or any Minister of the Crown or other officer or servant of the Crown as such is a party, but this proviso shall not apply to proceedings brought by the Attorney-General upon the relation of some other person by reason of their being brought by him.

Short title. **5.** This Act may be cited as the Court of Chancery of Lancaster Act, 1952, and this Act and the Chancery of Lancaster Acts, 1850 to 1890, may be cited together as the Chancery of Lancaster Acts, 1850 to 1952.

CHAPTER 50

Children and Young Persons (Amendment) Act, 1952

ARRANGEMENT OF SECTIONS

Section
1. Definition of " in need of care or protection ".
2. Duty of local authority to investigate.
3. Substitution of custody in special reception centre for custody in remand home.
4. Power to vary, &c., commitment.
5. Amendment of ss. 35 and 64 of principal Act.
6. Approved school orders.
7. Arrangements between managers of approved school and local authority.
8. Exposing children under twelve to risk of burning.
9. Consequential amendments of enactments.
10. Interpretation.
11. Short title, citation, extent and commencement.

SCHEDULE: Consequential amendments of enactments.

An Act to amend the Children and Young Persons Act, 1933, and section twenty-seven of the Criminal Justice Act, 1948; and for purposes connected therewith.

[1st August 1952.]

BE it enacted by the Queen'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:—

Definition of " in need of care or protection ". **1.** Any reference in the principal Act to a child or young person in need of care or protection shall include a reference to a child or young person who, having no parent or guardian or a parent or guardian unfit to exercise care and guardianship or not exercising proper care and guardianship, is ill-treated or neglected in a manner likely to cause him unnecessary suffering or injury to health.

Duty of local authority to investigate.

2. For the purposes of subsection (2) of section sixty-two of the principal Act (which relates to the powers and duties of a local authority in connection with the bringing before a juvenile court of any child or young person who appears to be in need of care or protection), if a local authority receives information suggesting that any child or young person may be in need of care or protection it shall be the duty of the authority to cause enquiries to be made into the case unless they are satisfied that such enquiries are unnecessary.

Substitution of custody in special reception centre for custody in remand home.

3.—(1) The following provisions of this section shall have effect where notice has been given by a local authority that accommodation for the temporary reception of children provided under subsection (2) of section fifteen of the Children Act, 1948, is for the time being available for the custody of children sent there for that purpose from the area specified in the notice; and any such accommodation with respect to which such a notice is in force is in this section referred to as a "special reception centre".

(2) Where, within the area specified as aforesaid, a court remands a child under twelve years of age who is charged with or found guilty of an offence and is not released on bail, then notwithstanding anything in subsection (1) of section twenty-seven of the Criminal Justice Act, 1948, the court may, if it is satisfied that the child is suitable for the special reception centre, commit him to the special reception centre instead of to a remand home.

(3) The powers of a court under subsection (5) of the said section twenty-seven to vary a commitment shall, where the court is within the area specified as aforesaid, include power in the case of a child under twelve years of age committed on remand to a remand home or to the special reception centre, to vary the commitment by substituting the special reception centre for that remand home or, as the case may be, a remand home or another special reception centre for that special reception centre.

(4) Where, within the area specified as aforesaid, any person who has been apprehended with or without warrant and cannot be brought forthwith before a court of summary jurisdiction is apparently under the age of twelve years and is not released as provided in subsection (1) of section thirty-two of the principal Act by an officer of police such as is therein specified, then, notwithstanding anything in subsection (2) of that section, that officer may, if he is satisfied that that person is suitable for the special reception centre, cause him to be detained in the special reception centre instead of in a remand home.

(5) Any reference in subsection (1), (2) or (4) of section seventy-eight of the principal Act or in subsection (2) or (3) of section six of the Children and Young Persons Act, 1938, to a remand home shall be construed as including a reference to a special reception centre.

Power to vary, &c., commitment.

4.—(1) The power to vary a commitment or to revoke a commitment and make a new commitment conferred on certain courts of summary jurisdiction by subsection (5) of section twenty-seven of the Criminal Justice Act, 1948, shall also be exercisable by any court of summary jurisdiction having jurisdiction in the place where the person committed for the time being is.

(2) The clerk of any court which varies the commitment of or commits any person by virtue of the powers conferred by the foregoing subsection shall send a notification of the action taken by that court to the court by which that person was originally committed and to the local authority and the chief officer of police within whose area the place where the last-mentioned court sat is situate.

Amendment of ss. 35 and 64 of principal Act.

5.—(1) Where the parent or guardian of a child or young person proves to a juvenile court that he is unable to control that child or young person, any order of the court under section sixty-four of the principal Act that the child or young person be sent to an approved school shall not require the agreement of the local authority within whose area the child or young person is resident, and accordingly the proviso to the said section sixty-four is hereby repealed.

(2) Before dealing with an application under the said section sixty-four, the court shall cause to be sent—

(*a*) to a probation officer appointed for or assigned to the petty sessional division in which the court sits; and

(*b*) to the local authority for the district in which the child or young person is resident,

a notification of the application and of the day and hour when it is to be considered, and for the purposes of subsection (2) of section thirty-five of the principal Act (which relates to the making of investigations and the rendering of information to the court by a local authority) the notification shall be deemed to be a notification under the said section thirty-five.

(3) The said section thirty-five shall have effect as if for the reference in paragraph (*a*) of subsection (1) thereof to the probation officer, or one of the probation officers, for the probation area in which the court or justices will sit there were substituted a reference to a probation officer appointed for or assigned to the petty sessional division in which the court or justices will sit.

(4) For the purposes of this section and of the proviso to subsection (2) of the said section thirty-five, the expression "petty sessional division" means—

(*a*) in the case of any place deemed to be a petty sessional division under subsection (2) of section forty-five of the Criminal Justice Act, 1948, that place;

(*b*) in any other case, a petty sessions area within the meaning of the Justices of the Peace Act, 1949.

Approved school orders.

6. Where any court has been notified by the Secretary of State that an approved school which has been classified by him as a classifying school is available for the reception from that court of persons of any class or description specified in the notice with respect to whom an approved school order has been made, then, notwithstanding anything in section seventy of the principal Act, the court shall specify that classifying school as the approved school to which any person of that class or description with respect to whom an approved school order is made by that court is first to be sent:

Provided that where in any particular case the court considers that for some special reason it is undesirable that a person with respect to whom an approved school order is to be made should be sent to the classifying school, the court may specify some other approved school in the order if—

(*a*) the special reason for so doing is stated in the order; and

(*b*) the managers of the approved school specified in the order are willing and able to receive the person with respect to whom the order is made.

Arrangements between managers of approved school and local authority.

7. Where a person under the care of the managers of an approved school is out on licence, or under supervision, the managers and a local authority for the purposes of Parts III and IV of the principal Act may make arrangements whereby the local authority act as agents of the managers for the purpose of causing that person to be visited, advised and befriended as required by sub-paragraph (2) of paragraph 12 of the Fourth Schedule to the principal Act.

Exposing children under twelve to risk of burning.

8. Section eleven of the principal Act shall be amended as follows:—

(*a*) by the substitution of the word "twelve" for the word "seven"; and

(*b*) by inserting after the words "fire grate" the words "or any heating appliance liable to cause injury to a person by contact therewith".

9. The enactments specified in the Schedule to this Act shall have effect subject to the amendments respectively specified in that Schedule, being amendments consequential on the foregoing provisions of this Act. Consequential amendments of enactments.

10.—(1) In this Act the expression " the principal Act " means the Children and Young Persons Act, 1933. Interpretation.

(2) Save in so far as the context otherwise requires, any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended by or under any other enactment, including this Act.

(3) Subject to the foregoing provisions of this section, this Act shall be construed as one with the Children and Young Persons Acts, 1933 and 1938.

11.—(1) This Act may be cited as the Children and Young Persons (Amendment) Act, 1952, and this Act and the Children and Young Persons Acts, 1933 and 1938, may be cited together as the Children and Young Persons Acts, 1933 to 1952. Short title, citation, extent and commencement.

(2) This Act shall not extend to Scotland or Northern Ireland.

(3) This Act shall come into operation on the first day of October, nineteen hundred and fifty-two.

SCHEDULE

Section 9.

CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

The Children and Young Persons Act, 1933 (23 & 24 *Geo.* 5. *c.* 12)

1. In section eleven—

(*a*) the word " twelve " shall be substituted for the word " seven "; and

(*b*) after the words " fire grate " there shall be inserted the words " or any heating appliance liable to cause injury to a person by contact therewith ".

2. In section thirty-two, at the end of subsection (2) there shall be added the following proviso—

" Provided that, within the area of any special reception centre, where the person apprehended is apparently under the age of twelve years, the officer of police may, if he is satisfied that that person is suitable for the special reception centre, cause him to be detained in the special reception centre instead of in a remand home ".

SCH. —*cont.*

3. In section thirty-five—

(*a*) in paragraph (*a*) of subsection (1) for the words "the probation officer, or one of the probation officers, for the probation area" there shall be substituted the words "a probation officer appointed for or assigned to the petty sessional division";

(*b*) at the end there shall be added the following new subsection—

"(3) In this section, the expression 'petty sessional division' means—

(*a*) in the case of any place deemed to be a petty sessional division under subsection (2) of section forty-five of the Criminal Justice Act, 1948, that place;

(*b*) in any other case, a petty sessions area within the meaning of the Justices of the Peace Act, 1949".

4. In section sixty-one, in paragraph (*a*) of subsection (1), after the word "control" there shall be inserted the words "or is ill-treated or neglected in a manner likely to cause him unnecessary suffering or injury to health".

5. In section sixty-two, after subsection (2) there shall be inserted the following new subsection—

"(2A) For the purposes of the last foregoing subsection, if a local authority receives information suggesting that any child or young person may be in need of care or protection it shall be the duty of the authority to cause enquiries to be made into the case unless they are satisfied that such enquiries are unnecessary".

6. In section sixty-four, for the proviso there shall be substituted the following new subsection—

"(2) Before dealing with an application under this section, the court shall cause to be sent—

(*a*) to a probation officer appointed for or assigned to the petty sessional division in which the court sits; and

(*b*) to the local authority for the district in which the child or young person is resident,

a notification of the application and of the day and hour when it is to be considered, and for the purposes of subsection (2) of section thirty-five of this Act the notification shall be deemed to be a notification under that section.

In this subsection, the expression 'petty sessional division' has the same meaning as in section thirty-five of this Act."

7. In section seventy, after subsection (4) there shall be inserted the following new subsection—

"(4A) Where any court has been notified by the Secretary of State that an approved school which has been classified by him as a classifying school is available for the reception from that court of persons of any class or description specified in the notice with respect to whom an approved school order is made, then,

SCH. —*cont.*

notwithstanding anything in subsection (3) of this section, the court shall specify that classifying school as the approved school to which any person of that class or description with respect to whom such an order is made by that court is first to be sent:

Provided that where in any particular case the court considers that for some special reason it is undesirable that a person with respect to whom an approved school order is to be made should be sent to the classifying school, the court may specify some other approved school in the order if—

(*a*) the special reason for so doing is stated in the order; and

(*b*) the managers of the approved school specified in the order are willing and able to receive the person with respect to whom the order is made."

8. In section seventy-eight, at the end there shall be added the following new subsection—

" (5) Any reference in subsection (1), (2) or (4) of this section to a remand home shall be construed as including a reference to a special reception centre."

9. In section one hundred and seven, in subsection (1) after the definition of " public place " there shall be inserted the following definition—

" ' special reception centre ' means accommodation for the temporary reception of children provided under subsection (2) of section fifteen of the Children Act, 1948, which a local authority has given notice is for the time being available for the custody of children sent there for that purpose from the area specified in the notice; and any reference to the area of a special reception centre shall be construed as a reference to the area so specified."

10. In the Fourth Schedule, at the end of paragraph 12 there shall be inserted the following new sub-paragraph—

" (3) The managers of an approved school and a local authority for the purposes of Parts III and IV of this Act may make arrangements whereby the local authority act as agents of the managers for the purpose of causing any person to be visited, advised and befriended as required by sub-paragraph (2) of this paragraph."

The Children and Young Persons Act, 1938
(1 & 2 *Geo.* 6. *c.* 40)

11. In subsection (2) of section six—

(*a*) the words " thirty-three " shall be omitted; and

(*b*) after the words " principal Act " there shall be inserted the words " or section twenty-seven of the Criminal Justice Act, 1948 ".

SCH. —*cont.*

12. At the end of the said section six there shall be inserted the following new subsection—

"(4) Any reference in subsection (2) or (3) of this section to a remand home shall be construed as including a reference to a special reception centre."

Section twenty-seven of the Criminal Justice Act, 1948 (11 & 12 *Geo.* 6. *c.* 58)

13. At the end of subsection (1) there shall be inserted the following proviso—

"Provided that, in the case of a person under twelve years of age remanded by a court within the area of a special reception centre, the court may, if it is satisfied that he is suitable for the special reception centre, commit him to the special reception centre, instead of to a remand home."

14. In subsection (5), after the word "sat" there shall be inserted the words "or where the person committed for the time being is".

15. After subsection (5) there shall be inserted the following two new subsections—

"(5A) Where a court such as is mentioned in subsection (5) of this section is within the area of a special reception centre, the powers of that court under that subsection shall, in the case of a person under twelve years of age committed on remand to a remand home or to the special reception centre, include power to vary the commitment by substituting the special reception centre for that remand home, or, as the case may be, a remand home or another special reception centre for that special reception centre.

(5B) Where the court which varies the commitment of or commits any person by virtue of the powers conferred by subsection (5) of this section is not the court by which that person was originally committed nor a court of summary jurisdiction having jurisdiction in the place where that court sat, the clerk to the first-mentioned court shall send a notification of the action taken by that court to the court by which that person was originally committed and to the local authority and the chief officer of police within whose area the place where the last-mentioned court sat is situate."

16. After subsection (6) there shall be inserted the following new subsection—

"(7) In this section, the expression 'special reception centre' means accommodation for the temporary reception of children provided under subsection (2) of section fifteen of the Children Act, 1948, which a local authority has given notice is for the time being available for the custody of children sent there for that purpose from the area specified in the notice; and any reference to the area of a special reception centre shall be construed as a reference to the area so specified."

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Children and Young Persons Act, 1933	23 & 24 Geo. 5. c. 12.
Children and Young Persons Act, 1938	1 & 2 Geo. 6. c. 40.
Children Act, 1948	11 & 12 Geo. 6. c. 43.
Criminal Justice Act, 1948	11 & 12 Geo. 6. c. 58.
Justices of the Peace Act, 1949	12, 13 & 14 Geo. 6. c. 101.

CHAPTER 51

An Act to amend the law with respect to customs in the Isle of Man. [1st August 1952.]

BE it enacted by the Queen'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:—

Hydrocarbon oils.

1.—(1) The rate of the duty of customs imposed by subsection (1) of section four of the Act of 1930 on hydrocarbon oils removed or imported into the Isle of Man shall, except in the case of British oils, be two shillings and sixpence a gallon (instead of eighteen pence a gallon as provided by section one of the Act of 1950).

(2) The rate of the rebate to be allowed under subsection (2) of the said section four on the delivery for home consumption of any goods other than light oils shall, except in the case of British oils, be—

(*a*) two shillings and sixpence a gallon in the case of the oils mentioned in the next following subsection; and

(*b*) two shillings and fivepence a gallon in the case of other oils;

(instead of being eighteen pence a gallon as provided by section one of the Act of 1950).

(3) The oils (not being light oils) to which paragraph (*a*) of the last foregoing subsection applies are—

(*a*) fuel oils (that is to say, oils which contain in solution an amount of hard asphalt of not less than one half of one per cent.); and