STATUTORY INSTRUMENTS

1961 No. 1421 (L. 4)

JUVENILE COURTS AND OFFENDERS

The Summary Jurisdiction (Children and Young Persons) Rules, 1961

Made - - - -	*25th July*, 1961
Laid before Parliament	*1st August*, 1961
Coming into Operation	*2nd October*, 1961

I, the Right Honourable David, Viscount Kilmuir, Lord High Chancellor of Great Britain, in exercise of the power conferred upon me by section fifteen of the Justices of the Peace Act, 1949(a), as extended by section one hundred and twenty-two of the Magistrates' Courts Act, 1952(b), do hereby, after consultation with the Rule Committee appointed under the said section fifteen, make the following Rules:—

1. The Schedule to the Summary Jurisdiction (Children and Young Persons) Rules, 1933(c), as amended by the Summary Jurisdiction (Children and Young Persons) Rules, 1938(d), the Summary Jurisdiction (Children and Young Persons) Rules, 1950(e), the Summary Jurisdiction (Children and Young Persons) Rules, 1952(f), and the Summary Jurisdiction (Children and Young Persons) Rules, 1953(g), shall be further amended in the manner specified in the Schedule to these Rules.

2. These Rules may be cited as the Summary Jurisdiction (Children and Young Persons) Rules, 1961, and shall come into operation on the second day of October, 1961.

Dated the 25th day of July, 1961.

Kilmuir, C.

SCHEDULE

AMENDMENTS TO THE SCHEDULE TO THE SUMMARY JURISDICTION (CHILDREN AND YOUNG PERSONS) RULES, 1933

1. After form number 6A there shall be inserted the following form:—

"6B

Warrant of commitment on remand for inquiries in criminal case

In the [county of . Petty Sessional Division of].

To each and all of the constables of
and to the superintendent of the remand home at
[*or* to the person in charge of the special reception centre at].

(a) 12, 13 & 14 Geo. 6. c. 101. (b) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.
(c) S.R. & O. 1933/819 (Rev. XI, p. 573: 1933, p. 959).
(d) S.R. & O. 1938/1201 (Rev. XI, p. 613: 1938 I, p. 1611).
(e) S.I. 1950/827 (1950 II, p. 887). (f) S.I. 1952/1467 (1952 I, p. 1246).
(g) S.I. 1953/417 (1953 I, p. 927).

A.B., a child [under twelve years of age] [*or* young person] was this day brought before the Juvenile Court sitting at , charged with (*state shortly particulars of offence*) [, which offence is punishable on summary conviction in the case of an adult with imprisonment] [and] [for which the young person consented to be tried summarily]:

The Court, having found him/her guilty of the said offence, decided to adjourn the hearing and remand him/her for the purpose of enabling inquiries to be made [and] [*or* of determining the most suitable method of dealing with the case]:

[*or* The Court, being satisfied that he/she did the act or made the omission charged but, being of opinion that an inquiry ought to be made into his/her physical [and] [*or* mental] condition before the method of dealing with him/her was determined, decided to adjourn the hearing and remand him/her:]

[And the Court being satisfied that the child is suitable for the special reception centre:]

You, the said constables, are hereby commanded to convey the said child [*or* young person] to the said home/centre and there to deliver him/her to the said superintendent [*or* person in charge thereof] together with this warrant:

And you the said superintendent [*or* person in charge of the said centre] are hereby commanded to detain him/her until the day of , 19 [, and are requested to arrange for an inquiry to be made into his/her physical [and] [*or* mental] condition by a registered medical practitioner [*or* by two registered medical practitioners, of whom one is approved for the purposes of section twenty-eight of the Mental Health Act, 1959, by a local health authority as having special experience in the diagnosis or treatment of mental disorders] who shall report thereon to the Court]:

And you, the said constables, are further commanded to convey the said child [*or* young person] on the said day of , 19 , at the hour of in the noon before the Juvenile Court sitting at to be further dealt with according to law.

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] aforesaid.".

2. For form 9 there shall be substituted the following form:—

"9

Interim order for detention in place of safety: child or young person in need of care or protection or refractory

In the [county of . Petty Sessional Division of].

To each and all of the constables of and to the superintendent of the remand home at
[*or* to the managers of the Hospital at
or C.D. of , the occupier(s) of] a place of safety within the meaning of the Children and Young Persons Act, 1933.

A.B., a child [*or* young person] being brought before the Juvenile Court sitting at , on the ground that he/she is in need of care or protection [*or* that his/her parent or guardian is unable to control him/her]:

The hearing of the case being adjourned:

You, the said constables, are hereby commanded to convey the said child [*or* young person] to the said place of safety and there to deliver him/her to the said superintendent [*or* to the occupier(s) thereof] together with this order:

And you the said superintendent [*or* the occupier(s) of the said place of safety] are hereby commanded to detain him/her until the day of , 19 [, and are requested to arrange for an inquiry to be made into his/her

physical [and] [*or* mental] condition by a registered medical practitioner [*or* by two registered medical practitioners, of whom one is approved for the purposes of section twenty-eight of the Mental Health Act, 1959, by a local health authority as having special experience in the diagnosis or treatment of mental disorders] who shall report thereon to the Court]:

And you, the said constables, are further commanded to convey the said child [*or* young person] on the said day of , 19 , at the hour of in the noon before the Juvenile Court sitting at to be further dealt with according to law.

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] aforesaid.".

3. After form 28 there shall be inserted the following forms:—

"28A

Hospital order in care or protection case (*Mental Health Act*, 1959, *s.* 61.)

In the [county of . Petty Sessional Division of].

Before the Juvenile Court sitting at .

A.B., who appears to the Court to be a child [*or* young person], having been born, so far as has been ascertained, on the day of , 19 , was this day brought before the Court as being in need of care or protection, namely as being a child [*or* young person] who [*or* in respect of whom] (*insert description in terms of section sixty-one of the Children and Young Persons Act*, 1933, *as extended by section one of the Children and Young Persons* (*Amendment*) *Act*, 1952):

And the Court is satisfied that he/she, being within the description aforesaid, is in need of care or protection:

And the Court has heard [*or* considered] the [written] evidence of two medical practitioners, namely (*insert names and addresses*), [each] of whom [the first mentioned] is approved for the purposes of section twenty-eight of the Mental Health Act, 1959, by a local health authority as having special experience in the diagnosis or treatment of mental disorders, and each of the said practitioners has described the said child [*or* young person] as suffering from mental illness [*or* psychopathic disorder *or* subnormality *or* severe subnormality]:

And the Court is satisfied that he/she is suffering from the following form(s) of mental disorder within the meaning of the Mental Health Act, 1959, namely mental illness [*or* psychopathic disorder *or* subnormality *or* severe subnormality], and that the disorder is of a nature or degree which warrants his/her detention in a hospital for medical treatment and is satisfied that arrangements have been made for his/her admission to the hospital hereinafter specified within twenty-eight days of this date and that the most suitable method of disposing of the case is by means of a hospital order:

It is ordered that the said child [*or* young person] be admitted to and detained in (*insert name and address of hospital*):

[And that he/she be conveyed to the said hospital by E.F.]:

[And it is directed that pending admission to the said hospital within the said period of twenty-eight days the said child [*or* young person] shall be detained in a place of safety, namely] [and shall be conveyed thither by E.F.]:

[And it is further ordered that the said child [*or* young person] (whose religious persuasion appears to the Court to be) be committed, until he/she attains the age of eighteen years, to the care of C.D. of [being the of the said child [*or* young person]], who is a fit

person and willing to undertake the care of him/her*, and who is of the same religious persuasion as the said child [*or* young person] [*or* who has given an undertaking that the said child [*or* young person] will be brought up in accordance with the said child's [*or* young person's] religious persuasion].

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] first above mentioned.

28B

Hospital order: refractory child or young person
(*Mental Health Act*, 1959, *s.* 61.)

In the [county of . Petty Sessional Division of].

Before the Juvenile Court sitting at .

C.B., the parent [*or* guardian] of A.B., who appears to the Court to be a child [*or* young person], having been born, so far as has been ascertained, on the day of , 19 , has proved to the Court that he/she is unable to control the said child [*or* young person]:

And the Court has heard [*or* considered] the [written] evidence of two medical practitioners, namely (*insert names and addresses*), [each] of whom [the first mentioned] is approved for the purposes of section twenty-eight of the Mental Health Act, 1959, by a local health authority as having special experience in the diagnosis or treatment of mental disorders, and each of the said practitioners has described the said child [*or* young person] as suffering from mental illness [*or* psychopathic disorder *or* subnormality *or* severe subnormality]:

And the Court is satisfied that he/she is suffering from the following form(s) of mental disorder within the meaning of the Mental Health Act, 1959, namely mental illness [*or* psychopathic disorder *or* subnormality *or* severe subnormality], and that the disorder is of a nature or degree which warrants his/her detention in a hospital for medical treatment and is satisfied that arrangements have been made for his/her admission to the hospital hereinafter specified within twenty-eight days of this date and that the most suitable method of disposing of the case is by means of a hospital order:

And the Court is satisfied that the parent [*or* guardian] understands the results which will follow from the order and consents to its being made:

It is ordered that the said child [*or* young person] be admitted to and detained in (*insert name and address of hospital*):

[And that he/she be conveyed to the said hospital by E.F.]:

[And it is directed that pending admission to the said hospital within the said period of twenty-eight days the said child [*or* young person] shall be detained in a place of safety, namely] [and shall be conveyed thither by E.F.]:

[And the Court is also satisfied that it is expedient to deal further with the said child [*or* young person] by making an order committing him/her to the care of a fit person, and that the parent [*or* guardian] understands the results which will follow from and consents to the making of such an order:

It is hereby ordered that the said child [*or* young person] (whose religious persuasion appears to the Court to be) be committed until he/she attains the age of eighteen years to the care of C.D. of [being

* The person to whose care the child or young person is committed shall, while the fit person order is in force, have the same rights and powers, and be subject to the same liabilities in respect of his/her maintenance, as if that person were his/her parent, and, subject to the provisions of the hospital order, the child or young person shall continue in the care of the fit person notwithstanding any claim by a parent or any other person.

the of the said child [*or* young person]] who is a fit person and willing to undertake the care of him/her*, and who is of the same religious persuasion as the said child [*or* young person] [*or* who has given an undertaking that the said child [*or* young person] will be brought up in accordance with the said child's [*or* young person's] religious persuasion].

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] first above mentioned.".

4. After form 35 there shall be inserted the following forms:—

"35A

Guardianship order in care or protection case
(*Mental Health Act*, 1959, *s.* 61.)

In the [county of . Petty Sessional Division of].

Before the Juvenile Court sitting at .

A.B., who appears to the Court to be a child [*or* young person], having been born, so far as has been ascertained, on the day of , 19 , was this day brought before the Court as being in need of care or protection, namely as being a child [*or* young person] who [*or* in respect of whom] (*insert description in terms of section sixty-one of the Children and Young Persons Act*, 1933, *as extended by section one of the Children and Young Persons* (*Amendment*) *Act*, 1952):

And the Court is satisfied that the said child [*or* young person] being within the description aforesaid is in need of care or protection:

And the Court has heard [*or* considered] the [written] evidence of two medical practitioners, namely (*insert names and addresses*), [each] of whom [the first mentioned] is approved for the purposes of section twenty-eight of the Mental Health Act, 1959, by a local health authority as having special experience in the diagnosis or treatment of mental disorders, and each of the said practitioners has described the said child [*or* young person] as suffering from mental illness [*or* psychopathic disorder *or* subnormality *or* severe subnormality]:

And the Court is satisfied that he/she is suffering from the following form(s) of mental disorder within the meaning of the Mental Health Act, 1959, namely mental illness [*or* psychopathic disorder *or* subnormality *or* severe subnormality], and that the disorder is of a nature or degree which warrants his/her reception into guardianship under that Act and is satisfied that the authority [*or* person] hereinafter specified is willing to receive him/her into guardianship and that the most suitable method of disposing of the case is by means of a guardianship order:

It is ordered that the said child [*or* young person] be placed under guardianship of a local health authority, namely the County [Borough] Council [*or* of C.D., being a person approved by a local health authority, namely the County [Borough] Council].

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] first above mentioned.

* The person to whose care the child or young person is committed shall, while the fit person order is in force, have the same rights and powers, and be subject to the same liabilities in respect of his/her maintenance, as if that person were his/her parent, and, subject to the provisions of the hospital order, the child or young person shall continue in the care of the fit person notwithstanding any claim by a parent or any other person.

35B

Guardianship order : refractory child or young person
(Mental Health Act, 1959, s. 61.)

In the [county of . Petty Sessional Division of].

Before the Juvenile Court sitting at .

C.B., the parent [*or* guardian] of A.B., who appears to the Court to be a child [*or* young person], having been born, so far as has been ascertained, on the day of , 19 , has proved to the Court that he/she is unable to control the said child [*or* young person]:

And the Court has heard [*or* considered] the [written] evidence of two medical practitioners, namely (*insert names and addresses*), [each] of whom [the first mentioned] is approved for the purposes of section twenty-eight of the Mental Health Act, 1959, by a local health authority as having special experience in the diagnosis or treatment of mental disorders, and each of the said practitioners has described the said child [*or* young person] as suffering from mental illness [*or* psychopathic disorder *or* subnormality *or* severe subnormality]:

And the Court is satisfied that he/she is suffering from the following form(s) of mental disorder within the meaning of the Mental Health Act, 1959, namely mental illness [*or* psychopathic disorder *or* subnormality *or* severe subnormality], and that the disorder is of a nature or degree which warrants his/her reception into guardianship under that Act and is satisfied that the authority [*or* person] hereinafter specified is willing to receive him/her into guardianship and that the most suitable method of disposing of the case is by means of a guardianship order:

And the Court is satisfied that the parent [*or* guardian] understands the results which will follow from the order and consents to its being made:

It is ordered that the said child [*or* young person] be placed under guardianship of a local health authority, namely the County [Borough] Council [*or* of D.E., being a person approved by a local health authority, namely the County [Borough] Council].

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] aforesaid.".

EXPLANATORY NOTE

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

These Rules prescribe new forms for use by juvenile courts, in particular in cases where sections 60 and 61 of the Mental Health Act, 1959, apply.