Children and Young Persons (Scotland) Act, 1937, or Part II of the Children Act, 1948, by a local authority or education authority".

In section ninety-five, in paragraph (a) of subsection (1), the words "or otherwise" shall be omitted.

In section ninety-six, in subsection (1), for the words "this Act" there shall be substituted the words "Part II of this Act", and in subsection (7) at the beginning there shall be inserted the words "Subject to the provisions of section thirty-nine of the Children Act, 1948 (which requires certain matters to be referred to the children's committee and restricts the reference of other matters to that committee)".

In section ninety-seven, the words "as respects young persons and", and in proviso (b) the words from "but the London County Council" to the end, shall be omitted.

For section ninety-eight there shall be substituted the following section:—

"98. Without prejudice to the provisions of the last foregoing section, a local education authority may institute proceedings for any offence under Part I or Part II of this Act."

In section one hundred and two, in paragraph (c) of subsection (1), for the words "a child or young person" there shall be substituted the words "himself or any other person".

In section one hundred and seven, in the definition of "place of safety", after the word "means" there shall be inserted the words "any home provided by a local authority under Part II of the Children Act, 1948".

The Public Health Act, 1936.

26 Geo. 5. & 1 Edw. 8. c. 49.

3RD SCH.
—CONT.

In section two hundred and seven, in subsection (3), after the words "or is removed" there shall be inserted the words "or removes himself" and after the words "the name and address of the person" there shall be inserted the words "(if any)".

In section two hundred and eleven, in subsection (1), for the word "nine" there shall be substituted the word "eighteen".

In section two hundred and nineteen, in subsection (1), for the words from "under the provisions of any Act" to the words "within the meaning of the Children and Young Persons Act, 1933" there shall be substituted the words "on whom a requirement as to residence is imposed by a supervision order or probation order, or who undertakes the nursing or maintenance of a child boarded out by the Minister of Pensions, by a local authority under Part II of the Children Act, 1948, or by a voluntary organisation within the meaning of that Act, or to any voluntary home within the meaning of the Children and Young Persons Act, 1933, or to any school, hospital, convalescent home,".

In section two hundred and twenty, in the definition of "place of safety", after the word "means" there shall be inserted the words "a home provided by a local authority under Part II of the Children Act, 1948".

The Public Health (London) Act, 1936.

26 Geo. 5. & 1 Edw. 8. c. 50.

Throughout Part XIII references to "a local authority" or "every local authority" shall be construed as references to "the local authority", and not in accordance with the provisions of Part I of the Tenth Schedule to the National Health Service Act, 1946.

In section two hundred and fifty-seven, in subsection (3), the words "for the district in which he proposes to reside" shall be omitted; in subsection (4), after the words "or is removed" there shall be inserted the words "or removes himself" and after the words "the name and address of the person" there shall be inserted the words "(if any)".

In section two hundred and sixty, for the word "nine" there shall be substituted the word "eighteen".

In section two hundred and seventy-two, in subsection (3), for paragraph (b) there shall be substituted the following paragraphs—

"(b) in pursuance of any arrangement for the boarding out of a child by the Minister of Pensions, by a local authority under Part II of the Children Act, 1948, or by a voluntary organisation within the meaning of that Act;

(c) with respect to a child on whom a requirement as to residence is imposed by a supervision order or probation order."

In section three hundred and four, in the definition of "place of safety", after the word "means" there shall be inserted the words "any home provided by a local authority under Part II of the Children Act, 1948".

3RD SCH.
—cont.

The Children and Young Persons (Scotland) Act, 1937.

1 Edw. 8 & 1 Geo. 6. c. 37.

In section one, in subsection (5), after the words " or is removed " there shall be inserted the words " or removes himself "; and after the words " the name and address of the person " there shall be inserted the words " (if any) ".

In section four, for the word " nine " there shall be substituted the word " eighteen ".

In section eleven, in subsection (1), for the words " or to any hospital " there shall be substituted the words " or to any person who undertakes the nursing or maintenance of a child on whom a requirement as to residence is imposed by a probation order, or who is boarded out by the Minister of Pensions, by a local authority under Part II of the Children Act, 1948, or by a voluntary organisation as defined in that Act, or to any hospital ".

In section forty-three, for any reference to an education authority there shall be substituted a reference to a local authority; and in subsection (2), for the words from " and render available " to " likely to assist the court " there shall be substituted the words " render available to the court such information as to home surroundings as appears to them will assist the court and shall apply to the appropriate education authority for a report, which that authority shall have a duty to give, furnishing such information on the school record, health and character of the child or young person, and, in proper cases, on the availability of approved schools as shall appear to the education authority to be likely to assist the court ".

In sections sixty-six and sixty-seven, for any reference to an education authority there shall be substituted a reference to a local authority.

In section seventy-four, in proviso (a) to subsection (2), for the words from " by " to " committed " there shall be substituted the words " the Poor Law Act, 1930, the Children and Young Persons Act, 1933, the Poor Law (Scotland) Act, 1934, or Part II of the Children Act, 1948, by a local authority or education authority ".

In section eighty-six, in paragraph (a) of subsection (4), after the word " induces," there shall be inserted the words " or persistently attempts to induce ".

In section eighty-eight, for any reference to an education authority there shall be substituted a reference to a local authority; subsections (2) and (5) shall not apply to children and young persons committed to the care of a local authority; and in the proviso to subsection (5), after the words " the child or young person consents " there shall be inserted the words " or, being too young to form or express a proper opinion on the matter, is to emigrate in company with a parent, guardian or relative of his, or is to emigrate for the purpose of joining a parent, guardian, relative or friend ".

In section eighty-nine, in subsection (2), for the words " by an education authority under this Act " there shall be substituted the words " under Part II of the Children Act, 1948, by a local authority to whose care he has been committed as a fit person ", for the words " the education authority " there shall be substituted the words " the

local authority"; and in subsection (3), in paragraph (a), after the word "induces," there shall be inserted the words "or persistently attempts to induce," and for the words from "or with whom" to "Act" there shall be substituted the words "as a fit person or with whom he has been boarded out under Part II of the Children Act, 1948, by a local authority to whose care he has been so committed".

3RD SCH.
—cont.

In section ninety, in subsection (1), for the words "the following persons" there shall be substituted the words "the persons specified in section twenty-four of the Children Act, 1948", and the words from "that is to say" to the end of the subsection shall be omitted; in subsection (2), for any reference to an education authority there shall be substituted a reference to a local authority; and in subsection (3), for the words "an education authority" there shall be substituted the words "a local authority", for the words from "the education authority" to "over by the authority" there shall be substituted the words "the local authority or the education authority, as the case may be, within whose area the person liable to make the contribution is for the time being residing, and shall be paid over by such authority".

In section ninety-one, for any reference to an education authority there shall be substituted, except in head (b) of subsection (2), a reference to a local authority; and in subsection (2), in head (a), after the words "committed, or" there shall be inserted the words "of the education authority", and in head (b), after the words "of the" there shall be inserted the words "local authority or the" and after the words "education authority" there shall be inserted the words "as the case may be".

In section ninety-three, in subsection (2), after the words "payable to" there shall be inserted the words "a local authority or" and after the words "education authority" there shall be inserted the words "as the case may be", and for the words "the education authority" there shall be substituted the words "the authority"; in subsection (3), after the words "clerk to" there shall be inserted the words "a local authority or to".

In section ninety-four, in subsection (5), for the words from "by" to "committed" there shall be substituted the words "the Poor Law Act, 1930, the Children and Young Persons Act, 1933, the Poor Law (Scotland) Act, 1934, or Part II of the Children Act, 1948, by a local authority or education authority".

In section one hundred and ten, in subsection (1), in the definition of "place of safety", after the word "means" there shall be inserted the words "any home provided by a local authority under Part II of the Children Act, 1948".

The Adoption of Children (Regulation) Act, 1939.

2 & 3 Geo. 6. c. 27.

In section seven, in paragraph (b) of subsection (8), for the words "under subsection (3) of section eighty-four of the Children and Young Persons Act, 1933," there shall be substituted the words "by a local authority under Part II of the Children Act, 1948".

3RD SCH.
—cont.

In section sixteen, in subsection (2), in the definition of "welfare authority", after the word "purposes" there shall be inserted the words "of the provisions relating to child life protection"; and subsection (3) shall have effect as originally enacted and not as amended by the National Health Service Act, 1946.

The National Health Service Act, 1946.

9 & 10 Geo. 6. c. 81.

In section twenty-two, in subsection (3), for the words "Part VII" there shall be substituted the words "section two hundred and three", and the words from "and the local authority" to the end of the subsection shall be omitted.

The National Assistance Act, 1948

11 & 12 Geo. 6. c. 29.

In the Sixth Schedule, in paragraph 8, in head (a) of sub-paragraph (2), after the word "Act," there shall be inserted the words "or of Part II of the Children Act, 1948."

Section 60.

FOURTH SCHEDULE.

REPEALS.

PART I.

ENACTMENTS REPEALED AS FROM COMMENCEMENT OF ACT.

Session and Chapter.	Enactment repealed.	Extent of Repeal.
15 & 16 Geo. 5. c. 45.	The Guardianship of Infants Act, 1925.	In section seven, subsection (4).
23 & 24 Geo. 5. c. 12.	The Children and Young Persons Act, 1933.	In section seventy, in subsection (2), the words "made on the application of a poor law authority in their capacity as such or," in subsection (3) the words "or poor law" and in subsection (7) the words from the beginning of the subsection to "and"; in section eighty-four, subsection (3); in section eighty-seven, the proviso to subsection (1); in section eighty-eight, subsection (3); in section ninety, in subsection (5), paragraph (a), and the words from "but in the first" to the end of the subsection; in section one hundred and four, in subsection (1), sub-paragraph (ii) of paragraph (a).

Session and Chapter.	Enactment repealed.	Extent of Repeal.
26 Geo. 5 and 1 Edw. 8. c. 49.	The Public Health Act, 1936.	Section two hundred and eighteen.
1 Edw. 8 and 1 Geo. 6. c. 37.	The Children and Young Persons (Scotland) Act, 1937.	In section twenty-three, subsection (5); in section forty-three, in subsection (2), the words " themselves charge any child or young person with any offence, or "; in section seventy-four, in subsection (2), the words " made on the application of a poor law authority in their capacity as such or "; in subsection (3), the words " or poor law "; in subsection (7), the words from the beginning of the subsection to " that authority, and "; in section eighty-eight, subsection (3); in section ninety-one, the proviso to subsection (1); in section ninety-two, subsection (3); in section ninety-four, in subsection (4), paragraph (a), and the words from " but in the first " to the end of the subsection; section one hundred and two; in section one hundred and seven, in subsection (1), sub-paragraph (ii) of paragraph (a).
2 & 3 Geo. 6. c. 27.	The Adoption of Children (Regu- lation) Act, 1939.	In section fifteen, in paragraph (c), in sub-paragraph (iii) the words " and to section eighty-four thereof " and the words " and to section eighty-eight thereof ".
8 & 9 Geo. 6. c. 41.	The Family Allow- ances Act, 1945.	In section eleven, in subsection (1), in paragraph (a) the words " or deemed to be made "; in section twenty-six, subsection (9).
9 & 10 Geo. 6. c. 81.	The National Health Service Act, 1946.	In section twenty-two, in subsection (3), the words from " and the local " to the end of the subsection; in Part I of the Tenth Schedule, under the heading <i>The Public Health Act, 1936</i> , the entry relating to section two hundred and eighteen; under the heading <i>The Public Health (London) Act, 1936</i> , the entry relating to Part XIII; in the entry headed <i>The Adoption of Children (Regulation) Act, 1939</i> , the words from " and in section sixteen " to the end of the entry.

1TH SCH.
—cont.

PART II.

ENACTMENTS REPEALED AS FROM 1ST JANUARY, 1949.

Session and Chapter.	Enactment repealed.	Extent of Repeal.
23 & 24 Geo. 5. c. 12.	The Children and Young Persons Act, 1933.	Section ninety-five; in section one hundred and two, in subsection (1), the words from " (f) in the case " to the end of the subsection.
1 Edw. 8 and 1 Geo. 6. c. 37.	The Children and Young Persons (Scotland) Act, 1937.	Section ninety-nine.

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