which it can be presumed or proved at the time of the passing of this Act.

Provision as to evidence.

3. Any court or other tribunal shall, before determining (*a*) whether a way upon or over any land has or has not been dedicated as a highway, or (*b*) the date upon which such dedication, if any, took place, take into consideration any map, plan or history of the locality or other relevant document that is tendered in evidence, and such weight shall be given thereto as the court or tribunal consider justified by the circumstances, including the antiquity of the tendered document, the status of the person or persons by whom it was made or compiled, its purpose, and the custody in which it has been kept and from which it is produced.

Protection of rights.

4. The person entitled to the remainder or reversion immediately expectant upon the determination of a tenancy for life or pour autre vie in land shall have the like remedies by action for trespass or an injunction to prevent the acquisition by the public of a right of way over such land as if he were in possession thereof.

Extent of Act.

5. This Act shall not apply to Scotland or Northern Ireland.

Commencement of Act.

6. This Act shall come into operation on the first day of January, nineteen hundred and thirty-four.

Short title.

7. This Act may be cited as the Rights of Way Act, 1932.

CHAPTER 46.

An Act to make further and better provision for the protection and welfare of the young and the treatment of young offenders; to amend the Children Act, 1908, and other enactments relating to the young; and for objects connected with the purposes aforesaid.

[12th July 1932.]

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.

JUVENILE COURTS.

Juvenile courts.

1.—(1) Courts of summary jurisdiction constituted as hereafter provided in this Part of this Act shall sit so often as is necessary for the following purposes, that is to say—

(i) to hear charges against children and young persons;

(ii) to hear applications, the hearing of which is by rules made under this section assigned to juvenile courts;

(iii) to exercise any other jurisdiction conferred on juvenile courts by this or any other Act;

and such courts so constituted and sitting for any such purpose shall be known as juvenile courts and, in whatever place sitting, shall be deemed to be petty sessional courts.

A charge made jointly against a child or young person and a person who has attained the age of seventeen years shall, for the purposes of this section, not be treated as a charge against a child or young person.

(2) Subject as hereinafter provided, no such charge or application as is mentioned in the last preceding subsection shall be heard by a court of summary jurisdiction which is not a juvenile court:

Provided that—

(i) this subsection shall not apply where a child or young person is charged with an offence, and a person who has attained the age of seventeen years is charged at the same time with aiding, abetting, causing, procuring, allowing or permitting that offence; and

(ii) where in the course of any proceedings before any court of summary jurisdiction other than a juvenile court it appears that the person to whom the proceedings relate is

PART I. —*cont.*

a child or young person, nothing in this subsection shall be construed as preventing the court, if they think fit so to do, from proceeding with the hearing and determination of those proceedings.

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

(4) A juvenile court shall sit either in a different building or room from that in which sittings of courts other than juvenile courts are held, or on different days from those on which sittings of such other courts are held.

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

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

11 & 12 Geo. 5. c. 51.

Constitution of juvenile courts outside metropolitan areas.

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

(2) Subject to the provisions of the next succeeding subsection, a panel of justices specially qualified for dealing with juvenile cases shall be formed for the purposes of this Part of this Act in every petty sessional division, and no justice shall be qualified to sit as a

PART I. —*cont.*

member of a juvenile court unless he is a member of such a panel.

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

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

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

(*a*) for the formation and periodical revision of panels of justices;

(*b*) for limiting the number of justices who may sit as members of any juvenile court, and for the manner in which they are to be selected;

(*c*) for one of the justices acting as chairman of the court and for the manner in which the chairman is to be selected.

Constitution of juvenile courts in metropolitan police court area. 2 & 3 Vict. c. 71. 3 & 4 Vict. c. 84.

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

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

PART I. —*cont.*

by Order in Council, from a panel of such justices nominated from time to time by the Secretary of State:

Provided that—

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

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

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

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

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

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

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

PART I. —*cont.*

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

(5) An Order in Council made under this section may contain such supplemental, incidental and consequential provisions as appear to His Majesty in Council to be necessary or proper for the purposes of the Order, and may be revoked or varied by a subsequent Order.

Constitution of juvenile courts in the City of London.

4.—(1) Juvenile courts for the City of London shall be constituted in such manner, and shall (notwithstanding anything in the foregoing provisions of this Part of this Act) sit at such place or places, as the Court of the Lord Mayor and Aldermen of the City may from time to time determine.

(2) A juvenile court constituted and sitting in accordance with such a determination as aforesaid shall have all the powers of a petty sessional court, notwithstanding that it is constituted only of the Lord Mayor or a single alderman and is not sitting in the justice room of the Mansion House or of the Guildhall.

Power of juvenile court to deal summarily with indictable offences at any sitting. 42 & 43 Vict. c. 49.

5. Notwithstanding anything in subsection (8) of section twenty of the Summary Jurisdiction Act, 1879, (which provides that an indictable offence shall not be dealt with summarily under that Act except on a day publicly appointed for the hearing of indictable offences), a juvenile court may sit on any day for the purpose of hearing and determining a charge against a child or young person in respect of an indictable offence.

Procedure in juvenile courts.

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

(2) No person shall be present at any sitting of a juvenile court, except—

(*a*) members and officers of the court;

(*b*) parties to the case before the court and their solicitors and counsel, witnesses and other persons directly concerned in that case;

PART I. —*cont.*

(*c*) bonâ fide representatives of newspapers or news agencies;

(*d*) such other persons as the court may specially authorise to be present.

Provisions with respect to remands and bail.

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

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

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

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

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

Laying of rules before Parliament.

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

PART II.

JUVENILES IN NEED OF CARE OR PROTECTION AND JUVENILE OFFENDERS.

Juveniles in need of Care or Protection.

Powers of juvenile court in

9.—(1) Any local authority, any constable or any authorised person (as defined in this section) who have

PART II. —*cont.* Provisions in respect of children and young persons needing care or protection.

or has reasonable grounds for believing that a child or young person comes within any of the descriptions hereinafter mentioned, that is to say—

(i) a child or young person who, having no parent or guardian, or a parent or guardian who is unfit to exercise care and guardianship or is not exercising proper care and guardianship, is falling into bad associations or is exposed to moral danger or is beyond control; or

(ii) a child or young person—

(*a*) in respect of whom any offence under Part II. of the principal Act, or any of the offences mentioned in the First Schedule to that Act, has been committed; or

(*b*) who is a member of the same household as a child or young person in respect of whom such an offence has been committed; or

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

(*d*) who, being a female, is a member of the same household as a female in respect of whom an offence under the Punishment of Incest Act, 1908, has been committed by a member of that household, 8 Edw. 7. c. 45.

and who, in any such case as aforesaid, requires care or protection; or

(iii) a child in respect of whom an offence has been committed under section one hundred and eighteen of the principal Act (which relates to the punishment of vagrants preventing children receiving education),

may bring that child or young person before a juvenile court, and the court, if satisfied that the child or young person comes within any of the descriptions above mentioned, may either—

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

(*b*) commit him to the care of any fit person, whether a relative or not, who is willing to undertake the care of him; or

PART II. —*cont.*

(*c*) order his parent or guardian to enter into a recognisance to exercise proper care and guardianship; or

(*d*) without making any other order, or in addition to making an order under either of the two last preceding paragraphs, make an order placing him for a specified period, not exceeding three years, under the supervision of a probation officer, or of some other person appointed for the purpose by the court.

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

(3) Any court before which a person is convicted of having committed in respect of a child or young person any offence referred to in paragraph (ii) or paragraph (iii) of subsection (1) of this section may direct that the child or young person be brought before a juvenile court with a view to that court making such order under that subsection as may be proper, or, if satisfied that the material before them is sufficient to enable them properly to exercise jurisdiction, may, notwithstanding anything in Part I of this Act, themselves make any order which the juvenile court might make.

(4) It shall be the duty of a local authority to bring before a juvenile court under subsection (1) of this section any child or young person residing or found in their district with respect to whom a court has given a direction under the last preceding subsection, or who appears to the authority to come within any of the descriptions mentioned in the said subsection (1), unless in the latter case they are satisfied that the taking of proceedings is undesirable in the interest of the child or young person, or that proceedings are about to be taken by some other person.

PART II. —*cont.*

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

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

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

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

(i) that it is expedient so to deal with the child or young person; and

(ii) that the parent or guardian understands the results which will follow from and consents to the making of the order,

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

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

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

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

Provisions as to orders

12. The power of a court under section forty-five of the Education Act, 1921, to order a child, as defined

PART II. —*cont.*

made upon non-compliance with school attendance orders. 11 & 12 Geo. 5. c. 51.

for the purposes of that section, to be sent to a certified day industrial school or a certified industrial school, or to be committed to the care of a relative or other fit person in accordance with the provisions of section fifty-eight of the principal Act, shall be construed as a power to order such a child to be sent to an approved school or to be committed to the care of a fit person in accordance with the provisions of this Part of this Act; and where an order is made under the said section forty-five, either for sending such a child as aforesaid to an approved school, or for committing him to the care of a fit person, the succeeding provisions of this Act shall apply in relation to that order as if it were an order made under this Part of this Act.

Effect of supervision order.

13.—(1) Where a court makes an order under any of the foregoing provisions of this Part of this Act placing a child or young person under the supervision of a probation officer or of some other person, that officer or person shall, while the order remains in force, visit, advise and befriend him and, when necessary, endeavour to find him suitable employment and may, if it appears necessary in his interests so to do, at any time while the order remains in force and he is under the age of seventeen, bring him before a juvenile court, and that court may, if they think that it is desirable in his interests so to do, order him to be sent to an approved school or commit him to the care of a fit person, whether a relative or not, who is willing to undertake the care of him.

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

15 & 16 Geo. 5. c. 86.

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

PART II. —*cont.*

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

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

(2) If a juvenile court before whom any child or young person is brought are not in a position to decide whether any and, if so, what, order ought to be made under the foregoing provisions of this Part of this Act, they may make such interim order as they think fit for his detention or continued detention in a place of safety, or for his committal to the care of a fit person, whether a relative or not, who is willing to undertake the care of him.

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

Juvenile Offenders.

Amendments as to summary trial of children for indictable offences.

15.—(1) A court of summary jurisdiction before whom a child is charged with an indictable offence other than homicide may, without consulting the parent or guardian of the child, deal with him summarily and shall so deal with him unless some other person who is charged jointly with him and is not a child is committed for trial, in which case they may, if in the interests of justice they think it necessary so to do, also commit the child for trial.

(2) A court of summary jurisdiction which deals summarily with a child in respect of an indictable offence shall, in addition to any other powers exercisable by virtue of this or any other Act, have power to impose a fine not exceeding forty shillings, and when the child is a

PART II. —*cont.*

male, to adjudge the child to be, as soon as practicable, privately whipped with not more than six strokes of a birch rod by a constable in the presence of an inspector or other officer of police of higher rank than a constable and also in the presence, if he desires to be present, of the parent or guardian of the child.

(3) The Summary Jurisdiction Act, 1879, shall have effect as if the foregoing provisions of this section were substituted for the provisions of section ten of that Act (which relates to the summary trial of children for indictable offences), and so much of section seventeen of that Act as provides that the parent or guardian of a child charged with an offence punishable on summary conviction may in certain cases claim that the child shall be tried by jury, shall cease to have effect.

Amendments as to summary trial of young persons for indictable offences.

16. When a young person is charged before a court of summary jurisdiction with an indictable offence with which, if he consents, and if they think it expedient so to do, the court are empowered to deal summarily, they may exercise their discretion in the matter at any time during the hearing of the case and, accordingly, in subsection (2) of section eleven of the Summary Jurisdiction Act, 1879 (which relates to the summary trial with consent of young persons) the words "by the evidence" shall be omitted.

Additional powers of courts with respect to children and young persons found guilty of offences.

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

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

(*b*) to commit him to the care of a fit person, whether a relative or not, who is willing to undertake the care of him.

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

7 Edw. 7. c. 17.

Power of any court to

18.—(1) Any court by or before whom a child or young person is found guilty of an offence other than

PART II. —*cont.*

homicide, may, if they think fit, remit the case to a juvenile court acting for the place where the offender was committed for trial, or, if he was not committed for trial, to a juvenile court acting either for the same place as the remitting court or for the place where the offender resides; and, where any such case is so remitted, the offender shall be brought before a juvenile court accordingly, and that court may deal with him in any way in which they might have dealt with him if he had been tried and found guilty by them.

remit juvenile offender to a juvenile court.

(2) No appeal shall lie against an order of remission made under the last preceding subsection, but nothing in this subsection shall affect any right of appeal against the verdict or finding on which such an order is founded.

(3) A person aggrieved by the order made by a juvenile court in any case remitted to them under this section may appeal against that order to quarter sessions as if he had been tried by, and had pleaded guilty before, the juvenile court.

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

Increase of age with respect to criminal responsibility and death sentences.

19.—(1) It shall be conclusively presumed that no child under the age of eight years can be guilty of any offence.

(2) Sentence of death shall not be pronounced or recorded against any person under the age of eighteen years, and section one hundred and three of the principal Act shall have effect accordingly.

General.

Notice to local authority and probation

20.—(1) Where a child or young person is to be brought before a court of summary jurisdiction, or before a justice or justices acting under the Indictable

PART II. —*cont.*

officer of charges against and applications relating to children and young persons. 11 & 12 Vict. c. 42.

Offences Act; 1848, in respect of an offence alleged to have been committed by him, or is to be brought before a juvenile court as needing care or protection, the responsible person (as hereinafter defined) shall forthwith notify the day and hour when, and the nature of the charge or other grounds on which, the child or young person is to be brought before the court or justices—

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

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

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

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

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

Provided that a local authority shall be under no obligation to make investigations as to the home surroundings of children or young persons in any petty

sessional division in which by direction of the justices or probation committee arrangements have been made for such investigations to be made by a probation officer.

PART II. —*cont.*

Principles to be observed by courts in dealing with children and young persons.

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

"Conviction" and "sentence" not to be used in relation to juveniles dealt with summarily.

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

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

4 & 5 Geo. 5. c. 58.

Minimum age for committal to approved school.

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

Provisions as to Orders committing Juveniles to care of a fit Person.

General provisions as to orders committing children and young

24.—(1) The provisions of this and the three next succeeding sections shall apply in relation to orders under this Part of this Act committing a child or young person to the care of a fit person, and in those provisions the expressions "boy" and "girl" mean respectively

PART II. —*cont.* persons to care of fit person.

a boy or a girl with respect to whom such an order is in force, irrespective of whether at the date of the making of the order he or she was a child or was a young person.

(2) Every order shall embody a declaration as to the age of the boy or girl and shall, subject to the provisions of this Act, remain in force until he or she attains the age of eighteen years.

(3) The court shall, before making the order, endeavour to ascertain the religious persuasion of the boy or girl and the order shall embody a declaration with respect thereto.

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

(5) The Secretary of State may, if he thinks fit, make rules as to the manner in which boys and girls so committed are to be dealt with and as to the duties of the persons to whose care they are committed.

(6) The Secretary of State may at any time in his discretion discharge a boy or girl from the care of the person to whose care he or she is committed, and any such discharge may be granted either absolutely or subject to conditions.

(7) The Secretary of State, in any case where it appears to him to be for the benefit of a boy or girl who has been committed to the care of any person, may empower that person to arrange for his or her emigration, but except with the authority of the Secretary of State, no person to whose care a boy or girl is committed shall arrange for his or her emigration:

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

PART II. —*cont.*

(8) An order committing a boy or girl to the care of a fit person may, on the application of any person, be varied or revoked—

(*a*) if the order was made by a court of summary jurisdiction, by a juvenile court acting for the same petty sessional division or place;

(*b*) in any case, by a juvenile court acting for the petty sessional division or place within which the boy or girl is residing.

Power to commit child or young person to care of local authority.

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

(2) The Secretary of State may cause boys and girls committed to the care of a local authority to be visited from time to time, and rules made by him under the last preceding section may contain provisions as to the persons with whom and the conditions under which they may be boarded out.

(3) Subject to the provisions of any such rules as aforesaid, a local authority may board out boys and girls committed to their care for such periods and on such terms as to payment and otherwise as they think fit.

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

Power to commit certain children and young persons to care

26. An order may be made under this Part of this Act committing to the care of the Minister of Pensions, or of a person appointed by him, any child or young person for the care of whom it is the duty of the Minister under section nine of the War Pensions Act, 1918, to make provision, and accordingly in subsection (4) of that

PART II. —*cont.*

of Minister of Pensions. 8 & 9 Geo. 5. c. 57. 8 Edw. 7. c. 67.

section the reference to an order made under section twenty-one or subsection (7) of section fifty-eight of the Children Act, 1908, shall be construed as including a reference to an order made under this Part of this Act.

Religious persuasion of person to whom child or young person is committed.

27.—(1) A court, in selecting the person to whose care a boy or girl is to be committed, and a local authority, in selecting the person with whom any boy or girl committed to their care is to be boarded out, shall, if possible, select a person who is of the same religious persuasion, or who gives an undertaking that the boy or girl will be brought up in accordance with his or her religious persuasion.

(2) If, on an application made by the parent or guardian, or any near relative, of the boy or girl in question, a juvenile court having jurisdiction to revoke or vary the order are satisfied that a boy or girl who has been committed to the care of any fit person is not being brought up in accordance with his or her religious persuasion, the court shall, unless an undertaking satisfactory to them is offered by the person to whose care he or she is committed, either revoke the order, or vary it in such manner as they think best calculated to secure that he or she is thenceforth brought up in accordance with that persuasion.

Provisions as to Orders committing Juveniles to Approved Schools.

Contents of approved school orders.

28.—(1) An order made by a court for sending a child or young person to an approved school (hereafter in this Act referred to as "an approved school order") may be made to take effect immediately, or its operation may be postponed to a later date specified in the order or to be subsequently specified by endorsement thereon by the appropriate court:

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

(2) The school to which a child or young person is first to be sent under an approved school order shall be

such school as may be specified in the order, being that one of the available schools (whether situate within the jurisdiction of the court making the order or not) which the court, after considering any representations made to them by the local authority concerned, deem to be most suitable to the case:

Provided that—

(i) if the order is not made to take effect immediately, the school need not in the first instance be specified in the order, but may subsequently be specified by endorsement on the order by the appropriate court; and

(ii) if for any reason the child or young person cannot be received into the approved school specified in or endorsed upon the order, the appropriate court may by an endorsement, or further endorsement, on the order specify another school.

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

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

(4) The court shall before making the approved school order endeavour to ascertain the religious persuasion of the child or young person, and the order shall embody a declaration with respect thereto.

(5) Every approved school order shall embody a declaration as to the age of the child or young person.

(6) Every approved school order, other than an order mentioned in the next succeeding subsection, shall

PART II. —*cont.*

name the local authority within whose district the child or young person was resident, or if it is not known where he was resident, the local authority or one of the local authorities within whose district the offence was committed or, as the case may be, the circumstances arose rendering the child or young person liable to be sent to an approved school:

Provided that, in the case of a child or young person not resident in England, the order shall, instead of naming a local authority, state that he was resident outside England.

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

(8) An approved school order shall, subject as hereinafter provided, state whether the local or poor law authority, if any, named therein or the probation officer or the police authority is to be responsible for conveying the child or young person to his school, and the local or poor law authority, probation officer or police authority, as the case may be, shall be responsible for conveying him to his school accordingly at the expense of the local or poor law authority, the probation committee or police authority:

Provided that, where the order is not made to take effect immediately, the authority or person who is to be responsible for conveying the child or young person to his school, need not in the first instance be specified in the order, but may be subsequently specified by endorsement thereon by the appropriate court.

(9) Any order made under subsection (3) of this section and any endorsement made under this section may be made in the absence of the child or young person concerned.

(10) In determining, for the purposes of this section and of the provisions of this Part of this Act

PART II. —*cont.*

relating to the contributions to be made by local authorities, the place of residence of a child or young person, any period during which he resided in any place as an inmate of a school or other institution, or while boarded out under this Part of this Act by a local authority to whose care he has been committed, or in accordance with the conditions of a recognisance, shall be disregarded.

(11) In this section, the expression "appropriate court" means—

(*a*) the court which made the approved school order; or

(*b*) if the order was made by a court of summary jurisdiction, a juvenile court acting for the same petty sessional division or place; or

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

Information to be transmitted to managers of school.

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

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

Period of detention in approved school.

30.—(1) Where a court order a child to be sent to an approved school, the order shall be an authority for his detention in an approved school until the expiration

PART II. —*cont.*

of a period of three years from the date of the order and, if at the expiration of that period he is still under the age of fifteen years, for his further detention until he attains that age.

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

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

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

(3) If the managers of an approved school are satisfied that a person whose period of detention therein is, under the provisions of either of the foregoing subsections, about to expire, needs further care or training and cannot without it be placed in suitable employment, they may, if the Secretary of State consents, detain him for a further period not exceeding six months and not in any case extending beyond the date on which he attains the age of nineteen years.

(4) Nothing in this section limiting by reference to a person's age, or otherwise, the period during which he may be detained in an approved school, shall be construed as affecting the provisions of the First Schedule to this Act relating to persons guilty of misconduct in schools or of escaping, running away or refusing to return.

Provisions as to Contributions by Parents, Guardians and others and Local Authorities.

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

31.—(1) Where an order has been made by a court committing a child or young person to the care of a fit person, or for sending him to an approved school, it shall be the duty of the persons specified in this subsection to make contributions in respect of him, and that duty shall be enforceable in accordance with the provisions of the next succeeding section.

PART II. —*cont.*

to the care of fit persons, or to approved schools.

The persons liable to make contributions as aforesaid are the father or stepfather of the child or young person, his mother or stepmother, and any person who, at the date when any such order as aforesaid is made, is cohabiting with the mother of the child or young person, whether he is his putative father or not.

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

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

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

Enforcement of duty of parent, &c., to make contributions.

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

Provided that the total amount to be contributed for any week in respect of any one child or young person

PART II. —*cont.*

under contribution orders shall not (together with any sum payable in respect of that child or young person under an affiliation order with respect to which an order under the next succeeding section is in force) exceed such sum as may be prescribed, and for this purpose different sums may be prescribed in relation to different circumstances and, in the case of children sent to approved schools, in relation to different schools or classes of school.

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

(*a*) in the case of an order applied for at the time when the child or young person is so dealt with, of the local authority to whose care he has been committed, or who are named in the approved school order, as the case may be;

(*b*) in the case of an order applied for subsequently, of the council of the county or county borough entitled to receive contributions.

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

Provided that no contributions shall be payable under a contribution order in respect of any period during which the child or young person is out on licence, or under supervision from such a school.

(4) Subject to the provisions of this subsection—

(*a*) a contribution order shall be enforceable as an affiliation order and the enactments relating to the enforcement of affiliation orders shall apply accordingly, subject to any necessary modifications; and

(*b*) section thirty of the Criminal Justice Administration Act, 1914 (which contains provisions as to orders for the periodical payment of money

made by courts of summary jurisdiction) shall apply to every contribution order whether the court which made it was, or was not, a court of summary jurisdiction; PART II. —*cont.*

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

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

Provision as to affiliation orders.

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

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

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

(*a*) any powers conferred on any justices or courts of summary jurisdiction by the enactments relating to the enforcement of affiliation orders or by section thirty of the Criminal Justice Administration Act, 1914, shall as respects the affiliation order in question be exercisable, and exercisable only, by justices and courts of summary jurisdiction having jurisdiction in the

PART II. —*cont.*

place where the person liable is for the time being residing;

(*b*) any sums received under the affiliation order shall be applied in like manner as if they were contributions received under a contribution order;

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

4 & 5 Geo. 5. c. 6.

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

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

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

(*a*) in the case of a child or young person committed to the care of a fit person, after the order for his committal has ceased to be in force;

PART II. —*cont.*

(*b*) in the case of a child or young person ordered to be sent to an approved school, after he has been released from his school, either absolutely, or on licence or under supervision:

Provided that, where an affiliation order would, but for the provisions of this subsection have continued in force, the mother, or any person entitled to make an application for an order under section three of the Affiliation Orders Act, 1914, may apply to a court of summary jurisdiction having jurisdiction in the place where she or he is for the time being residing, for an order that the affiliation order may be revived, and that payments thereunder may until the expiration thereof be made to the applicant at such rate (not exceeding the maximum rate allowed by the law in the case of affiliation orders) as may be proper, and the court may make such an order accordingly, and where such an order is so made, any power to vary, revoke or again revive the affiliation order or any part thereof, being a power which would but for the provisions of this subsection be vested in the court which originally made the affiliation order, shall be exercisable, and exercisable only, by the court which made the order under this subsection.

Miscellaneous provisions as to contribution orders.

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

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

(3) In any proceedings under either of the two last preceding sections a certificate purporting to be signed by the clerk to a council for the time being entitled to receive contributions, or by some other officer of the

PART II. —*cont.*

council duly authorised in that behalf, and stating that any sum due to the council under an order is overdue and unpaid shall be evidence of the facts stated therein.

(4) Nothing in this or in the three last preceding sections shall apply in relation to an approved school order made on the application of a poor law authority in its capacity as such, but the sending of a child or young person to an approved school under such an order shall not affect any maintenance order made under section nineteen of the Poor Law Act, 1930, or any power of the poor law authority to obtain such an order, and for the purposes of the enactments relating to affiliation orders, the child or young person whilst under the care of the managers of the approved school shall be deemed to be still in receipt of relief.

20 & 21 Geo. 5. c. 16.

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

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

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

(*a*) if the order was made by a petty sessional court, to a court of summary jurisdiction acting for the same petty sessional division or place; and

(*b*) if the order was made by a court which was not a petty sessional court, to a court of summary

PART II. —*cont.*

jurisdiction having jurisdiction in the place where that court sat, or in the place from which the person to whom the order relates was committed for trial,

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

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

(3) Any person aggrieved by any order made under the preceding subsection may appeal to quarter sessions, and for the purposes of this subsection a refusal to make such an order shall be deemed to be an order.

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

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

(*a*) is made on the application of a poor law authority in its capacity as such; or

(*b*) is made by reason of the commission of an offence under section one hundred and eighteen of the principal Act (which relates to the punishment of vagrants preventing children receiving education); or

(*c*) relates to a child or young person stated in the order to have been resident outside England,

but in the first mentioned case the poor law authority on whose application the order is made shall, throughout the periods during which the child or young person

PART II. —*cont.*

belongs to either of the following classes of persons, that is to say—

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

(ii) persons out on licence or under supervision from an approved school,

make such contributions in respect of him to the expenses of the managers of his school as the Secretary of State may determine to be reasonable, regard being had to the average expenses of the managers (including establishment and administrative expenses) fairly attributable to persons belonging to the class in question.

Detention in Approved Schools by Order of Secretary of State.

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

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

(*a*) a person who is under the age of eighteen years and is undergoing detention in a Borstal institution; or

(*b*) a child or young person with respect to whom he is authorised to give directions under section one hundred and four of the principal Act (which section provides for the detention of children and young persons convicted of certain serious crimes in such places as the Secretary of State may direct); or

(*c*) a young person who has been sentenced to imprisonment and has been pardoned by His Majesty on condition of his agreeing to undergo training in a school,

shall be transferred or sent to and detained in an approved school specified in the order.

Application of Act to persons detained in schools

37.—(1) An order of the Secretary of State under the last preceding section shall be an authority for the detention of the person in question until such date as may be specified in the order.

PART II. —*cont.*

(2) The date to be specified in the order shall, in the case of a person who was undergoing detention in a Borstal institution, or was sentenced to detention under the said section one hundred and four, be a date not later than the date on which his detention would have expired and not later than the date on which he will, in the opinion of the Secretary of State, attain the age of nineteen years.

under order of Secretary of State.

(3) The date to be specified in the order shall, in the case of a young person who has been sentenced to imprisonment and pardoned as aforesaid, be a date not more than three years from the date as from which his sentence began to run and not later than the date on which he will, in the opinion of the Secretary of State, attain the age of nineteen years; but if, when his period of detention is about to expire, the managers of his school are satisfied that he needs further care or training and cannot without it be placed in suitable employment, they may, if the Secretary of State consents, detain him for a further period not exceeding six months, so however that he is not detained beyond the date on which he will, in the opinion of the Secretary of State, attain the age of nineteen years.

(4) Nothing in this section limiting by reference to a person's age or otherwise the period during which he may be detained in an approved school, shall be construed as affecting the provisions of the First Schedule to this Act relating to persons guilty of misconduct in schools, or of escaping, running away or refusing to return.

Supplemental.

Provision of remand homes by councils of counties and county boroughs.

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

(2) The authority or persons responsible for the management of any institution other than a prison may, subject in the case of an institution supported wholly or

PART II. —*cont.*

partly out of public funds to the consent of the Government department concerned, arrange with the council of a county or county borough for the use of the institution, or any part thereof, as a remand home upon such terms as may be agreed.

(3) A child or young person who may lawfully be remanded in custody to any place situated within a county or county borough may be so remanded to any remand home, wherever situate, which is provided under this section for that county or county borough.

(4) Section one hundred and eight of the principal Act (which relates to the provision of places of detention) is hereby repealed, and references in that or any other Act to places of detention shall be construed as references to remand homes provided under this section, and the expression "place of safety" in the principal Act and this Act shall include a remand home so provided.

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

Escapes from remand homes, and from the care of fit persons.

39.—(1) A child or young person who escapes from a remand home may be apprehended without warrant and brought back thereto.

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

(3) A child or young person who runs away from a person to whose care he has been committed under the provisions of this Act may be apprehended without warrant and brought back to that person, if he is willing to receive him and, if he is not willing to receive him, may be brought,

(*a*) if the order committing him to the care of that person was made by a petty sessional court,

PART II. —*cont.*

before a juvenile court acting for the same petty sessional division or place as that court; or

(*b*) in any other case, before a juvenile court having jurisdiction in the place where he was residing immediately before he ran away,

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

(4) Any person who knowingly—

(*a*) assists or induces a child or young person to escape from a remand home, or to run away from a person with whom he has been boarded out by a local authority, or to whose care he has been committed under this Act; or

(*b*) harbours or conceals a child or young person who has so escaped or run away, or prevents him from returning,

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

Evidence of orders.

40. A document purporting to be a copy of an order made by any court under, or by virtue of, any provision of this Part of this Act or of an affiliation order referred to in any such order as aforesaid shall, if it purports to be certified as a true copy by the clerk of the court, be evidence of the order.

Appeals to quarter sessions under this Part of this Act.

41.—(1) Where an order is made by a court of summary jurisdiction under this Part of this Act—

(*a*) committing a child or young person to the care of a fit person; or

(*b*) requiring a child or young person to be sent to an approved school; or

(*c*) placing a child or young person under the supervision of a probation officer or other person; or

PART II. —*cont.*

(*d*) requiring a person to enter into a recognisance to exercise proper care and guardianship over a child or young person; or

(*e*) requiring a person to contribute in respect of a child or young person; or

(*f*) requiring all or any part of the payments accruing due under an affiliation order to be paid to some other person,

the child or young person or his parent or guardian on his behalf or, as the case may be, the person required to enter into a recognisance, or the person required to contribute, or the person who would, but for the order, be entitled to the payments under the affiliation order, may appeal against the order to quarter sessions.

(2) Nothing in this section shall be construed as affecting any other right of appeal conferred by this or any other Act.

Definition of, and general provisions as to, "approved schools."

42.—(1) In this Act the expression "approved school" means a school approved by the Secretary of State in accordance with the provisions contained in the First Schedule to this Act.

(2) The provisions contained in the First Schedule to this Act shall apply in relation to approved schools and persons sent thereto.

Application of Act to existing reformatory and industrial schools, &c.

43.—(1) This Act shall apply in relation to a school which at the commencement of this Act is a certified reformatory school or a certified industrial school as if the certificate for the school were a certificate of approval issued under this Act.

(2) The Secretary of State may, if he thinks fit, approve for the purposes of this Act any school which, at the date of the passing of this Act, was a certified day industrial school, and if he so approves any such school, the provisions of this Act shall apply in relation to that school and to children previously sent, or thereafter to be sent, thereto, subject to such adaptations, modifications and exceptions as he may from time to time by order direct.

Provision of approved schools by local authorities.

44.—(1) A local authority may, with the approval of the Secretary of State, undertake, or combine with any other local authority in undertaking, or contribute such sums of money upon such conditions as they may think fit towards, the purchase, establishment, building, alteration, enlargement, rebuilding or management of an approved school:

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

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

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

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

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

(3) If under any law of the Isle of Man or of any of the Channel Islands a court is empowered to order children or young persons under seventeen years of age

PART II. —*cont.*

to be sent to approved schools in England and if by that law provision satisfactory to the Secretary of State is made—

(i) for the expenses of the conveyance of the children or young persons, and of their reconveyance when discharged, or released on licence;

(ii) for contributions towards the expenses of the managers of the school; and

(iii) for the contribution (if any) to be made by the parent or person legally liable to maintain a child or young person so sent, and the mode in which such contribution is to be raised,

a child or young person with respect to whom such an order is made by a court under the said law may be received into such approved school as the Secretary of State may direct, and after delivery to the managers of that school may be dealt with, and shall be subject to the provisions of this Act, as if the order sending him to the school were an approved school order made upon the same date by a juvenile court.

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

(5) In this section the expression "competent authority" means, in relation to Scotland, the Scottish Education Department, and, in relation to Northern Ireland, the Minister of Home Affairs for Northern Ireland, or such authority or person as may be designated by the Parliament of Northern Ireland to exercise the powers conferred by this section on the competent authority in Northern Ireland.

PART III.

VOLUNTARY HOMES.

Notification of voluntary homes.

46.—(1) It shall be the duty of the person in charge of any institution to which this Part of this Act applies to send to the Secretary of State in accordance with the next succeeding subsection such particulars with respect to the institution as may be prescribed, and, if in the case of any such institution the prescribed particulars are not so sent, the person in charge shall on summary conviction be liable to a fine not exceeding five pounds and to a further penalty not exceeding twenty shillings in respect of each day during which the default continues after conviction.

(2) Such particulars as aforesaid shall be sent—

(*a*) in the case of an institution established before the commencement of this Act, before the expiration of three months from the commencement of this Act;

(*b*) in the case of an institution established after the commencement of this Act, before the expiration of three months from the establishment of the institution,

and thereafter, in the case of every institution, before such date in every year as may be prescribed.

(3) The institutions to which this Part of this Act applies are homes and other institutions for the boarding, care and maintenance of poor children or young persons, being institutions supported wholly or partly by voluntary contributions:

Provided that this Part of this Act shall not apply to any institution, house, or home certified or approved by the Board of Control under the Mental Deficiency Acts, 1913 to 1927, unless children or young persons who are not mental defectives within the meaning of those Acts are received therein.

Inspection of homes.

47.—(1) The Secretary of State may cause any institution to which this Part of this Act applies to be inspected from time to time, unless the institution is one which is, as a whole, otherwise subject to inspection by, or under the authority of, a Government department.

PART III. —*cont.*

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

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

Control over homes.

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

A direction under this subsection—

(i) may be served on the persons responsible for the management of an institution by being delivered personally to any one of them, or by being sent, by post or otherwise, in a letter addressed to them or any of them at the institution;

(ii) may be varied by a subsequent direction, or withdrawn by the Secretary of State.

(2) Where any such direction is not complied with, a court of summary jurisdiction having jurisdiction in the place where the institution is situate may, on the complaint of any person appointed for the purpose by the Secretary of State, cause a summons to be served upon the person in charge of the institution and upon such other persons as the court may direct, and upon

PART III. —*cont.*

the hearing of the summons may, if they think fit, make an order for the removal of all children and young persons from the institution:

Provided that—

(i) such an order shall not be made unless the court are satisfied that the welfare of some of the children or young persons is endangered;

(ii) the court may, if they think fit, order that the direction shall be deemed to be modified to such extent as may be specified in the order, and the direction shall have effect accordingly.

Any person aggrieved may appeal to quarter sessions against an order made under this subsection, and for this purpose a refusal to make any such order shall be deemed to be such an order.

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

(4) Where an order has been made for the removal of all children and young persons from an institution, the institution shall not be used for the reception of children or young persons without the consent of the Secretary of State, and any person who knowingly permits it to be so used shall, on summary conviction, be liable to a fine not exceeding five pounds and to a further penalty not exceeding twenty shillings in respect of each day during which the user continues after conviction.

PART IV.

EMPLOYMENT.

Restrictions on employment of children.

49.—(1) No child under the age of twelve years shall be employed:

Provided that byelaws made under the next succeeding section may authorise the employment of children under the age of twelve years by their parents or guardians in light agricultural or horticultural work.

PART IV. —*cont.*

(2) No child shall be employed before the close of school hours on any day on which he is required to attend school:

Provided that byelaws made under the next succeeding section may authorise employment before the commencement of school hours on such a day for not more than one hour.

(3) No child shall be employed—

(*a*) before six a.m. or after eight p.m. on any day; or

(*b*) for more than two hours on any day on which he is required to attend school:

Provided that this subsection shall not prevent a child from taking part in an entertainment under and in accordance with the provisions of a licence granted and in force under this Part of this Act.

(4) No child shall be employed on any Sunday for more than two hours.

(5) No child shall be employed to lift, carry or move anything so heavy as to be likely to cause injury to him.

Power of local authority to make byelaws with respect to employment of children.

50.—(1) A local authority may make byelaws with respect to the employment of children, and any restriction contained in the byelaws shall have effect in addition to the restrictions contained in the last preceding section.

(2) Byelaws so made may distinguish between children of different ages and sexes and different localities, trades, occupations and circumstances, and may contain provisions—

(*a*) for modifying any restriction contained in subsection (1) or subsection (2) of the said section, so far as such modification is authorised by the subsection in question;

(*b*) for prohibiting absolutely the employment of children in any specified occupation;

(*c*) for prescribing—

(i) the age below which children are not to be employed;

(ii) the number of hours in each day, or in each week, for which, and the times of day at which, they may be employed;

PART IV. —*cont.*

(iii) the intervals to be allowed to them for meals and rest;

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

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

(3) No byelaw under this section shall prevent a child taking part in an entertainment under and in accordance with the provisions of a licence granted and in force under this Part of this Act.

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

51.—(1) Subject to the provisions of this section, a local authority may make byelaws with respect to the employment of persons under the age of eighteen years, but not being children.

(2) Byelaws so made may distinguish between persons of different ages and sexes, and different localities, trade, occupations and circumstances, and may contain provisions for prescribing—

(i) the number of hours in each day or in each week for which and the times of day at which they may be employed;

(ii) the intervals to be allowed to them for meals and rest;

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

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

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

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

(*b*) employment in or in connection with factories, workshops, mines, quarries, shops, or offices, not being employment in any capacity as aforesaid;

(*c*) employment in the building or engineering trades, not being employment in any such capacity as aforesaid;

(*d*) employment in agriculture;

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

PART IV. —*cont.*

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

(4) An order of the Secretary of State appointing a date for this section to come into operation shall be laid in draft before both Houses of Parliament, and the Secretary of State shall not make the order until the draft has been approved by resolutions passed in the same session of Parliament by both Houses of Parliament.

Street trading.

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

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

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

(*a*) forbidding any such person to engage or be employed in street trading unless he holds a licence granted by the authority, and regulating the conditions on which such licences may be granted, suspended and revoked;

(*b*) determining the days and hours during which, and the places at which, such persons may engage or be employed in street trading;

(*c*) requiring such persons so engaged or employed to wear badges;

(*d*) regulating in any other respect the conduct of such persons whilst so engaged or employed.

Penalties and legal proceedings.

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

(2) If a person is employed in contravention of any of the preceding provisions of this Part of this Act

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

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

(3) Where an employer seeks to avail himself of the proviso to the last preceding subsection,

(*a*) the prosecution shall have the right to cross-examine him, if he gives evidence, and any witness called by him in support of his charge against the other person, and to call rebutting evidence; and

(*b*) the court may make such order as they think fit for the payment of costs by any party to the proceedings to any other party thereto.

Byelaws.

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

(2) Before confirming such a byelaw the Secretary of State shall consider any objections thereto which may be addressed to him by persons affected or likely to be affected thereby, and may order a local enquiry to be held, and where such an enquiry is held, the

PART IV. —*cont.*

person holding it shall receive such remuneration as the Secretary of State determines, and that remuneration and the expenses of the enquiry shall be paid by the local authority.

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

38 & 39 Vict. c. 55.

Restrictions on children taking part in entertainments.

55.—(1) Subject to the provisions of this section a child shall not, except under and in accordance with the provisions of a licence granted and in force under the next succeeding section, take part in any entertainment in connection with which any charge, whether for admission or not, is made to any of the audience.

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

(i) he has not during the preceding six months taken part on more than six occasions in such entertainments as are mentioned in this section; and

(ii) the net proceeds of the entertainment are devoted to purposes other than the private profit of the promoters:

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

(*a*) those premises are also licensed for the public performance of stage plays or for public music, singing or dancing; or

(*b*) special authority for the child to take part in the entertainment has been granted in writing under the hands of two Justices of the Peace.

(3) Every person who causes or procures a child, or being his parent or guardian allows him, to take part in an entertainment in contravention of this section,

shall, on summary conviction, be liable to a fine not exceeding five pounds or, in the case of a second or subsequent offence, not exceeding twenty pounds.

Licences for children to take part in entertainments.

56.—(1) Subject to such restrictions and conditions as may be prescribed by rules made by the Board of Education, a local authority may grant a licence for a child who has attained the age of twelve years and is residing in their area to take part in any specified entertainment or series of entertainments, whether within or without that area:

Provided that—

(i) no licence shall be granted unless the local authority is satisfied that the child is fit to take part in the entertainment, or series of entertainments, and that proper provision has been made to secure his health and kind treatment; and

(ii) no licence shall be granted in respect of any entertainment which is to take place on a Sunday.

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

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

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

PART IV. —*cont.*

Provisions as to juveniles taking part in, and being trained for, dangerous performances.

57.—(1) No person under sixteen years of age shall take part in any public performance in which his life or limbs are endangered and every person who causes or procures such a person or, being his parent or guardian, allows him to take part in such a performance, shall be liable on summary conviction to a fine not exceeding ten pounds or, in the case of a second or subsequent offence, not exceeding fifty pounds, and the First Schedule to the principal Act shall have effect as if amongst the offences therein specified, there was included any offence under this subsection:

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

(2) No person under twelve years of age shall be trained to take part in performances of a dangerous nature, and no person under sixteen years of age shall be trained to take part in such performances except under and in accordance with the terms of a licence granted and in force under the next succeeding section.

(3) Every person who causes or procures a person, or being his parent or guardian, allows him, to be trained to take part in performances of a dangerous nature, in contravention of this section, shall be liable on summary conviction to a fine not exceeding five pounds or, in the case of a second or subsequent offence, not exceeding twenty pounds.

Licences for training juveniles to take part in dangerous performances.

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

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

(3) A licence under this section shall specify the place or places at which the person in question is to be

PART IV. —*cont.*

trained and shall embody such conditions as are, in the opinion of the court, necessary for the protection of the said person, but a licence shall not be refused if the court are satisfied that the said person is fit and willing to be trained and that proper provision has been made to secure his health and kind treatment.

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

Powers of entry.

59.—(1) If it is made to appear to a justice of the peace by the local authority, or by any constable, that there is reasonable cause to believe that the provisions of this Part of this Act, or of a byelaw made thereunder, are being contravened with respect to any person, the justice may by order under his hand addressed to an officer of the local authority, or to a constable, empower him to enter, at any reasonable time within forty-eight hours of the making of the order, any place in or in connection with which the person in question is, or is believed to be, employed, or as the case may be, in which he is, or is believed to be, taking part in an entertainment or performance, or being trained, and to make enquiries therein with respect to that person.

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

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

Interpretation of Part IV.

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

a person who is attending a public elementary school and who attains the age of fourteen years

PART IV. —*cont.*

during a school term shall not be deemed to cease to be a child until the end of that term;

the expression "performance of a dangerous nature" includes all acrobatic performances and all performances as a contortionist;

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

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

Repeal of Dangerous Performances Acts, 1879 and 1897, and of certain provisions of Part VIII of Education Act, 1921.

61. The Dangerous Performances Acts, 1879 and 1897, and the following provisions of the Education Act, 1921, that is to say, sections ninety to ninety-two (which relate to the employment of children and to street trading by children and young persons) and one hundred to one hundred and two (which relate to juveniles taking part in entertainments and being trained for dangerous performances) shall cease to have effect.

Savings.

62.—(1) Nothing in this Part of this Act shall affect the provisions of Part IV of the Education Act, 1921, with respect to school attendance, or the provisions of sections ninety-three, ninety-four and ninety-five of that Act with respect to the employment of children and young persons.

(2) Nothing in this Part of this Act shall apply to a person detained in an approved school.

(3) The foregoing provisions of this Part of this Act shall be in addition to and not in substitution for any enactments relating to employment in factories, workshops, mines and quarries, or for giving effect to any international convention regulating employment.

(4) For the purposes of this Part of this Act and any byelaws made thereunder, a chorister taking part in a religious service or in a choir practice for a religious service, shall not, whether he receives any reward or not, be deemed to be employed.

PART IV. —*cont.*

Saving for British Broadcasting Corporation.

63. The provisions of this Part of this Act which impose restrictions on employment or on the taking part by children in entertainments, and the provisions of any byelaws made thereunder, shall not apply in relation to a person who has attained the age of twelve years taking part in a performance, whether of the nature of an entertainment or not, which is being broadcast by the British Broadcasting Corporation, so long as the public are not admitted thereto on payment.

Amendments of 3 & 4 Geo. 5. c. 7. 20 & 21 Geo. 5. c. 21.

64.—(1) The Children (Employment Abroad) Act, 1913 (in this section referred to as "the Act of 1913"), as amended by the Children (Employment Abroad) Act, 1930, shall have effect subject to the provisions of this section.

(2) The following subsection shall be substituted for subsection (2) of section one of the Act of 1913—

> "(2) A constable or any person authorised by a justice may take to a place of safety any person under the age of seventeen years who there is reason to believe is about to go out of the United Kingdom in contravention of the provisions of this Act, and a person so taken to a place of safety may be detained there until he can be restored to his relatives or until other arrangements can be made with respect to him."

(3) A licence granted under the Act of 1913 shall not be renewed under subsection (2) of section two of that Act unless the police magistrate is satisfied that the application for renewal is made by, or with the consent of, the parent or guardian of the young person.

(4) Where a person applies for the renewal of a licence granted under the Act of 1913, it shall not be necessary for him to give notice of his application in accordance with the provisions of subsection (3) of section two of that Act and, accordingly, in the said subsection the words "or the renewal of a licence," the words "or resided" the words "or renewed" and the words "or renew" shall be omitted.

(5) If upon any application under the said subsection (3) it appears that the notice for which that subsection provides was given less than seven days before the making of the application, the police magistrate may

PART IV. —*cont.*

nevertheless grant a licence, if he is satisfied that the officer to whom the notice was given has made sufficient inquiry into the facts of the case and does not desire to oppose the application.

(6) A police magistrate may at any time revoke a licence granted under the Act of 1913 for any cause which in his discretion he considers sufficient.

(7) A police magistrate may from time to time vary the terms of a licence granted under the Act of 1913 and, accordingly, in subsection (4) of section two of that Act (which relates to recognizances for the observance of restrictions and conditions contained in a licence) for the words " the grant or renewal of a licence " there shall be substituted the words " the grant, renewal or variation of a licence " and after the words " for the observance of the restrictions and conditions contained in the licence " there shall be inserted the words " or in the licence as varied."

(8) If in any case where a licence has been granted under the Act of 1913 it is proved to the satisfaction of a police magistrate that, by reason of exceptional circumstances, it is not in the interests of the person to whom the licence relates to require him to return to the United Kingdom at the expiration of the licence, then, notwithstanding anything in subsection (1) of section two of that Act or any restriction or condition attached to the licence, the magistrate may by order release all persons concerned from any obligation to cause that person to return to the United Kingdom.

(9) A police magistrate may renew or vary a licence granted under the Act of 1913 without requiring the attendance before him of the person to whom the licence relates, but subsection (6) of section two of that Act (which requires certain particulars to be sent to the Secretary of State when a licence is granted) shall apply also to the renewal or variation of a licence.

(10) Where, immediately before the expiration of the period limited by subsection (3) of section three of the Act of 1913 for instituting proceedings under that Act, any person against whom it is proposed to institute such proceedings is outside the United Kingdom, proceedings against him may be instituted at any time within six months after his return to the United Kingdom.

PART IV. —*cont.*

(11) The provisions of subsection (5) of section two of the Act of 1913 with respect to the admissibility of certain documentary evidence in any proceeding for enforcing a recognizance shall apply to all proceedings under the said Act.

(12) The powers conferred by the Act of 1913 and this section on a police magistrate shall in every case be exercisable by any of the following magistrates, that is to say—

(*a*) the chief magistrate of the metropolitan police courts;

(*b*) any magistrate of the metropolitan police court in Bow Street;

(*c*) any stipendiary magistrate appointed by Order in Council to exercise such jurisdiction.

An Order in Council under this subsection may be revoked by a subsequent order.

(13) This section extends to Northern Ireland.

PART V.

INFANT LIFE PROTECTION.

Amendment of s. 1 of the principal Act.

65.—(1) For subsections (1) to (3) of section one of the principal Act (which relate to notices to be given by persons receiving infants for reward) there shall be substituted the following subsections :—

"(1) Where a person undertakes for reward the nursing and maintenance of an infant under the age of nine years apart from its parents, or having no parents, he shall give notice in writing thereof to the local authority—

(*a*) in the case of an infant not already in his care, being the first infant proposed to be received by him for reward in the dwelling occupied or proposed to be occupied for the purpose, not less than seven days before he receives the infant;

(*b*) in the case of any other infant not already in his care, not less than forty-eight hours before he receives the infant; and

(*c*) in the case of an infant already in his care without reward, within forty-eight hours after entering into the undertaking :

PART V. —*cont.*

Provided that upon a charge in respect of a failure to give such notice as aforesaid, it shall be a defence for the defendant to prove that the infant was received by him upon an emergency and that notice was given by him within twelve hours thereafter.

For the purposes of this subsection, an undertaking shall be deemed to be an undertaking for reward if there is any payment or gift of money or money's worth, or any promise to pay or give money or money's worth, irrespective of whether there is any intention of making profit.

(2) The notice required by the preceding subsection shall state the name and sex of the infant, the date and place of its birth, the name of the person undertaking its nursing and maintenance, the dwelling within which it is to be, or is being, kept and the name of the person from whom it is to be, or was, received.

(3) Any reference in this Part of this Act to an infant in respect of whom such a notice as aforesaid is required to be given shall be construed as including a reference to an infant under the age of nine years with respect to whom such a notice has been given and who is still living apart from its parents, if any, with the person by whom the notice was given."

(2) Subsection (5) of the said section one (which imposes a duty on a person who receives an infant for reward to give to the local authority notice of its death or removal) shall be amended by the insertion after the words "local authority" of the words "and to the person from whom the infant was received."

(3) A person who at the commencement of this Act is nursing and maintaining for reward an infant under the age of nine years apart from its parents or having no parents, shall within one month after the commencement of this Act, give to the local authority in respect of that infant such a notice as is mentioned in subsection (2) of the said section one:

Provided that nothing in this subsection shall require a person to give such a notice in any case where a notice was given by him to the local authority on the first reception of the infant.

PART V. —*cont.*

Powers of local authority to prevent over-crowding.

66. For section four of the principal Act (which enables a local authority to fix the number of infants who may be kept in any dwelling), the following section shall be substituted :—

"4. The local authority may fix the maximum number of infants under the age of nine years who may be kept in any dwelling in which there is any infant in respect of whom notice is required to be given under this Part of this Act and may also, if they think fit, impose conditions to be complied with so long as the number of infants kept in the dwelling exceeds a specified number.

If the maximum number so fixed is exceeded, or if any condition so imposed is not complied with, a person who keeps in that dwelling an infant with respect to whom such a notice is required to be given as aforesaid, shall be guilty of an offence under this Part of this Act."

Removal of infants kept in unsuitable premises, or by unsuitable persons.

67.—(1) If an infant in respect of whom notice is required to be given under Part I of the principal Act is about to be received or is being kept—

(*a*) in any premises which are overcrowded, insanitary or dangerous; or

(*b*) by any person who, by reason of old age, infirmity, ill health, ignorance, negligence, inebriety, immorality or criminal conduct, or for any other reason, is unfit to have care of it; or

(*c*) in any premises or by any person in contravention of any of the provisions of the said Part I; or

(*d*) in an environment which is detrimental to the infant,

a court of summary jurisdiction may, on the complaint of the local authority, make an order directing the removal of the infant to a place of safety until it can be restored to its relatives, or until other arrangements can be made with respect to it; and, upon proof that there is imminent danger to the health or well-being of the infant concerned, a single justice may exercise the like power on the application of a visitor or other person appointed or authorised to execute the provisions of Part I of the principal Act, and, if need be, may exercise that power ex parte.

PART V. —*cont.*

(2) An order made under the foregoing subsection may be enforced by a constable, or by a visitor or other person appointed or authorised as aforesaid; and any person who refuses to comply with such an order upon its being produced, or who obstructs any such constable, visitor or person as aforesaid in the enforcement of the order, shall be guilty of an offence under Part I of the principal Act.

(3) The foregoing provisions of this section shall have effect in substitution for the provisions of section five of the principal Act.

Prohibition of anonymous advertisements offering to undertake care of infants.

68.—(1) No advertisement indicating that a person or society will undertake, or will arrange for, the nursing and maintenance of an infant under the age of nine years shall be published unless that person's name and residence, or, as the case may be, that society's name and office, are truly stated in the advertisement.

(2) Every person who knowingly publishes any advertisement in contravention of the provisions of this section shall be guilty of an offence under Part I of the principal Act.

Exemptions from Part I (Infant Life Protection) of principal Act.

69.—(1) The provisions of Part I of the principal Act shall not extend to any hospital, convalescent home or institution :—

(*a*) which is maintained by a Government department, local authority, or any other authority or body constituted by special Act of Parliament or Royal Charter; or

(*b*) to which a certificate of exemption from Part I of the principal Act has been granted by the local authority for the purposes of that Part (which certificate the local authority is hereby authorised to grant); or

(*c*) of which particulars are required to be, and are, transmitted annually to the Secretary of State under the provisions of the Part of this Act relating to voluntary homes; or

(*d*) which is an institution, house, or home certified or approved by the Board of Control under the Mental Deficiency Acts, 1913 to 1927, and in which no children or young persons who are not mental defectives within the meaning of those Acts are received.

PART V. —*cont.*

(2) The provisions of the preceding subsection shall have effect in substitution for such of the provisions of section eleven of the principal Act as relate to the exemption of hospitals, convalescent homes, institutions and boarding schools from the operation of Part I of that Act.

(3) The provisions of Part I of the principal Act shall not apply in relation to any mental defective who is, with the consent of the Board of Control, under care elsewhere than in an institution, a certified house, or an approved home.

PART VI.

MISCELLANEOUS AND GENERAL.

Raising the age of "young persons."

70.—(1) For the purposes of this and the principal Act the expression "young person" means a person who has attained the age of fourteen years and is under the age of seventeen years, and in the definitions of "young person" in section forty-nine of the Summary Jurisdiction Act, 1879, as amended by section one hundred and twenty-eight of the principal Act, and of "adult" in section twenty-four of the Criminal Justice Act, 1925, "seventeen" shall be substituted for "sixteen."

(2) In sections twelve, fourteen and forty-one of the principal Act (which relate respectively to the punishment for cruelty to children and young persons, the punishment of persons causing or allowing children or young persons to beg and the use by children and young persons of automatic machines for the sale of tobacco) for references to young persons there shall be substituted references to persons who have not attained the age of sixteen years but are not children.

Amendment of s. 14 of principal Act.

71. At the end of section fourteen of the principal Act (which relates to the punishment of persons who allow children to be in streets for the purpose of receiving, or inducing the giving of, alms) there shall be inserted the following subsection—

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

PART VI. —*cont.*

Amendment of s. 17 of principal Act.

72. Section seventeen of the principal Act which (as amended by the Children Act (1908) Amendment Act, 1910) makes provision for the punishment of any person who, having the custody, charge, or care of a girl under the age of sixteen years, causes or encourages the seduction, prostitution, or unlawful carnal knowledge of that girl, shall have effect as if in subsection (1) thereof after the words "unlawful carnal knowledge of" there were inserted the words "or the commission of an indecent "assault upon" and as if in subsection (2) thereof for the words "unlawful carnal knowledge (as the case may be) "of a girl" there were substituted the words "unlawful "carnal knowledge of, or the commission of an indecent "assault upon, a girl," and after the words "unlawfully "carnally known" there were inserted the words "or indecently assaulted."

Amendments of ss. 19 and 29 of principal Act.

73. Paragraph (*b*) of subsection (1) of section nineteen of the principal Act (which authorises a constable to arrest any person who has, or is believed to have, committed an offence of cruelty under Part II of the said Act, or any of the offences mentioned in the First Schedule to that Act) shall apply in relation to any offence under the said Part II or mentioned in the said Schedule, and section twenty-nine of the said Act (which provides for the admission of depositions of children or young persons upon the trial of a person for any such offence as aforesaid), shall apply in relation to any criminal proceedings (whether on indictment or not) for any offence under the said Part II or mentioned in the said Schedule.

Repeal of s. 26 of principal Act.

74. Section twenty-six of the principal Act (which confers certain powers on courts by or before which persons who are habitual drunkards are convicted of certain offences in relation to children and young persons) shall cease to have effect.

Amendment of Schedule I to principal Act.

75. The First Schedule to the principal Act shall have effect as if amongst the offences therein specified there was included any offence in respect of a child or young person under the Punishment of Incest Act, 1908.

Institution of proceedings by local or poor law authorities.

76.—(1) A local authority or a poor law authority may institute proceedings for any offence under any Part of the principal Act or of this Act.

PART VI. —*cont.*

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

Minor and consequential amendments of principal Act.

77. The amendments specified in the second column of the Second Schedule to this Act, being amendments of a minor or consequential nature, shall be made in the provisions of the principal Act mentioned in the first column of that schedule.

Miscellaneous amendments of the Probation of Offenders Act.

78.—(1) In subsection (5) of section six of the Probation of Offenders Act, 1907 (which relates to the powers of the court in a case where a person bound by a recognisance under the said subsection has failed to observe a condition of the recognisance) for the words "if "the case was one in which the court in the first instance "might, under section fifteen of the Industrial Schools "Act, 1866, have ordered the offender to be sent to a "certified industrial school and the offender is still appar-"ently under the age of twelve years," there shall be substituted the words "if the case was one in which the "court had power to make an order sending him to an "approved school, and he is still under the age of "seventeen."

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

(3) Notwithstanding anything in subsection (2) of section two of the said Act (as amended by section eight of the Criminal Justice Administration Act, 1914) it shall not be made a condition of a recognisance under the said Act that a child or young person shall reside in any institution unless, whilst so residing, he is to be employed, or to seek employment, outside the institution, or unless the institution is one which is subject to inspection by the Secretary of State.

(4) Where, after the commencement of this Act, it is made a condition of a recognisance that a child or young person shall reside in any institution, the court by which the probation order is made shall forthwith

PART VI. —*cont.*

give notice of the terms of the order to the Secretary of State; and where, whether before or after the commencement of this Act, such residence has been made a condition of a recognisance, the Secretary of State may at any time, if he considers that it is in the interests of the child or young person so to do, cause an application to be made to the court before which the child or young person is bound by his recognisance to appear, and thereupon that court may vary the conditions of the recognisance by excluding therefrom the condition as to residence, or by substituting the name of some other institution.

Amendment of Guardianship of Infants Act, 1925. 15 & 16 Geo. 5. c. 45.

79.—(1) The power of the court under section six of the Guardianship of Infants Act, 1925, to make orders regarding matters in difference between persons acting as joint guardians of an infant shall, where one of the said persons is the mother or father of the infant, include power—

(*a*) to make such orders regarding the custody of the infant and the right of access thereto of its mother or father as, having regard to the welfare of the infant, the court may think fit; and

(*b*) to order the mother or father to pay towards the maintenance of the infant such weekly or other periodical sum as, having regard to the means of the mother or father, the court may consider reasonable; and

(*c*) to vary or discharge any order previously made under the said section.

(2) The powers conferred on the court by subsection (4) of section five of the said Act, in cases where an appointed guardian is to be the sole guardian of an infant to the exclusion of its mother or father, may be exercised at any time and shall include power to vary or discharge any order previously made in virtue of those powers.

(3) In the said Act and in this section the expression "maintenance" shall include education.

(4) Any question as to the validity of any order made before the commencement of this Act under the Guardianship of Infants Act, 1925, shall be determined as if this Act had come into operation immediately after that Act.

PART VI. —*cont.*

Association of juveniles with adults in police station, courts, &c.

80. Arrangements shall be made for preventing a child or young person whilst detained in a police station, or whilst being conveyed to or from any criminal court, or whilst waiting before or after attendance in any criminal court, from associating with an adult, not being a relative, who is charged with any offence other than an offence with which the child or young person is jointly charged, and for ensuring that a girl (being a child or young person) shall whilst so detained, being conveyed or waiting, be under the care of a woman.

Prohibition against publication of certain matter in newspapers.

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

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

(2) In the case of any court not being a juvenile court, the provisions of the preceding subsection (other than the proviso thereto) shall, if and so far as the court may so direct, apply in relation to any proceedings in that court which arise out of any offence against, or any conduct contrary to, decency or morality.

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

Provisions as to local authorities.

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

Provided that—

(i) the attainment of the age of fourteen years by a person who has previously been ordered to

PART VI. —*cont.*

be sent to an approved school, or to be committed to the care of a fit person, shall not divest or relieve any local education authority for elementary education of any powers or duties in respect of him, or confer or impose any powers or duties in respect of him upon the council of any county or county borough;

(ii) the council of an urban district (whether a borough or not) who have under the Education Act, 1921, or the Acts repealed by that Act, relinquished in favour of the council of the county all their powers and duties as a local education authority for elementary education, shall for the purposes of this Act be deemed not to be a local education authority for elementary education, and their district shall for the purposes of this Act be deemed to be part of the area of the county council.

(2) A county council may arrange with the councils of urban districts, whether boroughs or not, within the county which are local education authorities for elementary education for the exercise and performance by those councils within their respective areas of such of the powers and duties of the county council under this Act and on such terms as to payment and otherwise, as may be agreed.

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

(3) Expenses incurred under this Act by a local education authority for elementary education, exclusive in the case of the council of a county or county borough of any expenses incurred by them in connection with remand homes or in their capacity of poor law authority, shall be defrayed as expenses of elementary education under the Education Act, 1921.

PART VI. —*cont.*

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

(*a*) in the case of expenses incurred by the council in their capacity of poor law authority, as expenses of administering the Poor Law Act, 1930; and

(*b*) in any other case, as expenses for general county purposes or, as the case may be, out of the general rate.

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

(*a*) in the case of a county council, in like manner as for the purposes of their other functions, and subsection (3) of section sixty-four and section sixty-five of the Local Government Act, 1888, shall apply accordingly; 51 & 52 Vict. c. 41.

(*b*) in the case of the council of a county borough or urban district, in like manner as for the purposes of the Public Health Act, 1875, and sections one hundred and seventy-five to one hundred and seventy-eight of that Act shall apply accordingly. 38 & 39 Vict. c. 55.

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

(*a*) in the case of the London County Council, under and in accordance with the London County Council (Finance Consolidation) Act, 1912, as amended by any subsequent enactment, and in the case of any other county council, under and in accordance with section sixty-nine of the Local Government Act, 1888, as amended by the Local Government Act, 1929, and 2 & 3 Geo. 5. c. cv. 19 & 20 Geo. 5. c. 17.

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

(7) Subject to the provisions of section four of the Education Act, 1921, which requires certain matters to be referred to education committees, a local authority may refer to a committee appointed for the purposes of this Act, or to any committee appointed for the purposes of

PART VI. —*cont.*

any other Act, any matter relating to the exercise by the authority of any of their powers under this Act and may delegate any of the said powers (other than any power to borrow money) to any such committee.

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

(9) Nothing in this section applies to the powers and duties of a local authority under Part I of the principal Act as amended by this Act.

Special provisions as to the City of London.

83. The powers and duties of a local authority under this Act as respects young persons, and as respects street trading and employment, shall, in the City of London, be powers and duties of the Common Council and any expenses of the Common Council shall be defrayed out of the general rate:

Provided that—

(i) the powers and duties of a local authority with respect to the granting of licences for children to take part in entertainments shall be powers and duties of the London County Council in their capacity of local education authority for elementary education; and

(ii) nothing in this section shall exempt the City of London from the liability to contribute towards the expenses incurred by the London County Council as local authority under the principal Act or this Act, but the London County Council shall in each year repay to the Common Council any contributions paid by the Common Council in respect of persons under the care of the managers of an approved school.

Power of Secretary of State to appoint inspectors.

84. The Secretary of State may appoint for the purposes of the enactments relating to children and young persons a chief inspector, and such number of inspectors to act under the direction of the chief inspector as the Treasury may approve, and may pay to the persons so appointed such remuneration and allowances

PART VI. —*cont.*

as with the consent of the Treasury he may determine, and they shall perform such duties as the Secretary of State may from time to time direct.

Exercise of powers by Secretary of State.

85. An order or other act of the Secretary of State under this Act may be signified under the hand of the Secretary of State or an Under Secretary or Assistant Under Secretary.

Exchequer grants and expenses of Secretary of State.

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

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

(*a*) the expenses of the managers of an approved school;

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

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

(ii) any sums by which any education grants under any other Act are increased by reason of the additional powers and duties conferred or imposed by this Act upon local education authorities for elementary education;

(iii) any expenses incurred by the Secretary of State in the administration of this Act.

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

PART VI. —*cont.*

Interpretation and construction of references. 53 & 54 Vict. c. 45.

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

"Chief Officer of Police" means with respect to the city of London, the Commissioner of the City Police, and elsewhere has the same meaning as in the Police Act, 1890;

"Metropolitan police court area" means the area consisting of the police court divisions for the time being constituted under the Metropolitan Police Courts Acts, 1839 and 1840;

"Needing care or protection" in relation to a child or young person brought or to be brought before a court, means falling within any of the descriptions mentioned in subsection (1) of section nine of this Act;

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

"Prescribed" means prescribed by regulations made by the Secretary of State; and

"The principal Act" means the Children Act, 1908.

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

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

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

PART VI. —*cont.*

Transitory provisions, and repeals. 52 & 53 Vict. c. 63.

88.—(1) Without prejudice to the provisions of the Interpretation Act, 1889, with respect to repeals, the transitory provisions set out in the Third Schedule to this Act shall, notwithstanding anything in this Act, have effect in relation to things done before, or in process of being done at, the commencement of this Act under any enactments repealed or amended by this Act.

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

Application to Scotland.

89.—(1) This Act shall apply to Scotland subject to the adaptations and modifications specified in the Fifth Schedule to this Act.

(2) A copy of this Act as applying to Scotland by virtue of the provisions of the last preceding subsection, but with this section and the said Fifth Schedule omitted therefrom, shall be prepared and certified by the Clerk of the Parliaments as if it were a separate Act which had received the Royal Assent on the same day as this Act and shall be deposited with the Rolls of Parliament, and thereupon this Act shall cease to apply to Scotland and the Act as certified as aforesaid shall take effect as a separate Act of the present session and may be cited as the Children and Young Persons (Scotland) Act, 1932, and may be printed as a separate Act by the Printers to His Majesty as a chapter of the statutes of the session distinguished by the number next following the number of the chapter assigned to this Act.

Short title, construction, commencement and extent. 20 & 21 Geo. 5. c. 21.

90.—(1) This Act may be cited as the Children and Young Persons Act, 1932, and the Children Acts, 1908 to 1913, the Children (Employment Abroad) Act, 1930, and this Act may be cited together as the Children and Young Persons Acts, 1908 to 1932.

(2) This Act shall be construed as one with the principal Act except that this Act shall not, save as otherwise expressly provided, extend to Northern Ireland.

(3) This Act shall come into operation on such date as the Secretary of State may appoint, and the Secretary of State may appoint different dates for different purposes and different provisions of this Act.

SCHEDULES.

Section 42.

FIRST SCHEDULE.

PROVISIONS WITH RESPECT TO APPROVED SCHOOLS AND PERSONS SENT THERETO.

Approval of Schools.

1. The managers of any school intended for the education and training of persons to be sent there in pursuance of this Act may apply to the Secretary of State to approve the school for that purpose, and the Secretary of State may, after making such inquiries as he thinks fit, approve the school for that purpose and issue a certificate of approval to the managers.

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

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

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

4. No person shall in pursuance of this Act be received into the care of the managers of an approved school after the date of the receipt by the managers of the school of a notice of withdrawal of the certificate of approval of the school or after the date of a notice of intention to surrender the certificate;

1ST SCH. —*cont.*

but the obligations of the managers with respect to persons under their care at the respective dates aforesaid shall continue until the withdrawal or surrender takes effect.

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

6.—(1) The production of a copy of the London Gazette containing a notice of the grant, or of the withdrawal or surrender, of a certificate of approval of an approved school shall be sufficient evidence of the fact of a certificate having been duly granted to the school named in the notice, or of the withdrawal or surrender of such a certificate.

(2) The grant of a certificate of approval of an approved school may also be proved by the production of the certificate itself, or of a document purporting to be a copy of the certificate and to be authenticated as such by an Under-Secretary of State or Assistant Under-Secretary.

Classification and Administration of Schools.

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

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

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

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

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

(i) a superannuation allowance or gratuity—

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

1ST SCH. —*cont.*

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

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

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

11.—(1) In the case of an approved school established or taken over by a local authority, or by a joint committee representing two or more local authorities, the local authority or, as the case may be, the joint committee, shall, for the purposes of this Act, be deemed to be the managers of the school, and in the case of any other approved school, the persons for the time being having the management or control thereof shall be deemed to be the managers.

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

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

Treatment of Pupils.

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

13. If it appears to the managers of an approved school that a person who has been ordered to be sent to their school requires medical attention before he can properly be received into the school, or that a person detained in the school requires such attention, they may make arrangements for him to be received into and detained in any hospital, home or other institution

1ST SCH. —*cont.*

where he can receive the necessary attention; and that person, whilst so detained, shall for the purposes of this Act be deemed to be under the care of the managers of the school, and shall, for the purposes of section nine of the Mental Deficiency Act, 1913, be deemed to be detained in the school.

3 & 4 Geo. 5. c. 28.

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

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

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

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

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

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

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

(*a*) if at the expiration of that period he has not attained the age of fifteen years, until he attains the age of eighteen years:

(*b*) if he has at the expiration of that period attained the age of fifteen years, for a period of three years or until he attains the age of twenty-one years, whichever may be the shorter period.

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

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

1ST SCH. —*cont.*

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

(*a*) after the expiration of a period of three months, or of such longer period not exceeding six months as the Secretary of State may, after considering the circumstances of his case, direct; or

(*b*) after attaining the age of nineteen years.

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

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

(6) Nothing in this paragraph fixing by reference to a person's age or otherwise the date at which he is to be released from an approved school, shall be construed as affecting the provisions of this Schedule relating to persons guilty of misconduct in schools or of escaping, running away, or refusing to return.

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

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

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

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

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

Powers of Officers.

19. Every person who—

(*a*) is authorised by the managers of an approved school to take charge of a person under their care, or to apprehend such a person and bring him back to the school; or

(*b*) is authorised by a local or poor law authority or, being a probation officer, is authorised by a court, to take to an approved school a person ordered to be detained therein,

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

Offences.

20. If a person detained in an approved school is guilty of serious misconduct, the managers, if authorised by the Secretary of State so to do, may bring him before a court of summary jurisdiction and that court may order him—

(*a*) if he is under the age of sixteen years, to have the period of his detention in the school increased by such period not exceeding six months as the court may direct; or

(*b*) if he has attained the age of sixteen years but is under the age of seventeen years, to have the period of his detention so increased, or to be sent to a Borstal institution for a period of two years; or

(*c*) if he has attained the age of seventeen years, to have the period of his detention so increased, or to be sent to a Borstal institution for two years, or to be imprisoned for three months.

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

(*a*) escapes from the school in which he is detained, or from any hospital, home or institution in which he is receiving medical attention; or

(*b*) being absent from his school on temporary leave of absence or on licence, runs away from the person in whose charge he is, or fails to return to the school upon the expiration of his leave, or upon the revocation of his licence; or

(*c*) being absent from his school under supervision, fails to return to the school upon being recalled,

may be apprehended without warrant, and may (any other Act to the contrary notwithstanding) be brought before a court of summary jurisdiction having jurisdiction where he is found, or where his school is situate; and that court may order him—

(i) if he is under the age of sixteen years, to be brought back and to have the period of his detention in the

1ST SCH. —*cont.*

school increased by such period not exceeding six months as the court may direct; or

(ii) if he has attained the age of sixteen years, but is under the age of seventeen years, to be brought back and to have the period of his detention so increased, or to be sent to a Borstal institution for a period of two years; or

(iii) if he has attained the age of seventeen years, to be brought back and to have the period of his detention so increased, or to be sent to a Borstal institution for two years.

(2) Where a person is under the provisions of the preceding sub-paragraph brought back to his school, the period of his detention shall, over and above any increase ordered by a court under those provisions, be increased by a period equal to the period during which he was unlawfully at large.

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

(4) If any person knowingly—

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

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

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

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

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

(2) Where a person authorised to take a child or young person to an approved school is, when the time has come for him to go to his school, unable to find him or unable to obtain

1st Sch. —*cont.*

possession of him, a court of summary jurisdiction may, if satisfied by information on oath that some person named in the information can produce the child or young person, issue a summons requiring the person so named to attend at the court on such day as may be specified in the summons and produce the child or young person and, if he fails to do so without reasonable excuse, he shall, in addition to any other liability to which he may be subject under the provisions of this Act, be liable on summary conviction to a fine not exceeding five pounds.

Transfer and Discharge.

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

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

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

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

Obligations of Managers.

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

(i) the school is a school for persons of a particular religious persuasion not being that of the person whom it is proposed to send or transfer; or

1ST SCH. —*cont.*

(ii) the school is a school provided by a local authority which is not, or by a combination of local authorities no one of which is, liable to make contributions in respect of the person whom it is proposed to send or transfer; or

(iii) the managers of the school satisfy the Secretary of State that there are already as many persons detained in that school, or, as the case may be, otherwise under their care, as is desirable.

Religious Teaching.

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

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

(*a*) if the order was made by a court of summary jurisdiction, to a juvenile court acting for the same petty sessional division or place; and

(*b*) in any other case, to the Secretary of State,

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

Provided that—

(i) the application must be made before, or within thirty days after, the person's arrival at the school; and

(ii) the applicant must name a school for persons of the religious persuasion in question and show to the satisfaction of the court or Secretary of State that the managers thereof have accommodation available; but

(iii) nothing in this sub-paragraph shall be construed as preventing any such person as aforesaid from making an application to the Secretary of State after the expiration of the said period of thirty days to exercise any other power of transfer conferred upon him by this Act.

SECOND SCHEDULE.

Section 77.

MINOR AND CONSEQUENTIAL AMENDMENTS OF PRINCIPAL ACT.

Section of Principal Act.	Nature of Amendment.
S. 1 - -	In subsection (4) for the words "If a person who "has undertaken the nursing and maintenance "of any such infant changes his residence, he "shall within forty-eight hours thereof" there shall be substituted the words "If a "person who is maintaining an infant in "respect of whom notice is required to be "given under this Part of this Act changes "his residence, he shall at least seven "days before so doing"; for the words "he shall give" there shall be substituted the words "he shall at least seven days before so moving give"; and at the end of the subsection there shall be inserted the words "Provided that, "where an immediate change of residence "is necessitated by any emergency, a notice "under this subsection may be given at any "time within forty-eight hours after the "change of residence." In subsection (5) for the words "forty-eight hours" there shall be substituted the words "twenty-four hours." In subsection (7) for the words "within the time specified" shall be substituted the words "before the latest time specified," and at the end of the subsection the following words shall be inserted: "For the purposes of any "enactment by which the time for taking "proceedings is limited, an offence under this "subsection shall be deemed to continue so long "as the infant in respect of whom a notice "ought to have been given remains in the care "of the offender without any notice having "been given".
S. 2 - -	In subsection (2) the words "of either sex," in both places where those words occur, shall be omitted; for the words "referred to in any notice given" there shall be substituted the words "in respect of whom notice is required to be given"; for the words

2ND SCH. —*cont.*	Section of Principal Act.	Nature of Amendment.
		" proper nursing and maintenance " there shall be substituted the words " health and well-being," for the words " their nursing and " there shall be substituted the words " the care of their health and their," and at the end of the subsection there shall be added the words " Where a local authority appoint or authorise " one person only to act under this subsection, " that person and, where they so appoint or " authorise two or more persons, one at least " of those persons, shall be a woman." In subsection (6) for the word " seven " there shall be substituted the word " nine," and the words " house or " shall be omitted.
	S. 3 - -	In paragraph (c) after the word " or " there shall be inserted the words " of any offence of cruelty."
	S. 8 - -	For subsection (2) the following subsection shall be substituted :— " (2) Any notice by this Part of this Act required to be given to a local authority may be sent by post in a registered letter addressed to them or their Clerk at their offices or to some other officer of the local authority, duly authorised in that behalf: any notice so required to be given to a coroner may be sent by post in a registered letter addressed to him at his office or at his residence, and any notice so required to be given to any other person may be sent by post in a registered letter addressed to him at his last known place of abode or permanent address."
	S. 9 - -	In subsection (2) for the words from " and be applied " to the end of the subsection, there shall be substituted the words " and credited " by them to the fund or rate out of which " their expenses under this Part of this Act " are to be defrayed."
	S. 12 - -	In subsection (1) for the words " over the age of sixteen years " there shall be substituted the words " who has attained the age of sixteen years and," and after the words " any child or young person " there shall be inserted the words " under the age of sixteen years."

2ND SCH. —*cont.*

Section of Principal Act.	Nature of Amendment.
	In subsection (4) for the words "over the age of sixteen" there shall be substituted the words "who has attained the age of sixteen years and is" and after the words "young person" there shall be inserted the words "under the age of sixteen years."
S. 13 - -	For the words "over sixteen years of age" there shall be substituted the words "who has attained the age of sixteen years."
S. 14 - -	In subsection (1) after the words "child or young person" in the first two places where those words occur there shall be inserted the words "under the age of sixteen years."
S. 15 - -	For the words "over the age of sixteen years" there shall be substituted the words "who has attained the age of sixteen years and".
S. 16 - -	In subsection (1) for the words "between the ages of four and sixteen" there shall be substituted the words "who has attained the age of four years and is under sixteen."
S. 19 - -	In paragraph (*b*) of subsection (1) for the words "an offence of cruelty" there shall be substituted the words "an offence under this Part of this Act."
S. 24 - -	In subsection (1) for the words "a court of summary jurisdiction," in both places where those words occur, there shall be substituted the words "a juvenile court," and the words from "and the court before whom" to the end of the subsection shall be omitted.
S. 28 - -	For the words from "to the clerk of the peace" to the end of the section there shall be substituted the words "to the clerk of the court "before which proceedings are pending in "respect of the offence".
S. 29 - -	For the words "on the trial of any person on indictment for an offence of cruelty" there shall be substituted the words "in any "proceedings in respect of an offence "under this Part of this Act"; and for the words from "and (*b*) if" to "that person or" there shall be substituted the words "Pro- "vided that the deposition shall not be ad- "missible in evidence against the accused

2ND SCH. —*cont.*

Section of Principal Act.	Nature of Amendment.
	" person unless it is proved that reason- " able notice of the intention to take the " deposition has been served upon him, and " that he or ".
S. 30 - -	For the words from " subject to the provisions of this Act be liable on summary conviction " to the end of the section, there shall be substituted the words " be liable on summary conviction " to be dealt with as if he had been summarily " convicted of an indictable offence punishable " in the case of an adult with imprisonment."
S. 32 - -	In subsections (1) and (2) there shall be inserted after the words " the person charged shall not " the words " if he is summarily convicted."
S. 40 - -	The words from " and such constable " to the end of the section shall be omitted.
S. 41 - -	For the words " children or young persons " there shall be substituted the words " persons apparently under the age of sixteen,"
S. 94 - -	For the words " sixteen years " there shall be substituted the words " seventeen years."
S. 95 - -	For the words " sixteen years " there shall be substituted the words " seventeen years " and for the words " place of detention provided under this Part of this Act " there shall be substituted the words " remand home."
S. 97 - -	In subsection (1) for the words " A court of summary jurisdiction " there shall be substituted the words " Any court," for the words " place of detention provided under this Part of this Act and " there shall be substituted the words " remand home," and at the end of the subsection there shall be inserted the words " and nothing in this subsection " shall affect any power of a court of summary " jurisdiction under section ten of the Criminal " Justice Administration Act, 1914, to com- " mit a person who has attained the age " of sixteen years to prison until the next " assizes or quarter sessions with a view to his " being sentenced to detention in a Borstal " institution "; and in subsection (2) for the words " revoked by any court of " summary jurisdiction acting in or for the " place in or for which the court which made

Section of Principal Act.	Nature of Amendment.	2ND SCH. —*cont.*
	" the order acted " there shall be substituted the words " revoked by the court which " made the order, or if application cannot conveniently be made to that court, by a court " of summary jurisdiction having jurisdiction " in the place where the court which made " the order sat."	
S. 98 - -	In subsection (1) for the words " or where a " child is brought before a petty sessional " court on an application for an order to send " him to a certified industrial school " there shall be substituted the words " or is for any other reason brought before a court," and the words " and the person so charged or brought before the court is a child " shall be omitted. In subsection (2) after the word " arrested," where that word first occurs, there shall be inserted the words " or taken to a place of safety," and after the words " to which he is brought " there shall be inserted the words " or the person by whom he is taken to the place of safety."	
S. 99 - -	Subsection (3) shall be omitted.	
S. 102 - -	In subsection (3) for the words " place of detention provided under this Part of this Act " there shall be substituted the words " remand home."	
S. 103 - -	For the words " a child or young person " there shall be substituted the words " a person under the age of eighteen years " and for the words " the child or young person " there shall be substituted the word " him."	
S. 104 - -	For the words " no punishment which under the " provisions of this Act it is authorised to inflict is sufficient " there shall be substituted the words " none of the other methods in which the case may legally be dealt with is suitable."	
S. 106 - -	For the words " place of detention provided under this Part of this Act and," there shall be substituted the words " remand home."	
S. 109 - -	In subsection (1) for the words " place of detention provided under this Part of this Act " there shall be substituted the words " remand home," and for the words " place of detention " there shall be substituted the word " home ";	

2ND SCH. —*cont.*

Section of Principal Act.	Nature of Amendment.
	in subsection (2) for the words "place of detention" where they first occur, there shall be substituted the words "remand home," and the words "and if he escapes, may be apprehended without warrant and brought back to the place of detention in which he was detained" shall be omitted; and in subsection (3) for the words "places of detention," wherever they occur, there shall be substituted the words "remand homes," for the words "place of detention" there shall be substituted the words "remand home," and the words "provided under this Part of this Act," wherever they occur, shall be omitted.
S. 118 - -	In subsection (1) for the words "above the age" there shall be substituted the words "who has attained the age."
S. 120 - -	In subsection (1) for the words "the hours of closing" there shall be substituted the words "the hours during which intoxicating liquor is not permitted to be sold or supplied therein." In subsection (3) for the words "was apparently a person over the age" there shall be substituted the words "had apparently attained the age."
S. 121 - -	In subsection (1) the words "and access to any part of the building in which children are accommodated is by stairs" shall be omitted; for the words "any such part of the building than that part" there shall be substituted the words "the building or to any part of the building than the building or part of the building"; and for the words "to any such part whilst entering and leaving" there shall be substituted the words "whilst entering and leaving the building or any part of the building." In subsection (3) after the words "if the building in which the entertainment is given is licensed," there shall be inserted the words "under the Cinematograph Act, 1909, or". At the end of subsection (4) there shall be inserted the words "and an officer authorised for the purpose by an authority by whom licences

2ND SCH. —*cont.*

Section of Principal Act.	Nature of Amendment.
	" are granted under any of the enactments " referred to in the last preceding subsection " shall have the like power of entering any " building so licensed by that authority."
	In subsection (5) after the words " have taken place," there shall be inserted the words " is situate," and after the words " is licensed " by the council of the county or county " borough " there shall be inserted the words " under the Cinematograph Act, 1909, or ".
S. 123 - -	In subsection (1) for the words " is of the age of sixteen years or upwards " there shall be substituted the words " has attained the age of seventeen years; " and in subsection (2) for the words " was under or above " there shall be substituted the words " was under or had attained," and for the words " to have been under or above," wherever those words occur, there shall be substituted the words " to have been under or to have attained."
S. 131 - -	For the definition of " young person " there shall be substituted the following definition— " The expression ' young person ' means a person who has attained the age of fourteen years and is under the age of seventeen years ";
	in the definitions of " guardian " and " legal guardian " for the words " child, young person or youthful offender," wherever those words occur, there shall be substituted the words " child or young person ";
	in the definition of " place of safety " after the words " means any " there shall be inserted the words " remand home ";
	for the definition of " police authority " the following definition shall be substituted— " The expression ' police authority ' means as respects the City of London, the Common Council, and elsewhere has the same meaning as in the Police Act, 1890 ";
	and the definitions of " police fund " and " common fund " shall be omitted.

Section 88.

THIRD SCHEDULE.

TRANSITORY PROVISIONS.

1. Any rule, byelaw, warrant or licence under any enactment repealed and re-enacted, either with or without modifications, by this Act shall have the like effect, and the like proceedings may be had thereon and in respect thereof, as if it had been made, made and confirmed, or granted, under this Act:

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

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

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

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

Provided that notwithstanding anything in this Act the order shall not have effect for any longer period than the period for which it would have had effect if this Act had not passed.

5. Where a child or young person has at the commencement of this Act been ordered to be sent to a certified school but has not reached his school the like proceedings may be had and the

like things done for the purpose of securing that he is sent to a school and with respect to his custody in the meantime as might have been had or done if this Act had not passed.

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

Provided that the periods for which such persons are liable to be detained in approved schools and to remain under the supervision of the managers shall (except so far as increased by virtue of the provisions of the First Schedule to this Act relating to persons guilty of misconduct in schools or of escaping, running away or refusing to return when re-called) be such as if this Act had not passed.

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

(*a*) it has not been determined at the commencement of this Act who are the authority who are responsible as aforesaid; or

(*b*) proceedings might but for the passing of this Act have been had for varying a determination as to that question,

the like proceedings may be had for determining the question and for varying any determination in respect thereof as might have been had if this Act had not passed.

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

3RD SCH. —*cont.*

9. Where before the commencement of this Act a child or young person has been committed to the care of a relative or other fit person or has been ordered to be sent to a certified school and an order is in force at the commencement of this Act requiring any person liable to maintain him to contribute to his maintenance, or requiring the whole or any part of any payment under an affiliation order to be paid to a person named in the order, this Act shall apply in relation to the order as if it had been made under this Act, and where the order provides for the making of payments to the chief inspector of reformatory and industrial schools, it shall, by virtue of this Act and without more, be deemed to provide that the payments shall be made to the council of the county or county borough within which the person liable to make the payments is from time to time resident.

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

(*a*) if the managers are a local authority, as if he had been committed under this Act to their care and had been boarded out by them under this Act;

(*b*) if the managers are not a local authority, as if he were out on licence from the school.

11. Where before the commencement of this Act a child or young person has entered into a recognisance under the proviso to subsection (4) of section fifty-eight of the principal Act or under section sixty of the principal Act (which provide for the placing of certain children and young persons under the supervision of probation officers) the provisions of this Act with respect to the effect of orders under Part II of this Act placing children and young persons under the supervision of probation officers or other persons shall apply as if such an order had been made with respect to him, and the recognisance shall cease to have effect.

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

FOURTH SCHEDULE.

Section 88.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
42 & 43 Vict. c. 34.	The Children's Dangerous Performances Act, 1879.	The whole Act.
42 & 43 Vict. c. 49.	The Summary Jurisdiction Act, 1879.	Section ten; in subsection (2) of section eleven the words "by the evidence," and in subsection (3) of section seventeen the words from "unless the parent or guardian" to the end of the subsection.
60 & 61 Vict. c. 52.	The Dangerous Performances Act, 1897.	The whole Act.
8 Edw. 7. c. 59	The Prevention of Crime Act, 1908.	Section two.
8 Edw. 7. c. 67	The Children Act, 1908.	Subsections (1) to (3) of section one; sections four and five; in subsection (1) of section eleven the words from "or to hospitals" to the end of the subsection; subsection (8) of section twelve; sections eighteen, twenty to twenty-three, twenty-five, twenty-six, thirty-three and thirty-four; subsection (1) of section thirty-eight; sections forty-four to ninety-three, ninety-six, one hundred and seven, one hundred and eight, one hundred and ten and one hundred and eleven; in subsection (1) of section one hundred and eighteen the words "and shall, for the "purposes of the provisions "of this Act relating to the "descriptions of children who "may be sent to a certified "industrial school, be deemed "not to be exercising proper "guardianship over the child," and section one hundred and twenty-five.

4TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
3 & 4 Geo. 5. c. 7.	The Children (Employment Abroad) Act, 1913.	Subsection (2) of section one, and in section four the definition of "police magistrate."
10 & 11 Geo. 5. c. 68.	The Juvenile Courts (Metropolis) Act, 1920.	The whole Act.
11 Geo. 5. c. 4	The Children Act, 1921.	The whole Act.
11 & 12 Geo. 5. c. 51.	The Education Act, 1921.	Sections eighty-nine to ninety-two; in subsection (1) of section ninety-six the words "or of "any byelaw made there-"under," and subsections (3) and (4) of that section; sections one hundred to one hundred and six; in subsection (1) of section one hundred and eight the words "or in any byelaw made thereunder" and subsection (2) of that section.

Section 89.

FIFTH SCHEDULE.

ADAPTATIONS AND MODIFICATIONS OF THIS ACT IN ITS APPLICATION TO SCOTLAND.

1. In the title after the word "provision" there shall be inserted the words "in Scotland" and after the word "amend" there shall be inserted the words "in their application to Scotland."

2. Throughout the Act for the expression "petty sessional division or place" the word "place" shall be substituted, for the expression "London Gazette" the expression "Edinburgh Gazette" shall be substituted, and, except in section sixty-four and subsection (1) of section seventy-eight the word "bond" shall be substituted for the word "recognisance".

5TH SCH. —*cont.*

3. In the following provisions of the Act, that is to say :—

The provisions of Part II (except sections twenty-four, twenty-five, thirty-four, thirty-six, thirty-seven),

The First Schedule,

for the words "Secretary of State" the words "Scottish Education Department" shall be substituted.

4. In the following provisions of this Act, that is to say :—

The provisions of Parts II and IV except subsection (3) of section fifty-four,

Section eighty-six,

The First Schedule,

for the words "local authority" the words "education authority" shall be substituted; for the word "local" and the words "a local" used in relation to an authority the word "education" and the words "an education" shall be respectively substituted; for the expression "a local authority" the expression "an education authority" shall be substituted, and for the word "district" used in relation to a local authority the word "area" shall be substituted.

5. The Sections and Schedules specified in the first column of the following table shall be adapted and modified in the manner specified in the second column of that table :—

Section.	Adaptations and Modifications.
S. 1	In subsection (1) paragraph (ii) shall be omitted and the following paragraph shall be substituted :— "(ii) to hear proceedings under section seventy of the Education (Scotland) Act, 1872, or under section four of the Day Industrial Schools (Scotland) Act, 1893." and for the words "be deemed to be petty sessional courts" the following words shall be substituted "for the purposes of such charges and proceedings have the like jurisdiction as the sheriff sitting as a court of summary jurisdiction, but as regards power to award imprisonment to impose a fine or to ordain the finding of caution and in all other respects shall be deemed to be justice of the peace courts of summary jurisdiction."

5TH SCH. —*cont.* Section.	Adaptations and Modifications.
	In subsection (2) the word "proceeding" shall be substituted for the word "application" and the word "and" and the following paragraph shall be added at the end :—
	"(iii) nothing in this subsection shall affect the power of the Lord Advocate to order proceedings to be taken in the High Court of Justiciary or the sheriff court on any such charge as aforesaid."
	Subsection (5) of the section shall be omitted and the following subsections shall be inserted after subsection (4) :—
	"(5) A juvenile court shall have jurisdiction to make an adoption order under the Adoption of Children (Scotland) Act, 1930, if either the applicant or the child resides at the date of the application within the area for which the court acts, and the provisions of the said Act shall apply as regards the juvenile court in like manner as they apply as regards the sheriff court.
	(6) (*a*) This section shall not apply except in any area (being a county or a part of a county) to which the Secretary of State by order under his hand directs that the section shall apply, and any power or duty conferred on a juvenile court shall, as regards any place in which this section does not apply, be exerciseable by a court of summary jurisdiction, acting in pursuance of section one hundred and eleven of the principal Act.
	(*b*) In this subsection the expression "county" includes a county of a city, and any burgh (not being a county of a city) shall be deemed to be included in and form part of the county in which it is situated.
	(*c*) An order under this subsection may be varied or revoked by a subsequent order."
S. 2	- Subsection (1) shall be omitted.
	In subsection (2) for the words "petty sessional division" there shall be substituted the words "area in which section one of this Act applies".

Section.	Adaptations and Modifications.	5TH SCH. —*cont.*

In subsection (3) for the words " of the petty sessional divisions concerned " there shall be substituted the words " for any such areas as aforesaid " and for the words " petty sessional divisions " where those words subsequently occur, there shall be substituted the words " such areas " and for the words " petty sessional division " there shall be substituted the word " area ".

S. 3 - The section shall be omitted.

S. 4 - The section shall be omitted.

S. 5 - The section shall be omitted.

S. 6 - In subsection (1) for the words " Lord Chancellor " there shall be substituted the words " Lord Justice General " and the words " and of the Acts relating to indictable offences " shall be omitted.

S. 8 - For the section the following section shall be substituted :—

" *Laying of Rules before Parliament.*

" Any rule purporting to be made by the Lord " Chancellor under this Part of this Act shall be " laid before both Houses of Parliament as soon " as may be after it is made, if Parliament be " then sitting, or if Parliament be not then " sitting, within one month after the commence- " ment of the next Session of Parliament, and " shall be judicially noticed."

S. 9 - For the words " under the Punishment of Incest Act, 1908," there shall be substituted the words " which constitutes the crime of incest ".

S. 12 - For the section the following section shall be substituted :—

" *Powers of court in case of non-compliance with school attendance order.*

Section four of the Day Industrial Schools (Scotland) Act, 1893, shall have effect as if for the power thereby conferred on the court of summary jurisdiction to order a child to be sent to a certified day industrial school

5TH SCH. —*cont.*	Section.	Adaptations and Modifications.
		or to a certified industrial school, there were substituted a power to order the child to be sent to an approved school or to be committed to the care of a fit person, in accordance with the provisions of this Part of this Act."
	S. 13	For the words "Criminal Justice Act, 1925," there shall be substituted the words "Probation of Offenders (Scotland) Act, 1931," and the words "and of persons not being probation officers named in probation orders" shall be omitted.
	S. 15	The section shall be omitted.
	S. 16	The section shall be omitted.
	S. 18	Subsection (3) shall be omitted.
	S. 20	The words "or before a justice or justices acting under the Indictable Offences Act, 1848" and the words "or justices" wherever occurring, and the words "justices or" shall be omitted, and for the words "petty sessional division" the words "probation area" shall be substituted.
	S. 22	The proviso shall be omitted.
	S. 28	For the word "England" wherever it occurs, the word "Scotland" shall be substituted.
	S. 31	The word "putative" shall be omitted, for the words "council of the county or county borough within which" there shall be substituted the words "education authority within whose area," for the word "council" wherever after occurring there shall be substituted the word "authority" and there shall be inserted after the word "shall" in subsection (2), the following words "(except where "a direction for payment to an education authority "is given under subsection (3) of the immediately "succeeding section)".
	S. 32	For the words "an affiliation order" the words "a decree for aliment" shall be substituted, and for the words "council of the county or county "borough" the words "education authority" shall be substituted.

Section.	Adaptations and Modifications.	5TH SCH. —*cont.*

The following subsections shall be inserted after subsection (2) :—

"( ) Where a contribution order has been made on any person to whom any pension or income capable of being arrested is payable, the court making the order may, at the same time, and any court of summary jurisdiction having jurisdiction in the place where such person is for the time being resident, may subsequently at any time, after giving the person by whom the pension or income is payable an opportunity of being heard, order that such part as the court may see fit of the pension or income be paid to the person who is for the time being entitled to receive the contributions under the contribution order. Any order made under this subsection shall be an authority to the person by whom the pension or income is payable to make the payment so ordered and the receipt of the person for the time being entitled to receive the contributions shall be a good discharge to the person by whom the pension or income is payable.

( ) Where a contribution order has been made in respect of a child or young person committed to the care of a fit person, not being an education authority, the court making the contribution order may at the same time, on the application of that person, and any court of summary jurisdiction having jurisdiction in the place where the person liable in payment of the contributions is for the time being resident, may subsequently at any time, on the like application, direct that the contributions shall, in lieu of being payable to the person to whose care the child or young person has been committed, be payable to the education authority within whose area the person liable in payment of the contributions is for the time being resident, and any sums received by that authority in pursuance of such direction shall be paid over to the person to whose care the child or young person has been committed and shall be applied by him in or towards the maintenance, or otherwise for the benefit, of the child or young person."

5TH SCH. —*cont.*	Section.	Adaptations and Modifications.
		The following subsection shall be substituted for subsection (4) :— "(4) A contribution order may be revoked or varied by any court of summary jurisdiction having jurisdiction in the place where the person liable is for the time being residing and shall be enforceable in like manner as a decree for aliment."
		In subsection (5) for the words "summary conviction" there shall be substituted the words "conviction by a court of summary jurisdiction".
	S. 33 -	For the words "an affiliation order for his maintenance" the words "a decree for aliment in respect of him" shall be substituted; for the expression "the affiliation order" and the expression "an affiliation order" wherever subsequently occurring the expression "the decree for aliment" and the expression "a decree for aliment" shall be respectively substituted; the word "putative" shall be omitted; and for the words "summary conviction" there shall be substituted the words "conviction by a court of summary jurisdiction".
		Paragraphs (*a*) and (*d*) of subsection (2) and subsection (4) shall be omitted.
	S. 34 -	In subsection (1) for the words "the Secretary of State may in his" there shall be substituted the following words, "The Secretary of State, in the case of a "child or young person committed to the care of a "fit person not being an education authority, and "the Scottish Education Department, in the case "of a child or young person committed to the care "of an education authority or ordered to be sent "to an approved school may in their", and for the words "a child" there shall be substituted the words "such child".
		In subsection (2) for the words "the council of a county or county borough" where those words first occur, there shall be substituted the words "an education authority"; for the words "council of the county or county borough in which" there shall be substituted the words "education authority in whose area"; and for the words "county or county borough" where subsequently occurring there shall be substituted the word "area".

Section.	Adaptations and Modifications.	5TH SCH. —*cont.*
	In subsection (3) for the words "a council" there shall be substituted the words "an education authority" and for the word "council" where subsequently occurring there shall be substituted the word "authority".	
	In subsection (4) all the words after "affect" shall be omitted and the following words shall be substituted, "any right of such authority to recover from any "person liable to maintain the child or young "person sums expended by the authority in ali- "menting him and for the purpose of any such "right the child or young person whilst under the "care of the managers of the approved school shall "be deemed to be still in receipt of relief."	
S. 35 -	For the word "England" whenever it occurs, the word "Scotland" shall be substituted.	
	In subsection (2) paragraphs (*a*) and (*b*) shall be omitted and the following words shall be substituted, "to the sheriff having jurisdiction in the place "where the court making the approved school "order sat" for the words "court are" the words "sheriff is" shall be substituted, and for the words "clerk of the court" wherever they occur, the words "sheriff clerk" shall be substituted.	
	Subsection (3) shall be omitted, and in subsection (4) the words "by a court of summary jurisdiction or by a court of quarter sessions" shall be omitted.	
S. 38 -	For the words "county borough" wherever they occur there shall be substituted the words "large burgh".	
S. 39 -	For the words "petty sessional court" there shall be substituted the words "court of summary jurisdiction".	
S. 40 -	For the words "an affiliation order" there shall be substituted "a decree for aliment" and the words "or decree" shall be added at the end of the section.	
S. 41 -	The section shall be omitted.	
S. 45 -	For the word "England" wherever it occurs the word "Scotland" shall be substituted; for the word "Scotland" wherever it occurs, the word "England" shall be substituted; and for the words "Scottish Education Department" the words "Secretary of State" shall be substituted.	

5TH SCH. —*cont*	Section.	Adaptations and Modifications.
	S. 46	In subsection (1) for the words " summary conviction " there shall be substituted the words " conviction by a court of summary jurisdiction ".
		In subsection (3), for the words " house or home " certified or approved by the Board of Control " under the Mental Deficiency Acts, 1913 to 1927," there shall be substituted the words " or house " certified by the General Board of Control for " Scotland under the Mental Deficiency and Lunacy " (Scotland) Act, 1913," and for the words " those Acts " there shall be substituted the words " that Act ".
	S. 47	In subsection (2) for the words " county borough or county district " there shall be substituted the words " or large burgh ".
		In subsection (3) for the words " summary conviction " there shall be substituted the words " conviction by a court of summary jurisdiction ".
	S. 48	In subsection (2) all the words after " accordingly " shall be omitted.
		In subsection (4) for the words " summary conviction " there shall be substituted the words " conviction by a court of summary jurisdiction ".
	S. 49	In subsection (2) for the word " required " there shall be substituted the words " under obligation ".
		The following subsection shall be substituted for subsection (3) :—
		" (3) No child shall be employed before six a.m., and no child shall be employed after seven p.m. during the period from the first day of October to the thirty-first day of March, or after eight p.m. during the period from the first day of April to the thirtieth day of September."
		The following subsection shall be substituted for subsection (4) :—
		" (4) No child shall be employed for more than two hours either on any Sunday or on any day on which he is under obligation to attend school."
	S. 52	For the word " sixteen " wherever that word occurs, there shall be substituted the word " seventeen ".

Section.	Adaptations and Modifications.	5TH SCH. —*cont.*
S. 53	For the words "summary conviction" wherever they occur there shall be substituted the words "conviction by a court of summary jurisdiction" and for the word "information" there shall be substituted the word "complaint".	
S. 54	For the words "Public Health Act, 1875" there shall be substituted the words "Public Health (Scotland) Act 1897" and for the words "one hundred and eighty-six" there shall be substituted the words "one hundred and eighty-seven" and the words "not being the council of a borough" shall be omitted.	
S. 55	For the word "intoxicating" there shall be substituted the word "exciseable" and for the words "summary conviction" there shall be substituted the words "conviction by a court of summary jurisdiction".	
S. 56	For the words "Board of Education" where these words first occur there shall be substituted the words "Scottish Education Department, and without "prejudice to the provisions of this Part of this "Act with respect to employment", for the words "Board of Education" wherever they subsequently occur there shall be substituted the words "Scottish Education Department" and for the words "summary conviction" there shall be substituted the words "conviction by a court of summary jurisdiction".	
S. 57	The proviso to subsection (1) shall be omitted and in subsection (3) for the words "summary conviction" there shall be substituted the words "conviction by a court of summary jurisdiction".	
S. 58	For the words "A petty sessional court" there shall be substituted the words "An education authority" and for the word "court" wherever after occurring there shall be substituted the word "authority". In subsection (4) all the words after "revoked" shall be omitted, and the words "by the education authority which granted it" shall be substituted.	
S. 60	For the words from "a person who is attending" to the words "end of that term" the following words shall be substituted "the expression 'child' shall, "as from such day as the Scottish Education "Department may appoint, mean instead of a "person under fourteen years of age, a person	

5TH SCH. —*cont.*	Section.	Adaptations and Modifications.
		" under fifteen years of age, and a child under " obligation to attend school shall be deemed to " attain the age of fourteen or fifteen on the date " prescribed for terminating school attendance " next succeeding the fourteenth or fifteenth " anniversary of his birth, as the case may be ".
	S. 61 -	All the words after " 1897 " shall be omitted and the following words shall be substituted: " sections " one to three of the Employment of Children Act, " 1903, and sections two and three of the Preven- " tion of Cruelty to Children Act, 1904, shall cease " to have effect."
	S. 62 -	For subsection (1) of the section, the following subsection shall be substituted :— " (1) Nothing in this Part of this Act shall affect the provisions of the Education (Scotland) Acts,* 1872 to 1928, with respect to attendance at school or continuation classes."
	S. 64 -	Subsection (13) shall be omitted.
	S. 69 -	In subsection (1) for the words " house or home " certified or approved by the Board of Control " under the Mental Deficiency Acts, 1913 to 1927," there shall be substituted the words " or house " certified by the General Board of Control for " Scotland under the Mental Deficiency and Lunacy " (Scotland) Act, 1913," and for the words " those Acts " there shall be substituted the words " that Act ". In subsection (3) all the words after " who is " shall be omitted and the following words shall be substituted " under guardianship in pursuance of " an order under the Mental Deficiency and Lunacy " (Scotland) Act, 1913."
	S. 70 -	In subsection (1) all the words after " seventeen years " shall be omitted.
	S. 72 -	The following words shall be added at the end of the section, " and as if after subsection (2) the following subsection were added :— " (3) The foregoing provisions of this section " shall apply to a contravention of section " four of the Criminal Law Amendment Act, " 1922, in like manner as they apply to an " indecent assault, and any reference to the " commission of such an assault or to being " indecently assaulted shall be construed " accordingly."

Section.	Adaptations and Modifications.	5TH SCH. —*cont.*

S. 73 - The words from " and section twenty-nine " to the end of the section shall be omitted.

S. 75 - For the words " under the Punishment of Incest Act, 1908 " there shall be substituted the words " which constitutes the crime of incest ".

S. 76 - For the words " any part of the principal Act or of this Act " the words " Part II of the principal Act " shall be substituted.

S. 82 - For the section the following section shall be substituted :—

'*Provision as to local authorities.*—(1) Expenses incurred under this Act by an education authority shall be defrayed in like manner as expenses of the authority under the Education (Scotland) Acts, 1872 to 1928, and expenses incurred under this Act by a county or town council in their capacity as poor law authority shall be defrayed in like manner as expenditure for the relief of the poor.

(2) Expenses incurred under this Act by a police authority shall be defrayed in like manner as expenditure for administration of the police, provided that in any burgh where such expenditure is under the law existing at the passing of this Act payable in whole or in part out of the burgh general assessment or out of any assessment or rate leviable on occupiers only, expenses incurred under this Act by the police authority of such burgh or any contribution to such expenses payable by the burgh by virtue of section twenty-one of the Local Government (Scotland) Act, 1929, shall be defrayed out of such rate payable by owners and occupiers in equal proportions as the town council may determine.

(3) Expenses incurred under this Act by a county or town council other than any expenses referred to in either of the last two foregoing subsections shall be defrayed out of such rate payable by owners and occupiers in equal proportions as the council may determine.

4) A local authority or an education authority shall have power to borrow for the purpose

5TH SCH. —*cont.*

Section.	Adaptations and Modifications.
	of any powers or duties conferred or imposed on them by this Act, and the provisions of section twenty-three of the Local Government (Scotland) Act, 1929, and, in the case of an education authority, of section forty-five of the Education (Scotland) Act, 1872, as amended by any subsequent enactment shall apply to the power hereby conferred.
	(5) A local authority or an education authority shall for the purposes of any powers or duties conferred or imposed on them by this Act have power to acquire, dispose of or otherwise deal with land in like manner as a local authority under the Housing (Scotland) Act, 1925, for the purposes of that Act, and sections fifty and fifty-one of, and the Third Schedule to, the said Act shall apply accordingly with the substitution of the Secretary of State or the Scottish Education Department, as the case may be, for the Board referred to in the said enactments or in any enactment applied by them.
	(6) A local authority, an education authority, a poor law authority, or a committee to whom any powers of any such authority under this Act have been delegated may, by resolution, empower the clerk or other officer of the authority to exercise in the name of the authority in any case which appears to be one of urgency any powers of the authority or, as the case may be, of the committee with respect to the institution of proceedings under this Act.
S. 83	- The section shall be omitted.
S. 84	- For the section, the following section shall be substituted :—
	Powers of Secretary of State and Scottish Education Department to appoint inspectors.—The Secretary of State and the Scottish Education Department may, for the purposes of their respective powers and duties under the enactments relating to children and young persons, appoint such number of inspectors as the Treasury may approve and may pay to the persons respectively appointed by them such remuneration and allowances as, with the

Section.	Adaptations and Modifications.	5TH SCH. —*cont.*

consent of the Treasury, the Secretary of State or the Department, as the case may be, may determine, and the Department may authorise or require any of His Majesty's Inspectors of Schools to exercise any power or perform any duty which might be exercised or performed by any inspector appointed in pursuance of this section.

S. 85 - The following words shall be added at the end, "and "an order or other act of the Scottish Education "Department may be signified under the hand of "the Secretary or of an Assistant Secretary of the "Department."

S. 86 - In subsection (1) for the words "county borough" in paragraph (i) there shall be substituted the words "large burgh"; paragraph (ii) shall be omitted, and in paragraph (iii) after the words "Secretary of State" there shall be inserted the words "or the Scottish Education Department".

S. 87 - The following subsection shall be substituted for subsection (1):—

"(1) In this Act unless the context otherwise requires:—

"Borstal Institution" means an institution established under Part I of the Prevention of Crime Act, 1908;

"Chief Officer of Police" means Chief Constable;

"Committed for Trial" means committed until liberation in due course of law;

"Court of Summary Jurisdiction" means the sheriff or any two or more justices of the peace or any magistrate or magistrates by whatever name called officiating under the provisions of any general or local police Act;

"Headmaster" includes superintendent;

"Justice" and "Justice of the Peace" (except in Part I of this Act) include the sheriff and any such magistrate as aforesaid;

5TH SCH. —*cont.*

Section.	Adaptations and Modifications.
	"Large Burgh" has the like meaning as in the Local Government (Scotland) Act, 1929;
	"Local Authority" and "Poor Law Authority" mean the council of a county or of a large burgh;
	"Principal Act" means the Children Act, 1908, as that Act applies to Scotland;
	"Needing care or protection" in relation to a child or young person brought or to be brought before a court means falling within any of the descriptions mentioned in subsection (1) of section nine of this Act;
	"Police Authority" means a county council or the council of a burgh which maintains a separate police force;
	"Prescribed" means prescribed by regulations made by the Secretary of State or by the Scottish Education Department according as the matter to be dealt with is within the powers of the Secretary of State or of the Department;
	"Remand" means an order adjourning the proceedings or continuing the case and giving direction as to the detention in custody or liberation of a person during the period of adjournment or continuation and any reference to remanding a person or to remanding in custody shall be construed accordingly."
	The following subsections shall be added after subsection (1):—
	"(2) For the purpose of any powers or duties which are by this Act conferred or imposed on county councils and on the councils of certain burghs only, all other burghs shall be included within the county.

Section.	Adaptations and Modifications.	5TH SCH. —*cont.*

(3) (*a*) for the purpose of any provision of this Act referring to a court acting for any place :—

(i) a court entitled to exercise jurisdiction in any place shall be deemed to be a court acting for that place;

(ii) the sheriff court, and the justice of the peace court for any county and the juvenile court for any area shall each be deemed to be a court acting for the same place as the burgh or police court of any burgh situated in that county or area, as the case may be;

(iii) the sheriff court for any county shall be deemed to be a court acting for the same place as the justice of the peace court for that county;

(iv) the juvenile court for any area being a county shall be deemed to be a court acting for the same place as the sheriff court or the justice of the peace court for that county;

and save as aforesaid no court shall be deemed to be a court acting for the same place as any other court :

(*b*) In this subsection the expression "county" includes a county of a city, and a burgh being a county of a city shall be deemed to be a burgh situated in the county of the city, and the sheriff court for any county means the sheriff court of the sheriffdom comprising the county."

S. 90 - In subsection (1) for the words "Children and Young Persons" wherever occurring there shall be substituted the words "Children and Young Persons (Scotland)" and after "1930" there shall be inserted the words "as those Acts apply to Scotland".

5TH SCH. —*cont.*	Section.	Adaptations and Modifications.
		In subsection (2) for all the words after the words "principal Act" the following words shall be substituted, "as that Act applies to Scotland."
	Sch. I -	In paragraph 6 for all the words from "an Under Secretary" to the end of the paragraph there shall be substituted the words "the Secretary or an "Assistant Secretary of the Scottish Education "Department."
		In paragraph 13 for the words "section nine of the Mental Deficiency Act, 1913" there shall be substituted the words "section ten of the Mental Deficiency and Lunacy (Scotland) Act, 1913".
		In paragraph 22 for the words "summary conviction" in sub-paragraph (2) there shall be substituted the words "conviction by a court of summary jurisdiction".
		In paragraph 23 for the words "Scottish Educa- "tion Department" the words "Secretary of "State" shall be substituted; for the words "Children and Young Persons (Scotland)", the words "Children and Young Persons" shall be substituted; for the word "Scotland", wherever it occurs elsewhere, the word "England" shall be substituted; and for the word "England" wherever it occurs, the word "Scotland" shall be substituted.
	Sch. II -	The paragraphs relating to sections nine, twenty-eight, twenty-nine and thirty of the principal Act shall be omitted, in the paragraph relating to section ninety-seven of the principal Act the words from "and at the end of the subsection" to the words "Borstal Institution" shall be omitted and the following paragraph shall be added at the end of the Schedule :—
	S. 132 -	- In paragraph (16) for the words "as expenses "incurred by a town council under section "seventy-four of this Act" there shall be substituted the words "out of such rate "payable by owners and occupiers in equal "proportions as the council may determine".

Section.	Adaptations and Modifications.	5TH SCH. —*cont.*
Sch. III	In paragraph 1 for the words " section ninety-one of " the Education Act, 1921, with respect to street " trading " there shall be substituted the words " the Employment of Children Act, 1903." In paragraph 3, for the word " summons " wherever it occurs there shall be substituted the word " complaint " for the words " petty sessional court " where those words first occur there shall be substituted the words " court of summary jurisdiction " and for the words " the petty sessional court " there shall be substituted the words " in any area in which section one of this Act applies, the court ". In paragraph 4, the words " or under section forty-five of the Education Act, 1921 " shall be omitted. In paragraph 7, for the words " local authority " where those words first occur there shall be substituted the words " council or authority "; for the words " local authority " where those words next occur there shall be substituted the words " education authority "; for the word " district " the word " area " shall be substituted, and for the word " authority " in sub-paragraph (*a*) there shall be substituted the words " council or authority ". In paragraph 8, for the words " poor law authority " or of the managers of a district poor law school, " the poor law authority " there shall be substituted the words " county, town or parish council, the county or town council ". In paragraph 9, for the words " an affiliation order " there shall be substituted the words " a decree for aliment "; for the words " chief inspector of reformatory and industrial schools " there shall be substituted the words " Scottish Education Department "; and for the words " council of the county or county borough within which " there shall be substituted the words " education authority within whose area ". In paragraph 10 for the words " a local authority " wherever they occur there shall be substituted the words " a county, or town council or an education authority ".	

5TH SCH. —*cont.* Section.	Adaptations and Modifications.
Sch. IV	For this Schedule, there shall be substituted the following Schedule:—

FOURTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
41 & 42 Vict. c. 78.	The Education (Scotland) Act, 1878.	Sections six to ten and twelve and thirteen.
42 & 43 Vict. c. 34.	The Children's Dangerous Performances Act, 1879.	The whole Act.
60 & 61 Vict. c. 52.	The Dangerous Performances Act, 1897.	The whole Act.
1 Edw. 7. c. 9	The Education (Scotland) Act, 1901.	Section two.
3 Edw. 7. c. 45	The Employment of Children Act, 1903.	The whole Act.
4 Edw. 7. c. 15	The Prevention of Cruelty to Children Act, 1904.	The whole Act.
8 Edw. 7. c. 59	The Prevention of Crime Act, 1908.	Section two.
8 Edw. 7. c. 67	The Children Act, 1908.	Subsections (1) to (3) of section one; sections four and five; in subsection (1) of section eleven the words from "or to hospitals" to the end of the subsection; subsection (8) of section twelve; sections eighteen, twenty to twenty-three, twenty-five, twenty-six, thirty-three and thirty-four; subsection (1) of section thirty-eight; sections forty-four to ninety-three, ninety-six, one hundred and seven, one hundred and eight, and one hundred and ten, and (as regards areas in which section one of this Act applies), section one hundred and eleven; in subsection (1) of section one hundred and eighteen the words "and "shall, for the purposes of the "provisions of this Act relating "to the descriptions of children who may be sent to a

5TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
8 Edw. 7. c. 67		" certified industrial school, be " deemed not to be exercising " proper guardianship over the " child "; section one hundred and twenty-five; in section one hundred and thirty-two paragraph (1); in paragraph 9 the words " and in subsection " seven of section seventy- " four "; in paragraph (13) the proviso; in paragraph (17) the words from the beginning to " any pauper " and paragraphs (18) and (21).
3 & 4 Geo. 5. c. 7.	The Children (Employment Abroad) Act, 1913.	Subsection (2) of section one, and in section four the definition of " police magistrate."
8 & 9 Geo. 5. c. 48.	The Education (Scotland) Act, 1918.	Sections sixteen and nineteen, and in the Fifth Schedule paragraphs 2 and 4.
11 Geo. 5. c. 4	The Children Act, 1921.	The whole Act.

6. The following section shall be inserted after section eighty-seven of the Act :—

Power of Secretary of State may be transferred.

It shall be lawful for the Secretary of State, with the consent of the Treasury, from time to time to make an order transferring to the Scottish Education Department or to the Department of Health for Scotland any power for the time being possessed by him under this Act (not being a power under Part I of this Act), and by such order to make any adjustment consequential on the transfer and to provide for any matter necessary or proper for giving full effect to the transfer, and, on any such order being made, the powers so transferred shall be exerciseable by the Scottish Education Department, or the Department of Health for Scotland, as the case may be.

7. Where any pronoun or verb is used in relation to an expression in the singular or the plural for which an expression in the plural or the singular, as the case may be, is directed by the foregoing provisions of this Schedule to be substituted, the plural of the pronoun or verb shall be substituted for the singular or the singular for the plural, as the case may be.

5TH SCH. —*cont.*

8. A direction in this Schedule to substitute, in any provision of this Act, an expression in the singular for another expression in the singular shall have effect also as a direction to substitute for the second mentioned expression in the plural, wherever it occurs in such provision, the first-mentioned expression in the plural.

9. Where any section, or any subsection or paragraph of a section or Schedule, is by this Schedule or by section eighty-nine of this Act directed to be omitted or inserted, any subsequent sections or any subsequent subsections or paragraphs in the section or Schedule shall be renumbered to run consecutively.

CHAPTER 47.

An Act to make further and better provision in Scotland for the protection and welfare of the young and the treatment of young offenders; to amend in their application to Scotland the Children Act, 1908, and other enactments relating to the young; and for objects connected with the purposes aforesaid.

[12th July 1932.]

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.

JUVENILE COURTS.

Juvenile courts.

1.—(1) Courts of summary jurisdiction constituted as hereafter provided in this Part of this Act shall sit so often as is necessary for the following purposes, that is to say—

(i) to hear charges against children and young persons;

(ii) to hear proceedings under section seventy of the Education (Scotland) Act, 1872, or under section four of the Day Industrial Schools (Scotland) Act, 1893;

35 & 36 Vict. c. 62.
56 & 57 Vict. c. 12.

(iii) to exercise any other jurisdiction conferred on juvenile courts by this or any other Act;