STATUTORY INSTRUMENTS

1965 No. 554

LONDON GOVERNMENT

The London Authorities (Children) Order 1965

Made - - - -	22*nd March* 1965
Laid before Parliament	29*th March* 1965
Coming into Operation	30*th March* 1965

In exercise of the powers conferred upon me by section 84 of the London Government Act 1963(a), I hereby make the following Order:—

1. Subject to the provisions of Article 15 of this Order, a person in the care of the Middlesex County Council immediately before 1st April 1965 in pursuance of an enactment specified in column 1 of the subjoined Table shall, on 1st April 1965, be transferred to the care of the successor authority specified opposite thereto in column 2 of the said Table.

TABLE

1 Enactment under which person received into care	2 Successor authority to whom person is transferred
Section 1(1) of the Children Act 1948(b).	The authority in whose area the place from which the person was received into care is on 1st April 1965 situate.
Section 1(4) of the said Act of 1948.	The authority in whose area the place of ordinary residence of the person as determined for the purpose of the said section 1(4) is on 1st April 1965 situate.
Section 1 of the said Act of 1948 as applied by section 7(4) of the Children Act 1958(c) or by section 43(3) of the Adoption Act 1958(d).	The authority in whose area the premises from which the person under the said section 7 or section 43 was removed are on 1st April 1965 situate.
Section 6(4) of the said Act of 1948.	The authority in whose area the person is on 1st April 1965 living or, if there is no such authority, the authority selected by the Middlesex County Council.
Section 3(4) of the said Act of 1948.	The authority who would have been the successor authority under the foregoing provisions if the enactment under which he was last received into care before he was received into care under the said section 3(4) applied.

(a) 1963 c. 33.
(b) 11 & 12 Geo. 6. c. 43.
(c) 6 & 7 Eliz. 2. c. 65.
(d) 7 & 8 Eliz. 2. c. 5.

2. Subject to the provisions of Article 15 of this Order, a person committed to the care of the Middlesex County Council by an order made by a court under the Children and Young Persons Acts 1933 to 1963(**a**), section 5(1) of the Matrimonial Proceedings (Children) Act 1958(**b**) or section 2(1)(*e*) of the Matrimonial Proceedings (Magistrates' Courts) Act 1960(**c**) and in their care in pursuance of such an order immediately before 1st April 1965 shall, on 1st April 1965, be transferred to the care of the successor authority in whose area the place where the person was resident or the offence was committed or the circumstances arose, as the case may be, as determined for the purposes of the order, is then situate.

3. Subject to the provisions of Article 15 of this Order, functions, powers, rights or liabilities vested in or attaching to the Middlesex County Council immediately before 1st April 1965 by virtue of a resolution under section 2 of the Children Act 1948 as respects a person who is not at that time in their care or under section 15 or 47 of the Children and Young Persons Act 1963 shall, on 1st April 1965, be transferred to and vested in or attached to the successor authority to which he would have been transferred under Article 1 of this Order had he not ceased to be in their care.

4. Subject to the provisions of Article 15 of this Order, a person under the supervision of the Middlesex County Council immediately before 1st April 1965 by virtue of a supervision order shall, on 1st April 1965, be transferred to the supervision of the successor authority in whose area the place where the person was resident when the person was placed under their supervision is on 1st April 1965 situate.

5. Subject to the provisions of Article 15 of this Order, where the children's officer of the Middlesex County Council is immediately before 1st April 1965 acting as the guardian *ad litem* for the purpose of an application for an adoption order under the Adoption Act 1958, the children's officer of the successor authority in whose area the place where the child who is the subject of the application was residing when the children's officer was appointed guardian *ad litem* shall, on and after 1st April 1965, be deemed to have been duly appointed guardian *ad litem* for that purpose.

6.—(1) Subject to the provisions of Article 15 of this Order, a person in the care of the London County Council immediately before 1st April 1965 in pursuance of an enactment specified in Article 1 or 2 of this Order or under the supervision of the council at that time by virtue of a supervision order shall, on 1st April 1965, be transferred to the care or supervision, as the case may be, of the appropriate successor authority.

(2) Subject to the provisions of Article 15 of this Order, functions, powers, rights and liabilities vested in or attaching to the London County Council immediately before 1st April 1965—

(*a*) by virtue of a resolution under section 2 of the Children Act 1948 as respects a person who was not at that time in their care, or

(*b*) by virtue of making or participating in arrangements for the adoption of an infant under the Adoption Agencies Regulations 1959(**d**), or

(*c*) under section 15 or 47 of the Children and Young Persons Act 1963,

shall, on 1st April 1965, be transferred to and vested in or attached to the appropriate successor authority.

(**a**) 23 & 24 Geo. 5. c. 12; 1 & 2 Geo. 6. c. 40; 15 & 16 Geo. 6 & 1 Eliz. 2. c. 50; 4 & 5 Eliz. 2. c. 24; 1963 c. 37.
(**b**) 6 & 7 Eliz. 2. c. 40.
(**c**) 8 & 9 Eliz. 2. c. 48.
(**d**) S.I. 1959/639 (1959 I, p. 594).

(3) Subject to the provisions of Article 15 of this Order, where the children's officer of the London County Council is immediately before 1st April 1965 acting as the guardian *ad litem* for the purpose of an application for an adoption order under the Adoption Act 1958, the children's officer of the appropriate successor authority shall, on and after 1st April 1965, be deemed to have been duly appointed guardian *ad litem* for that purpose.

(4) For the purposes of this Article the expression " appropriate successor authority " means the successor authority determined in accordance with a scheme made by the London County Council before 1st April 1965 after consultation with the successor authorities and with the approval of the Secretary of State or, if no such scheme has been made, in accordance with a scheme made before 1st April 1965 by the Secretary of State.

7.—(1) A person in the care of the council of a dissolved county borough immediately before 1st April 1965 in pursuance of an enactment specified in Article 1 or 2 of this Order or under the supervision of the council at that time by virtue of a supervision order shall, on 1st April 1965, be transferred to the care or supervision, as the case may be, of the successor authority.

(2) Functions, powers, rights and liabilities vested in or attaching to such a council immediately before 1st April 1965—

(*a*) by virtue of a resolution under section 2 of the Children Act 1948 as respects a person who was not at that time in their care, or

(*b*) by virtue of making or participating in arrangements for the adoption of an infant under the Adoption Agencies Regulations 1959, or

(*c*) under section 15 or 47 of the Children and Young Persons Act 1963,

shall, on 1st April 1965, be transferred to and vested in or attached to the successor authority.

(3) Where the children's officer of such a council is, immediately before 1st April 1965, acting as the guardian *ad litem* for the purposes of an application for an adoption order under the Adoption Act 1958, the children's officer of the successor authority shall, on and after that date, be deemed to have been duly appointed guardian *ad litem* for that purpose.

8.—(1) Where a person is in the care of the council of an altered county immediately before 1st April 1965 in pursuance of an enactment specified in column 1 of the subjoined Table and the place specified in relation to such a person in column 2 of the said Table is on 1st April 1965 situate in the area of a successor authority, the council shall, unless they decide otherwise, notify before 1st June 1965 that successor authority that that person is in their care.

TABLE

1 Enactment	2 Place
Section 1(1) of the Children Act 1948.	The place from which the person was received into care.
Section 1(4) of the said Act of 1948.	The place of ordinary residence of the person as determined for the purpose of the said section 1(4).
Section 1 of the said Act of 1948 as applied by section 7(4) of the Children Act 1958 or by section 43(3) of the Adoption Act 1958.	The place from which the person was removed under the said section 7 or 43.
Section 6(4) of the said Act of 1948.	The place in which the person is living on 1st April 1965.

(2) Where a person is in the care of the council of an altered county immediately before 1st April 1965 in pursuance of section 3(4) of the Act of 1948, paragraph (1) of this Article shall apply as if the enactment under which he was last received into their care before he was received into care under the said section 3(4) were the enactment in pursuance of which he is in the care of the council.

9. Where a person committed to the care of the council of an altered county by an order made by a court under the Children and Young Persons Acts 1933 to 1963, section 5(1) of the Matrimonial Proceedings (Children) Act 1958 or section 2(1)(*e*) of the Matrimonial Proceedings (Magistrates' Courts) Act 1960, is in their care in pursuance of such an order immediately before 1st April 1965 and the place of that person's residence or, as the case may be, the place where the offence was committed or the circumstances arose, as determined for the purposes of the order, is on 1st April 1965 situate in the area of a successor authority, the council shall, unless they decide otherwise, notify before 1st June 1965 that successor authority that that person is in their care.

10. Where functions, powers, rights or liabilities are vested in or attached to the council of an altered county immediately before 1st April 1965, by virtue of a resolution under section 2 of the Children Act 1948 or under section 15 or 47 of the Children and Young Persons Act 1963, as respects a person who at that time is not in their care but who had he not ceased to be in their care would be a person described in Article 8 or 9 of this Order, the council shall, unless they decide otherwise, notify before 1st June 1965 the successor authority which would have been notified had the said Article 8 or 9 applied that those functions, powers, rights or liabilities are vested in or attached to them.

11.—(1) Subject to the provisions of Article 15 of this Order, any right or liability vested in or attaching to the council of a dissolved county or county borough under section 1(4) of the Children Act 1948 immediately before 1st April 1965 in respect of a person who is or was in the care of another local authority shall, on 1st April 1965, be transferred to and vested in or attached to the successor authority in whose area the place of ordinary residence of the person, as determined for the purposes of the said subsection, is on 1st April 1965 situate.

(2) Where any right or liability is, immediately before 1st April 1965, vested in or attached to the council of an altered county under the said section 1(4) in respect of a person who is or was in the care of another local authority and whose place of ordinary residence, as so determined, is on 1st April 1965 situate in the area of a successor authority, the council shall, unless they decide otherwise, notify before 1st June 1965 that successor authority that that right or liability is vested in or attached to them.

(3) Any power which would have been exercisable by the council of a dissolved county or county borough, had the London Government Act 1963 not been enacted, to recover expenses under the said section 1(4)(*b*) from another local authority, in respect of a person who had been in their care but is not a person to whom Article 1 or 7(1) of this Order applies, shall after 1st April 1965 be exercisable by a successor authority incurring expenses to which the said section 1(4)(*b*) applies.

12.—(1) Subject to the provisions of Article 15 of this Order, functions, powers, rights or liabilities vested in or attaching to the council of a dissolved county by virtue of being named as local authority in an approved school order, shall after 31st March 1965 be transferred to and vested in or attached

to the successor authority in whose area the place where the person was resident or, as the case may be, the offence was committed or the circumstances arose, as determined for the purposes of section 70(2) of the Children and Young Persons Act 1933, is on 1st April 1965 situate.

(2) Functions, powers, rights or liabilities vested in or attaching to the council of a dissolved county borough by virtue of being named as local authority in an approved school order, shall after 31st March 1965 be transferred to and vested in or attached to the successor authority.

(3) Where functions, powers, rights or liabilities are vested in or attaching to the council of an altered county by virtue of being named as local authority in an approved school order and the place of residence of the person with respect to whom it is made, as determined for the purposes of the said section 70(2), or in relation to whom the place where the offence was committed or the circumstances arose as so determined, as the case may be, is on 1st April 1965 situate in the area of a successor authority, the council shall, unless they decide otherwise, notify before 1st June 1965 that successor authority of the functions, powers, rights or liabilities vested in or attaching to them under the order.

13.—(1) A successor authority which is notified by the council of an altered county that immediately before 1st April 1965—

(*a*) a person of a description specified in Article 8 or 9 of this Order was in the care of that council, or

(*b*) functions, powers, rights or liabilities of a description specified in Article 10, 11(2) or 12(3) of this Order were vested in or attaching to that council,

may, not later than 31st March 1966, take over the care of that person or any of those functions, powers, rights or liabilities.

(2) Any expenses duly incurred after 31st March 1965 by the council of an altered county—

(*a*) in respect of a person who is or has been in their care of whom notice has been given to a successor authority under the foregoing Articles of this Order, including any travelling or other expenses incurred in connection with the transfer of his care to a successor authority under paragraph (1) of this Article, or

(*b*) otherwise in connection with any functions, powers, rights or liabilities of which notice has been given to a successor authority under the foregoing Articles of this Order,

may be recovered from the notified successor authority.

(3) Where, before a person, function, power, right or liability mentioned in paragraph (1) of this Article is taken over in accordance with that paragraph, the person ceases to be in care or the function, power, right or liability is varied, including variation by reason of the reception back into care of a person to whom such a function, power, right or liability relates, the said paragraph shall apply as if the changed circumstances had existed immediately before 1st April 1965 and the successor authority had been notified thereof.

14. The council of a dissolved county shall before 1st April 1965 notify each successor authority of—

(*a*) the persons who will, in accordance with the foregoing provisions of this Order, be transferred to their care or supervision on 1st April 1965, and

(*b*) the functions, powers, rights and liabilities which will on that date vest in or attach to that authority in accordance with those provisions, and

(*c*) the applications for adoption orders under the Adoption Act 1958 in which their children's officer will be deemed to have been appointed guardian *ad litem* in accordance with those provisions.

15.—(1) A successor authority which has been notified by the council of a dissolved county or of an altered county under the foregoing provisions of this Order and which is of opinion that another successor authority should have been notified in accordance with the foregoing provisions of this Order or that, in the case of notification by the council of an altered county, no successor authority should have been notified may, within two months of being so notified, apply to the Secretary of State to determine whether that other successor authority or, as the case may be, no successor authority should have been notified in accordance with the said provisions:

Provided that this paragraph shall not apply as respects any matter which has been dealt with under Article 5, 6(3) or 13(1) of this Order.

(2) A successor authority notified as aforesaid may, within two months of being notified, agree with any other successor authority that—

(*a*) any person transferred to their care or supervision or whose care may be taken over by them in pursuance of the foregoing provisions of this Order, or

(*b*) any function, power, right or liability vested in or attaching to them or which may be vested in or attached to them in pursuance of the foregoing provisions of this Order, or

(*c*) any appointment of their children's officer as guardian *ad litem* in an application for an adoption order under the Adoption Act 1958 in pursuance of the foregoing provisions of this Order,

be transferred to, vested in or attached to that other successor authority or their children's officer, as the case may be:

Provided that this paragraph shall not apply as respects any matter which has been dealt with under Article 13(1) of this Order.

(3) Where the Secretary of State determines that another successor authority should have been notified by the council of a dissolved county or where a successor authority notified by the county of a dissolved county agrees with any other successor authority under paragraph (2) of this Article—

(*a*) that other successor authority may, not later than 31st March 1966, take over the person, function, power, right or liability that is the subject of the determination or agreement,

(*b*) any expenses duly incurred after 31st March 1965 by the council notified as aforesaid in connection with that person, function, power, right or liability, including any travelling or other expenses incurred in connection with the transfer of his care to that other successor authority, may be recovered from that other successor authority.

(4) Where, before a person, function, power, right or liability mentioned in paragraph (3)(*a*) of this Article is taken over in accordance with that sub-paragraph, the person ceases to be in care or the function, power, right or liability is varied, including variation by reason of the reception back into care of a person to whom such a function, power, right or liability relates, the said sub-paragraph shall apply as if the changed circumstances had existed immediately before the determination or agreement and had been dealt with in the same way as the matters which were the subject of the determination or agreement.

(5) Where the Secretary of State determines that another successor authority should have been notified by the council of an altered county, or where a successor authority notified by the council of an altered county agrees with any other successor authority under paragraph (2) of this Article, that other successor authority and no other shall be deemed to have been for the purposes of this Order the successor authority that was notified.

(6) Where the Secretary of State determines that no successor authority should have been notified, it shall be deemed that no successor authority has been notified for the purposes of this Order.

(7) Subject to the foregoing provisions of this Article, where a successor authority has been notified by a dissolved county council concerning the appointment of their children's officer as guardian *ad litem* for the purposes of an application for an adoption order under the Adoption Act 1958, that children's officer shall, for the purposes of the foregoing provisions of this Order, be deemed to have been duly appointed guardian *ad litem* for the purposes of that application.

(8) Subject to the foregoing provisions of this Article, a successor authority which has been notified by a dissolved county council shall be deemed to be the authority to which for the purposes of the foregoing provisions of this Order, the persons, functions, powers, rights and liabilities therein mentioned are, on 1st April 1965, transferred.

16.—(1) Any functions, powers, rights or liabilities vested in or attaching to a council with respect to a person transferred to the care of a successor authority by or under this Order and subsisting immediately before the transfer shall thereafter vest in or attach to the successor authority; and any order of a court committing such a person to such a council shall after the transfer have effect with the substitution for the name of the council of the name of the successor authority.

(2) Where functions, powers, rights or liabilities vested in or attaching to a council with respect to a person to whom an approved school order, a supervision order or an order made under the proviso to section 4(3) of the Children Act 1948 relates, are transferred by or under this Order to a successor authority, the order shall thereafter have effect with the substitution for the name of the council of the name of the successor authority.

(3) Without prejudice to the provisions of paragraph (1) of this Article, where functions, powers, rights or liabilities under a resolution passed under section 2 of the Children Act 1948 are transferred by or under this Order to a successor authority, the resolution shall thereafter be deemed to have been passed by the successor authority.

17.—(1) Any successor authority may on and after 1st April 1965 exercise the powers conferred by section 58 of the Children and Young Persons Act 1963 in respect of a person who before that date had been in the care of the council of a dissolved county or county borough.

(2) As respects a person who before 1st April 1965 had been in the care of the council of an altered county, any successor authority may with the consent of that council exercise on and after that date the powers conferred by the said section 58, without prejudice to the exercise of those powers by that council.

18.—(1) Where any legal proceedings are pending on 1st April 1965 to which the council of a dissolved county or county borough is a party and the

matters which are the subject of the proceedings have been transferred by or under this Order, those proceedings may be continued by or against the council of the authority to which those matters have been so transferred and may be amended in such manner as may be necessary or proper in consequence of this Order.

(2) Any determination, requirement, consent, permission, exemption, notice or other thing made, imposed, given, served or done by, to or on a dissolved county or county borough council or the children's officer of such a council which relates to a person, function, power, right or liability transferred by or under this Order shall, if it has effect immediately before the transfer, have the like effect thereafter as if it had been made, imposed, given, served or done by, to or on the council or children's officer of the successor authority.

(3) Any legal proceedings to which the council of an altered county is a party and which are pending when the matters which are the subject of the proceedings are transferred by or under this Order to a successor authority, may be continued by or against the successor authority, and may be amended in such manner as may be necessary or proper in consequence of this Order.

(4) Any determination, requirement, consent, permission, exemption, notice or other thing made, imposed, given, served or done by, to or on the council of an altered county which relates to a person, function, power, right or liability transferred by or under this Order to a successor authority, shall, if it has effect immediately before the transfer, have the like effect thereafter as if it had been made, imposed, given, served or done by, to or on the successor authority.

19.—(1) In this Order, the expression—

" altered county " means the county of Surrey, Kent, Essex or Hertfordshire;

" approved school order " means an approved school order as defined in the Children and Young Persons Act 1933;

" dissolved county " means the county of London or Middlesex;

" dissolved county borough " means the county borough of Croydon, East Ham or West Ham;

" successor authority " means the council of—

(*a*) in the case of the London County Council, an inner London borough, the City of London or the London borough of Newham;

(*b*) in the case of the Middlesex County Council, the London borough of Barnet, Brent, Ealing, Enfield, Haringey, Harrow, Hillingdon, Hounslow or Richmond upon Thames or the county of Hertfordshire or Surrey;

(*c*) in the case of the Essex County Council, the London borough of Barking, Havering, Newham, Redbridge or Waltham Forest;

(*d*) in the case of the Hertfordshire County Council, the London borough of Barnet;

(*e*) in the case of the Kent County Council, the London borough of Bexley or Bromley;

(*f*) in the case of the Surrey County Council, the London borough of Croydon, Kingston upon Thames, Merton, Richmond upon Thames or Sutton;

(*g*) in the case of the council of the county borough of Croydon, the London borough of Croydon;

(*h*) in the case of the councils of the county boroughs of East Ham and West Ham, the London borough of Newham;

" supervision order " means an order made by a court under any provision of the Children and Young Persons Act 1933 or under section 6 of the Matrimonial Proceedings (Children) Act 1958 or under section 2 of the Matrimonial Proceedings (Magistrates' Courts) Act 1960 placing a person under the supervision of a local authority.

(2) Any reference in this Order to an enactment is a reference to that enactment as amended by or under any other enactment.

(3) The Interpretation Act 1889(a) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

20. This Order may be cited as the London Authorities (Children) Order 1965 and shall come into operation on 30th March 1965.

Frank Soskice,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
22nd March 1965.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order makes transitional arrangements with respect to the transfer of cases dealt with by the children's service of a county or county borough council dissolved by the London Government Act 1963 and cases in areas transferred to Greater London dealt with by the children's service of a county altered by that Act, consequent on the establishment by that Act as children authorities of the councils of London boroughs and the Common Council of the City of London.

(a) 52 & 53 Vict. c. 63.