1973. No. 346 **[C]**

MAGISTRATES' COURTS

Children and Young Persons (Amendment) Rules

RULES, DATED 19TH SEPTEMBER 1973, MADE BY THE SECRETARY OF STATE UNDER SECTION 23 OF THE MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964.

I, THE RIGHT HONOURABLE WILLIAM WHITELAW, M.C., M.P., in exercise of the powers conferred on me by section 23 of the Magistrates' Courts Act (Northern Ireland) 1964(**a**) and section 1(1) of the Northern Ireland (Temporary Provisions) Act 1972(**b**) and of every other power enabling me in that behalf, on the recommendation of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice, do hereby make the following Rules:—

Citation and commencement

1. These Rules may be cited as the Magistrates' Courts (Children and Young Persons) (Amendment) Rules (Northern Ireland) 1973 and shall come into operation on 1st October 1973.

Amendment of the Principal Rules

2. The provisions of the Magistrates' Courts (Children and Young Persons) Rules (Northern Ireland) 1969(**c**) (hereinafter referred to as "the Principal Rules") referred to in the first column of the Schedule are amended or revoked to the extent specified in the second column thereof.

Amendment of Rules as to school attendance proceedings

3. In Rule 2(1) of the Magistrates' Courts (School Attendance Proceedings) Rules (Northern Ireland) 1969(**d**) for the words "section 35 or 37 of the Education Act (Northern Ireland) 1947" there shall be substituted the words "paragraph 4(1) of Schedule 9 to the Education and Libraries (Northern Ireland) Order 1972"(**e**).

Revocation

4. So much of the Schedule to Magistrates' Courts (Children and Young Persons) (Amendment) Rules (Northern Ireland) 1971(**f**) as amends any Form substituted by these Rules shall cease to have effect.

Dated this 19th day of September 1973.

W. S. I. Whitelaw,
One of Her Majesty's Principal Secretaries of State.

(**a**) 1964. c. 21 (N.I.).
(**b**) 1972. c. 22.
(**c**) S.R. & O. (N.I.) 1969, No. 221 as amended by S.R. & O. (N.I.) 1971, No. 179.
(**d**) S.R. & O. (N.I.) 1969, No. 300.
(**e**) S.I. 1972, No. 1263 (N.I. 12).
(**f**) S.R. & O. (N.I.) 1971, No. 179.

SCHEDULE

Amendment or Revocation of Principal Rules

Provision amended or revoked	*Amendment or revocation*
General	Without prejudice to Schedule 16 to the Health and Personal Social Services (Northern Ireland) Order 1972(g) and section 29 of the Interpretation Act (Northern Ireland) 1954(h), for any reference in the Principal Rules (including the Forms scheduled to those Rules) to a Welfare Authority there shall be substituted a reference to the Ministry of Home Affairs or, where under Article 17(1)(*c*) of that Order that Ministry has directed that a Health and Social Services Board shall exercise any function under the Children and Young Persons Act (Northern Ireland) 1968(i) on behalf of that Ministry, a reference to that Board. Where such a direction has been made and relates to any function referred to in the Forms in the Schedule to the Principal Rules as amended by these Rules, the relevant reference to the Ministry of Home Affairs in those Forms as so amended shall be amended to refer to the appropriate Board.
Rule 31	In Rule 31(1) for the words from "Section 38" to "1947" there shall be substituted the words "paragraphs 7 and 9 of Schedule 9 to the Education and Libraries (Northern Ireland) Order 1972".

(g) S.I. 1972, No. 1265 (N.I. 14).
(h) 1954. c. 33.
(i) 1968. c. 34 (N.I.).

Provision amended or revoked	*Amendment or revocation*
Schedule Form 7	For Form 7 there shall be substituted the following Form — "FORM NO. 7. CHILDREN AND YOUNG PERSONS ACT (NORTHERN IRELAND) 1968 (*Section* 64) EDUCATION AND LIBRARIES (NORTHERN IRELAND) ORDER 1972 (*Schedule* 9: *paragraph* 6(1)(*a*)) **Direction to bring Child or Young Person before Juvenile Court: Direction under Paragraph 6(1)(a) of Schedule 9 to the Education and Libraries (Northern Ireland) Order 1972** of) Petty Sessions District of Complainant)) County [Borough] of of) Defendant) Before the [Juvenile] Court sitting at To of Whereas a complaint has been made that the Defendant is the parent [*or* guardian etc] of a child of compulsory school age who is a registered pupil at School and that the child has failed to attend regularly the said School and has been absent therefrom on days between 19 , and 19 , contrary to paragraphs 3 and 4 of Schedule 9 to the said Order; By virtue of the provisions of paragraph 6(1) of the said Schedule, you are hereby directed to bring the said child/young person before the [said] Juvenile Court [at] on the day of 19 , at o'clock in the noon. Dated this day of 19 . Resident Magistrate"

Provision amended or revoked	*Amendment or revocation*
Form 8	For Form 8 there shall be substituted the following Form—

"FORM NO. 8

CHILDREN AND YOUNG PERSONS ACT (NORTHERN IRELAND) 1968

(*Sections* 64, 95 *and* 99)

EDUCATION AND LIBRARIES (NORTHERN IRELAND) ORDER 1972

(*Schedule* 9: *paragraph* 6(1)(*b*))

Direction to bring Child or Young Person before Juvenile Court: Direction under Paragraph 6(1)(b) of Schedule 9 to the Education and Libraries (Northern Ireland) Order 1972

of Complainant } Petty Sessions District of

of Defendant } County [Borough] of

Before the [Juvenile] Court sitting at

To of

Whereas upon the hearing of a complaint under paragraph 4 of Schedule 9 to the said Order the above-named Defendant as parent [*or* guardian etc] of a child named
was on the day of 19 ,
convicted by the Court at
of failure to comply with an attendance order requiring the Defendant to cause the said child to become a registered pupil at the school named in the order;

By virtue of the provisions of paragraph 6 of the said Schedule you are hereby directed to bring the said child before the [said] Juvenile Court [at]
on the day of 19 , at
o'clock in the noon.

Dated this day of 19 .

Resident Magistrate"

Provision amended or revoked	*Amendment or revocation*
Form 9	In Form 9 for the words "the Remand Home [*or* Special Reception Centre*] at " there shall be substituted the words "such Remand Home as the Ministry of Home Affairs shall determine [*or* Special Reception Centre* at]".
Form 15	In Form 15 for the words "the Remand Home at " there shall be substituted the words "such Remand Home as the Ministry of Home Affairs shall determine".
Form 17	For Form 17 there shall be substituted the following Form—

"FORM No. 17

CHILDREN AND YOUNG PERSONS ACT (NORTHERN IRELAND) 1968

(*Sections* 74(1)(*a*), 156(2) *and* 158(2))

Training School Order: Offence

of	Petty Sessions District of
Complainant	
	County [Borough] of
of	
Defendant	

Before the Juvenile Court sitting at
of
(hereinafter called the Defendant), who appears to the Court to be a child [*or* young person under the age of 17], having been born, so far as has been ascertained, on the day of 19 , *[[he having attained the age of 14, but being under the age of 17, and though informed by the Court of his right to be tried by a jury, having consented to be dealt with summarily] [*or* being of the age of 10 years, but under the age of 14 years, and his parent or guardian, though informed by the Court of his right to have the child tried by a jury, having consented to the child being dealt with summarily] and the prosecutor having consented to summary trial of the offence] the Defendant having pleaded guilty was found guilty for that he
which is punishable in the case of an adult with imprisonment.