STATUTORY INSTRUMENTS

1963 No. 2120 (L. 21)

JUVENILE COURTS AND OFFENDERS

The Summary Jurisdiction (Children and Young Persons) Rules 1963

Made - - - -	19*th December* 1963
Laid before Parliament	1*st January* 1964
Coming into Operation	1*st February* 1964

I, the Right Honourable Reginald Edward, Baron Dilhorne, Lord High Chancellor of Great Britain, in exercise of the power conferred on me by section 15 of the Justices of the Peace Act 1949(a), as extended by section 122 of the Magistrates' Courts Act 1952(b), do hereby, after consultation with the Rule Committee appointed under the said section 15, make the following Rules: —

1. For Part II of the Summary Jurisdiction (Children and Young Persons) Rules 1933(c), as amended(d) (which concerns juveniles in need of care and protection), there shall be substituted the provisions set out in Schedule 1 to these Rules and accordingly in Rule 4 of the said Rules the words " and, so far as applicable, in the case of any child or young person dealt with in pursuance of section 65 of the Act " shall be omitted.

2. In Rule 28 of the said Rules of 1933, for the words " An order made under section 87 or section 88(1) of the Act, on a parent or other person liable to maintain " there shall be substituted the words " A contribution order, an order attaching an affiliation order or an arrears order made on a parent or other person liable to make contributions in respect of, or to maintain,".

3. The forms numbered 4, 5, 5A, 9 to 9B, 14 to 22, 30 to 34, 36 to 39A, 42 and 44 to 46 in the Schedule of Forms to the said Rules of 1933 shall be omitted and there shall be inserted the forms set out in Schedule 2 to these Rules.

4.—(1) In the forms numbered 6 and 6A in the Schedule of Forms to the said Rules of 1933, for the words " a child under the age of twelve years " there shall be substituted the words " a child [*or* young person] under the age of fifteen years " and in Form 6B of the same for the words " a child [under twelve years of age] [*or* young person] " there shall be substituted the words " a child [*or* young person] [under the age of fifteen years] ".

(2) In the forms numbered 11 and 12 in the said Schedule for the words " eight years " there shall be substituted the words " ten years ".

5. These Rules may be cited as the Summary Jurisdiction (Children and Young Persons) Rules 1963 and shall come into operation on 1st February 1964.

Dated 19th December 1963.

Dilhorne, C.

(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) The relevant amending instruments are S.R. & O. 1938/1201, S.I. 1953/417, 1961/1421 (Rev. XI, p. 613: 1938 I, p. 1611; 1953 I, p. 927; 1961 II, p. 2818).

Rule 1 SCHEDULE 1

RULES TO BE SUBSTITUTED IN THE SUMMARY JURISDICTION (CHILDREN AND YOUNG PERSONS) RULES 1933

PART II

Persons in need of care, protection or control

14. This Part of these Rules shall apply in connection with proceedings in a court in the case of any person brought or about to be brought before the court as being in need of care, protection or control or deemed to be so brought or about to be so brought by virtue of section 40(5) or 40A(2) of the Education Act 1944(a) or brought or about to be brought before the court under section 65, 66, 84(6), (7) or (8) or 85(1) of the Act. Such a person is hereafter in this Part of these Rules referred to as "the respondent".

15.—(1) Where the respondent is to be brought before a court otherwise than after the issue of a summons addressed to him or of a warrant for his arrest, the person or authority intending to make the application (hereafter in this Part of these Rules referred to as "the applicant") shall send a notice to the clerk of the court specifying the grounds on which the respondent is to be so brought and the clerk shall enter the particulars of the case in the register.

(2) Where the application is to be made under section 66 or 84(6) of the Act otherwise than by a local authority or under section 84(7), the applicant shall send a notice to the local authority for the district in which the respondent resides specifying the grounds for the application and the date, time and place of the hearing, and any report furnished by that local authority shall be taken into consideration by the court.

16.—(1) Where the respondent has not been taken to a place of safety, a summons may be issued requiring him to attend before the court.

(2) Where, the application being in writing and substantiated on oath, a warrant for the arrest of the respondent is issued, it shall direct that the respondent be brought before a juvenile court and, unless he is released on bail, shall be detained in a place of safety until he can be so brought.

(3) The provisions of the Magistrates' Courts Act 1952 relating to the hearing of a complaint and the Magistrates' Courts Rules 1952(b) shall, so far as they may be appropriate, apply as if the application were a complaint made by the applicant to which the respondent is the defendant.

17. Before proceeding with the hearing the court shall inform the respondent of the nature of the application in terms suitable to his age and understanding.

18.—(1) Except in the case of any respondent where—

(*a*) he or his parent or guardian is legally represented, or

(*b*) his parent or guardian is the applicant under section 84 of the Act, or

(*c*) his parent or guardian has given a notice in writing to the local authority under section 3(1) of the Children and Young Persons Act 1963(c) in relation to the application under consideration,

the court shall allow the parent or guardian of the respondent to conduct the case in opposition to the application.

(2) If the court thinks it would be appropriate to do so, the court may allow any relative of the respondent or other responsible person to represent the respondent at the hearing and any person so allowed is hereinafter referred to as "his friend".

19.—(1) Where the nature of the case or the evidence to be given is such that in the opinion of the court it is in the interests of the respondent that the evidence, other than evidence relating to his character or conduct, should not be given in his presence, the court may hear any part of the evidence in his absence.

(a) 7 & 8 Geo. 6. c. 31. (b) S.I. 1952/2190 (1952 II, p. 1593). (c) 1963 c. 37.

(2) If the court is satisfied that in the special circumstances it is proper to do so, it may require a parent or guardian of the respondent to withdraw from the court while the respondent gives evidence or makes a statement:

Provided that the court shall inform the person so excluded of the substance of any allegation made by the respondent and shall give that person an opportunity of meeting it by calling evidence or otherwise.

20. If it appears to the court after hearing the evidence in support of the application that a *prima facie* case has been made out, it shall tell the respondent and his parent, guardian or friend, if present, that they may give evidence or make a statement and call witnesses.

21. Where the respondent appears to be under the age of five years, the court may direct that he need not attend at any adjourned hearing of the application unless the court orders his appearance and any order made thereafter may be made in his absence, if the court thinks fit.

22. Where the court is satisfied that the grounds for the application have been proved—

(*a*) the court shall obtain such information as to the respondent's general conduct, home surroundings, school record and medical history as may enable it to deal with the case in his best interests; and shall, if such information is not fully available, consider the desirability of adjourning the case for such inquiry as may be necessary;

(*b*) the court shall take into consideration any report which may be furnished by a probation officer or local authority in pursuance of section 35 of the Act;

(*c*) any written report of a probation officer, local authority or registered medical practitioner may be received and considered by the court without being read aloud:

Provided that—

(i) the respondent shall be told the substance of any part of the report bearing on his character or conduct which the court considers to be material to the manner in which he should be dealt with;

(ii) the parent or guardian shall be told the substance of any part of the report which the court considers to be material as aforesaid and which has reference to his character or conduct or the character, conduct, home surroundings or health of the respondent; and

(iii) if the respondent or his parent, guardian or friend, having been told the substance of any part of such report, desires to produce evidence with reference thereto, the court, if it thinks the evidence material, shall adjourn the proceedings for the production of further evidence and shall, if necessary, require the attendance at the adjourned hearing of the person who made the report; and

(*d*) if the court considers it necessary in the interests of the respondent, it may require him or his parent or guardian to withdraw from the court.

23. Before finally disposing of the case, the court shall, unless it thinks it undesirable to do so, inform the parent, guardian or friend of the manner in which it proposes to deal with the respondent and allow the parent, guardian or friend to make representations.

PART IIA

Proceedings under section 3 of the Children and Young Persons Act 1963

24.—(1) A parent or guardian who applies by complaint to a juvenile court under section 3 of the Children and Young Persons Act 1963(a) after the failure or refusal of the local authority to bring a person before the court, shall send a notice specifying the time and place fixed for the hearing of the complaint to any other person who, being a parent of that child or young person, lives apart

(a) 1963 c. 37.

from the applicant and if any such person appears at the hearing he shall be entitled to be heard.

(2) A justice who sits as a member of a juvenile court which hears such a complaint as aforesaid shall not sit as a member of the court before which that child or young person appears or is brought as a result of an order directed to the local authority in respect of him under the said section 3.

Rule 3

SCHEDULE 2

FORMS TO BE SUBSTITUTED IN THE SCHEDULE OF FORMS IN THE SUMMARY JURISDICTION (CHILDREN AND YOUNG PERSONS) RULES 1933

4

Summons for attendance of parent or guardian: care, protection or control

In the [county of Petty Sessional Division of].

To B.B. [and E.B.] of being a parent/guardian [the parents] of A.B. a child [*or* young person *or* person aged 17] who is to be brought by the council of the county/county borough of the local authority [*or* by C.D. a constable *or* an authorised person *or* a person under whose supervision he/she has been placed] before the Juvenile Court sitting at on day, the day of , 19 , at the hour of in the noon, by virtue of the provisions of section 62 [*or* 65 *or* 66] of the Children and Young Persons Act 1933 [*or* of section 40 of the Education Act 1944] on the ground that (*state ground of application*):

You are therefore hereby summoned to appear before the said Court at that time and place and to attend during all the stages of the proceedings.

Dated the day of , 19 .

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

4A

Notice to the Clerk of the Juvenile Court

To the Clerk of the Juvenile Court sitting at

Take notice that A.B. is to be brought before the Court as being in need of care, protection or control under the provisions of section 62 of the Children and Young Persons Act 1933 [*or* section 40 of the Education Act 1944] [*or* as being refractory *or* subject to a supervision order].

Dated (*Signature*)

On behalf of the county [borough] council [*or* constable *or* authorised person].

4B

Notice to parent or guardian under section 34(2) *of the Act*

To B.B. of

being a parent/guardian of A.B.

Take notice that A.B. has been arrested and charged with (*state shortly particulars of offence*) [*or* taken to a place of safety as being in need of care, protection or control on the grounds that (*set out the grounds in terms of section* 2 *of the Children and Young Persons Act* 1963) *or* as being refractory *or* about to be brought before the Court by his/her supervisor].

A.B. will appear before the Juvenile Court sitting at on day, the day of , 19 , at the hour of in the noon.

The application is made under section 62 [*or* 65 *or* 66] of the Children and Young Persons Act 1933 [as applied by section 40 of the Education Act 1944].

Dated (*Signature*)

On behalf of the county [borough] council [*or* constable *or* authorised person].

4C

Notice to parent under rule 24

To C.B. of

Take notice that I have complained to the Juvenile Court sitting at for an order against the local authority directing them to bring A.B. before the Court on the ground that I am unable to control him/her.

The complaint will be heard by the Court on day, the day of , 19 , at o'clock in the noon.

You may if you wish speak to the Court about him/her before the Court reaches a decision on the complaint.

(*Signed*) B.B.

5

Authority to remove to place of safety

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

Before the Juvenile Court sitting at .

(*This may be omitted when the authority is given by a single Justice*)

To C.D. of .

[*or* To each and all of the constables of].

By virtue of the provisions of section 67 [*or* 26 *or* 40] of the Children and Young Persons Act 1933 [*or* section 7 of the Children Act 1958 *or* section 43 of the Adoption Act 1958] you are hereby authorised to take A.B. of , a child [*or* young person *or* person aged 17] in respect of whom an offence under Schedule 1 to the said Act has been or is believed to have been committed [*or* who is believed to be about to go abroad in contravention of section 25 of the said Act] [*or* who is suspected to be assaulted, ill-treated or neglected] [*or* who is about to be brought before this Court *or* the Juvenile Court sitting at under section 62 [*or* 63 *or* 66] of the Children and Young Persons Act 1933] to a place of safety, namely to be there kept for a period not exceeding days.

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] aforesaid.

9

Interim place of safety order

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* the managers of the Hospital *or* C.D. of the occupier of] a place of safety within the meaning of the Children and Young Persons Act 1933.

A.B. (hereinafter called the respondent) a child [*or* young person *or* person aged 17] has been brought before the Juvenile Court sitting at under section of the Children and Young Persons Act 1933:

[*or* Application has been made to the Juvenile Court sitting at under section 23(4) of the Children and Young Persons Act 1963 in respect of A.B. (hereinafter called the respondent) a child *or* young person *or* person aged 17:]

The hearing of the case being adjourned:

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

And you the said superintendent [*or* occupier[s] of the said place of safety] are hereby commanded to receive him/her into your custody for a period of days: [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 28 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 respondent on day, the day of , 19 , at the hour of in the noon, before the Juvenile Court sitting at , there to be further dealt with according to the law [unless a further interim order is made under subsection (6) of the said section 23].

Dated the day of , 19 .

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

9A

Interim fit person order

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

Before the Juvenile Court sitting at .

A.B. (hereinafter called the respondent) a child [*or* young person *or* person aged 17] has been brought before the Court under section of the Children and Young Persons Act 1933:

[*or* Application has been made to the Court under section 23(4) of the Children and Young Persons Act 1963 in respect of A.B. (hereinafter called the respondent) a child *or* young person *or* person aged 17:]

The hearing of the case being adjourned:

It is hereby ordered that the respondent be committed for a period of days to the care of C.D. of who is a fit person and willing to undertake the care of the respondent:

And that the respondent be brought before the Court on day, the day of , 19 , at the hour of in the noon, [unless a further interim order is made under subsection (6) of the said section 23].

Dated the day of , 19 .

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

14

Approved school order: offence

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

Before the Juvenile Court sitting at .

A.B. of (hereinafter called the defendant) a child [*or* young person] born on the day of , 19 , [who has consented to be dealt with summarily] is this day [*or* was on the day of , 19 ,] found guilty of an offence punishable in the case of an adult with imprisonment, namely (*state shortly particulars of offence*) committed on the day of , 19 :

And the defendant then resided in the district of the county [borough] council of [*or* outside England]: [*or* And the offence was committed in the district of the county [borough] council of]:

It is hereby ordered that the defendant (whose religious persuasion appears to the Court to be) be sent to an approved school and, until he can be sent to an approved school, shall be committed to (being a place to which the defendant might have been committed on remand):

And it is further ordered that the council of the county [borough] of [*or* a probation officer attached to the Court] [*or* the police authority, namely] shall be responsible for conveying the defendant to the approved school.

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] first above-mentioned.

15

Approved school order: care, protection or control

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

Before the Juvenile Court sitting at .

A.B. of (hereinafter called the respondent) a child [*or* young person *or* person aged 17] born on the day of , 19 , was this day [*or* on the day of , 19 ,] brought before the Court as being in need of care, protection or control, namely as a person who [*or* in respect of whom] (*insert description in terms of section 2 of the Children and Young Persons Act* 1963):

And the Court is satisfied that the respondent is within the description aforesaid and is in need of care, protection or control:

The respondent resides in the district of the County [Borough] Council [*or* outside England] [*or* The circumstances rendering the respondent liable to be sent to an approved school arose in the district of the County [Borough] Council]:

It is hereby ordered that the respondent (whose religious persuasion appears to the Court to be) be sent to an approved school and, before being sent to an approved school, shall be committed to a place of safety, namely [*or* to the custody of a fit person, namely] *or* [the respondent having attained the age of 14 years and the Court being satisfied that he/she is so unruly or depraved that he/she ought not to be detained in a place of safety, shall be committed to the remand centre at which the Court has been notified by the Secretary of State as available for the reception from the Court of persons of his/her class or description]:

And it is further ordered that the council of the county [borough] of [*or* a probation officer attached to the Court] [*or* the police authority, namely] shall be responsible for conveying the respondent to the approved school.

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] first above-mentioned.

16

Order varying declaration as to religious persuasion in approved school order

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

Before the Juvenile Court sitting at .

An approved school order was made on the day of , 19 , by this Court [*or* a Magistrate's Court acting for this petty sessions area *or* the Assize Court *or* Court of Quarter Sessions at] in respect of A.B. (hereinafter called the respondent) in which the respondent's religious persuasion was declared to be :

Before [*or* within 30 days of] the respondent's arrival at an approved school C.D. of (hereinafter called the applicant), the parent *or* guardian *or* nearest adult relative of the respondent applied to the Court under section 8(3) of the Children and Young Persons Act 1963:

The applicant has proved that the respondent's religious persuasion is not as so declared:

The Court hereby declares that the respondent's religious persuasion is .

Dated the day of , 19 .

J.P.

17

Approved school order following supervision

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

Before the Juvenile Court sitting at .

Whereas A.B. of (hereinafter called the respondent) a child [*or* young person *or* person aged 17] born on the day of , 19 , was on the day of , 19 , by the Juvenile Court [*or* Assize Court *or* Court of Quarter Sessions] sitting at placed under the supervision of C.D., a probation officer [*or* person appointed by the Court for that purpose], (hereinafter called the applicant) for a period of :

The applicant has brought the respondent before the Court under section 66 of the Children and Young Persons Act 1933:

The Court thinks that it is desirable in the respondent's interests to make an approved school order:

The respondent resides in the district of the County [Borough] Council:

[The Court revokes the order placing the respondent under the supervision of the applicant and]

It is hereby ordered (*continue as in Form* 15).

18

Approved school order: application by local authority as fit person

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

Before the Juvenile Court sitting at .

A.B. of (hereinafter called the respondent) a child [*or* young person *or* person aged 17] born on the day of , 19 , was on the day of , 19 , by the Juvenile Court [*or* Assize Court *or* Court of Quarter Sessions] sitting at ,

committed to the care of the County [Borough] Council (hereinafter called the applicant) as a fit person:

The applicant being of opinion that it is desirable in the interests of the respondent to do so has applied to the Court under section 84(8) of the Children and Young Persons Act 1933:

The respondent resides in the district of the County [Borough] Council:

The aforesaid fit person order is hereby revoked and

It is hereby ordered (*continue as in Form 15*).

19

Approved school order: escape from care of fit person

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

Before the Juvenile Court sitting at .

A.B. of (hereinafter called the respondent) a child [*or* young person *or* person aged 17] born on the day of , 19 , has been brought before the Court under section 85 of the Children and Young Persons Act 1933 after running away from C.D. of a person to whose care the respondent had been committed by order dated the day of , 19 , of the Juvenile Court [*or* Assize Court *or* Court of Quarter Sessions] sitting at .

The [first-mentioned] Court [being a juvenile court having jurisdiction in the place where the respondent was residing immediately before running away] is satisfied that the respondent ran away as aforesaid and that the said C.D. is not willing to receive the respondent. The respondent resides in the district of the County [Borough] Council:

The aforesaid fit person order is hereby revoked and

It is hereby ordered (*continue as in Form 15*).

20

Approved school order: education case

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

Before the Juvenile Court sitting at .

A.B. of (hereinafter called the respondent) a child [*or* young person] born on the day of , 19 , has been brought before the Court by the County [Borough] Council under section 40 of the Education Act 1944 [in pursuance of a direction of the Magistrates' Court sitting at]:

And the Court is satisfied that it is necessary to make an approved school order for the purpose of securing the regular attendance of the respondent at school:

It is hereby ordered (*continue as in Form 15*).

21

Approved school order: refractory person in care of local authority

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

Before the Juvenile Court sitting at .

A.B. of (hereinafter called the respondent) a child [*or* young person *or* person aged 17] born on the day of , 19 , has been brought before the Court under section 65 of the Children and

Young Persons Act 1933 by the County [Borough] Council in whose care the respondent is under section 1 of the Children Act 1948 [*or* by virtue of an order dated the day of , 19 , made under the Matrimonial Proceedings (Children) Act 1958/Matrimonial Proceedings (Magistrates' Courts) Act 1960 by the [Magistrates' Court sitting at] which has given leave for this application]:

The Court thinks it expedient to make an order in the following terms:

It is hereby ordered (*for an approved school order continue as in Form 15*). [*or* that the respondent (whose religious persuasion appears to be) be committed until he/she attains the age of 18 years to the care of C.D. of who is a fit person and willing to undertake the care of the respondent and who is of the same religious persuasion as the respondent [*or* has given an undertaking that the respondent will be brought up in accordance with that religious persuasion] [and that the respondent be placed for a period of under the supervision of E.F. of the said fit person having consented to the making of this order].]

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] first above-mentioned.

(*In the case of a fit person order add the Note at the end of Form 30.*)

22

Order varying or extending committal to place of safety

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

Before the Juvenile Court sitting at .

On the day of , 19 , the Court made an approved school order in respect of A.B. of (hereinafter called the respondent) and committed him/her, before he/she can be sent to an approved school, to a place of safety, namely .

On the application of C.D. [*or* The occupier of that place of safety is not willing to receive the respondent who has been brought before the Court in pursuance of section 10(3) of the Children and Young Persons Act 1963],

The Court hereby varies that provision as follows [*or* extends that provision for 28 days].

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] aforesaid.

30

Committal to fit person: care, protection or control

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

Before the Juvenile Court sitting at .

A.B. of (hereinafter called the respondent) a child [*or* young person *or* person aged 17] born on the day of , 19 , was this day [*or* on the day of , 19 ,] brought before the Court as being in need of care, protection or control, namely as a child [*or* young person *or* person aged 17] who [*or* in respect of whom] (*insert description in terms of section 2 of the Children and Young Persons Act* 1963):

And the Court is satisfied that the respondent is within the description aforesaid and is in need of care, protection or control:

It is hereby ordered that the respondent (whose religious persuasion appears to the Court to be) be committed until he/she attains the age of 18 years to the care of C.D. of who is a fit person and willing to undertake the care of the respondent and who is of the same religious persuasion as the respondent [*or* who has given an undertaking that the respondent will be brought up in accordance with that religious persuasion] [*or* to the care of the County [Borough] Council, the appropriate local authority within the meaning of section 76 of the Children and Young Persons Act 1933] [which authority consents to the making of this order]:

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] first above-mentioned.

NOTE: The person to whose care the respondent is committed by this order has, while the order is in force, the same rights and powers and is subject to the same liabilities in respect of his/her maintenance as if that person were the respondent's parent and the respondent continues in the care of that person notwithstanding any claim by a parent of the respondent or by any other person.

32

Committal to fit person, following supervision

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

Before the Juvenile Court sitting at .

Whereas A.B. of (hereinafter called the respondent) a child [*or* young person *or* person aged 17] born on the day of , 19 , was on the day of , 19 , by the Juvenile Court [*or* Assize Court *or* Court of Quarter Session] sitting at , placed under the supervision of C.D., a probation officer [*or* person appointed by the Court for that purpose], (hereinafter called the applicant) for a period of :

The applicant has brought the respondent before the Court under section 66 of the Children and Young Persons Act 1933:

The Court thinks that it is desirable in the respondent's interests to commit him/her to the care of a fit person:

[The Court revokes the order placing the respondent under the supervision of the applicant and]

It is hereby ordered (*continue as in Form* 30).

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] first above-mentioned.

(*Append the Note at the end of Form* 30.)

33

Committal to fit person: education case

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

Before the Juvenile Court sitting at .

A.B. of (hereinafter called the respondent) a child [*or* young person] born on the day of , 19 , has been brought before the Court by the County [Borough] Council under section 40 of the Education Act 1944 in pursuance of a direction of the Magistrates' Court sitting at .

The Court is satisfied that for the purpose of securing the regular attendance of the respondent at school it is necessary to make an order committing the respondent to the care of a fit person:

It is hereby ordered (*continue as in Form* 30).

34

Committal to fit person after escape

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

Before the Juvenile Court sitting at .

A.B. of (hereinafter called the respondent) a child [*or* young person *or* person aged 17] born on the day of , 19 , has been brought before the Court under section 85 of the Children and Young Persons Act 1933 after running away from C.D. of (hereinafter called the applicant) a person to whose care the respondent had been committed by order dated the day of , 19 , of the Juvenile Court [*or* Assize Court *or* Court of Quarter Sessions] sitting at .

The [first-mentioned] Court [being a juvenile court having jurisdiction in the place where the respondent was residing immediately before running away] is satisfied that the respondent ran away as aforesaid and that the applicant is not willing to receive the respondent.

It is hereby ordered that the respondent (whose religious persuasion appears to the Court to be), be committed until he/she attains the age of 18 years to the care of E.F. of who is a fit person and willing to undertake the care of the respondent and who is of the same religious persuasion as the respondent [*or* who has given an undertaking that the respondent will be brought up in accordance with that religious persuasion] [*or* to the care of the County [Borough] Council, the appropriate local authority within the meaning of section 76 of the Children and Young Persons Act 1933] [which authority consents to the making of this order].

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] first above-mentioned.

(*Append the Note at the end of Form* 30).

36

Supervision order : care, protection or control

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

Before the Juvenile Court sitting at .

A.B. of (hereinafter called the respondent) a child [*or* young person *or* person aged 17] born on the day of , 19 , was this day brought before the Court as being in need of care, protection or control, namely as being a person who [*or* in respect of whom] (*insert description in terms of section 2 of the Children and Young Persons Act 1963*):

And the Court is satisfied that the respondent is within the description aforesaid and is in need of care, protection or control [and resides *or* will reside in Scotland]:

It is hereby ordered that the respondent be placed under the supervision of a probation officer appointed for or assigned to the petty sessions area of in which the respondent resides [*or* will reside] [*or* of the County [Borough] Council in whose area the respondent resides [*or* will reside] *or* which authority consents to be so appointed] [*or* of C.D. a person appointed for the purpose by the Court] for the period of [*or* The Court hereby specifies the Court at as the court of summary jurisdiction which has jurisdiction in the place in Scotland where the respondent resides [*or* will] reside and places the respondent for the period of under the supervision of such probation officer or other person as may be appointed by that Court.]

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] aforesaid.

37

Notification of supervision order

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

Before the Juvenile Court sitting at .

To A.B. of .

The Court has made an order, in pursuance of section 66 of the Children and Young Persons Act 1933, placing you under the supervision of for the period of . This means that your supervisor will visit, advise and befriend you and, when necessary, try to find you suitable work].

Your supervisor may at any time while the order is still in force bring you before a juvenile court which may then discharge or amend it.

You may yourself apply for its discharge.

If you are again brought before a juvenile court by your supervisor the court may, if it thinks it desirable in your interests, order you to be sent to an approved school or commit you to the care of a fit person.

The supervision order contains the following requirements:—

that you (being under the age of 14 *or* having consented to this requirement) are to live at

[being an approved probation hostel/home for (*not exceeding 12*) months]:

[that you submit to treatment for (*not exceeding 12*) months as a resident patient in a hospital or mental nursing home under the Mental Health Act 1959 *or* as a non-resident patient at (*state name of institution or place*) or by or under the direction of (*give name of fully registered medical practitioner*)].

Dated the day of , 19 .

J.C.,

Clerk of the Juvenile Court sitting at

38

Order varying or revoking supervision order

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

Before the Juvenile Court sitting at

Whereas on the day of , 19 , a supervision order under section 66 of the Children and Young Persons Act 1933 was made in respect of A.B. of (hereinafter called the respondent) by this Court [*or* by the Juvenile Court sitting at which named this Court in the said order] placing the respondent under the supervision of C.D. (hereinafter called the applicant) for a period of :

The applicant [*or* the respondent] [*or* E.F. to whose care as a fit person the respondent is committed] has applied for the discharge of the order:

[*or* The applicant has applied for the amendment of the order by substituting/inserting therein the name of the petty sessions area [and by substituting other requirements therein]:]

[*or* The applicant [*or* respondent] [*or* E.F. to whose care as a fit person the respondent is committed] has applied for the amendment of the order by substituting supervision by another person [*or* by cancelling certain requirements of the order] [*or* by inserting in the order requirements which could have been included in it originally *or* by extending the period of supervision]:]

[*or* The Court is satisfied that the respondent proposes to reside [*or* resides] in Scotland:]

It is hereby ordered that the aforesaid order shall be discharged *or* shall be amended as follows:—

[*or* and the Court hereby specifies the Court at as the court of summary jurisdiction which has jurisdiction in the place in Scotland where the respondent resides [*or* will reside] and places the respondent for the period of (being the remainder of the period specified in the above-mentioned supervision order) under the supervision of such probation officer or other person as may be appointed by that Court].

Dated the day of , 19 .

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

39

Order remitting care, protection and control case

In the [county of . Petty Sessional Division of].
Before the Juvenile Court sitting at .

A.B. (hereinafter called the respondent) has been brought before the Court as being in need of care, protection or control, but the Court acts for a petty sessions area other than that in which the respondent resides:

The Court is of opinion that the respondent might be found to be in need as aforesaid:

It is hereby directed that the respondent be brought before the Juvenile Court sitting at (which acts for the petty sessions area in which the respondent resides) within 21 days of this date by the County [Borough] Council and that meanwhile the respondent be committed to the remand home at [*or* to a place of safety, namely].

Dated the day of , 19 .

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

To the Clerk of the Juvenile Court at
and to the of the County [Borough] Council,
and to the occupier of the place of safety, namely

44

Contribution order

In the [county of . Petty Sessional Division of].
Before the Magistrates' [Juvenile] Court sitting at .

The Juvenile Court sitting at
on the day of , 19 , [*or* The Court has this day] made an approved school order [*or* a fit person order] in respect of A.B. a child [*or* young person] under the age of 16 years:

Complaint has been made that B.B. of
(hereinafter called the defendant) is liable to make contributions under section 86 of the Children and Young Persons Act 1933 as the father/mother of the said child [*or* young person]:

It is hereby ordered in pursuance of section 87 of that Act that the defendant do pay to the council of the county [borough] of ,
being the local authority to whose care the said child [*or* young person] is committed [*or* named in the approved school order] [*or* in whose area the defendant is residing]: [*or* to E.F. of [*or*
to the clerk of the Court on behalf of] the fit person named in that order]

a weekly sum of until the said child [*or* young person] attains the age of 16 except while the said child [*or* young person] is absent from the approved school under supervision [*or* allowed to be under the charge of a parent, guardian, relative or friend]; and the sum of for costs.

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] first above-mentioned.

45

Arrears order

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

Before the Magistrates' Court sitting at .

An approved school order [*or* fit person order] was made by the Juvenile Court sitting at on the day of , 19 , in respect of A.B. a child [*or* young person] under the age of 16 years:

Application was made on the day of , 19 , under section 30 of the Children and Young Persons Act 1963 against B.B. of (hereinafter called the defendant) in respect of a period of default during which no order was in force under section 87 of the Children and Young Persons Act 1933 requiring the defendant to make contributions in respect of the said child [*or* young person]:

The Court finds that the period of default is :

It is hereby ordered that the defendant do pay to the council of the county [borough] of [*or* to E.F. of] [*or* to the clerk of the Court on behalf of] the person who would have been entitled to receive payments under such an order a weekly sum of for a period of weeks.

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] first above-mentioned.

46

Order remitting to Juvenile Court under section 56 of the Act

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

Before the Magistrates' Court sitting at .

A.B. (hereinafter called the defendant) of has this day been found guilty by the said Court of (*state the offence*).

The defendant is a child [*or* young person] born on the day of 19 .

It is hereby ordered that the case be remitted to the Juvenile Court sitting at acting for the same place as the Court [*or* for the place where the defendant resides]:

And it is directed that the defendant be committed to until brought before that Juvenile Court [*or* be released upon entering into a recognisance in the sum of £ , with surety in the sum of £ [each] to appear at that Juvenile Court on day, the day of , 19 , at the hour of in the noon].

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 amend the Summary Jurisdiction (Children and Young Persons) Rules 1933 by substituting new Rules and new forms to take account of the provisions of the Children and Young Persons Act 1963; the main change is the substitution of the new Rules set out in Schedule 1 (which prescribe the procedure for dealing with persons in need of care, protection or control) in place of Part II of the 1933 Rules.