

CLARKE HALL
AND MORRISON
ON CHILDREN

Second Cumulative Supplement to Ninth Edition

Joseph Jackson

Dame Margaret Booth

Brian Harris



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CLARKE HALL AND MORRISON
LAW RELATING TO
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AND
YOUNG PERSONS

SECOND CUMULATIVE SUPPLEMENT TO
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PREFACE

Since the publication of the first supplement in July 1979, the following principal matters are to be noted.

Two consolidating statutes, the Child Care Act 1980 and the Foster Children Act 1980, came into force on the 1st April 1981. The Child Care Act 1980 repeals and replaces the Children Act 1948 and Part II of the Children and Young Persons Act 1969 as well as provisions in other statutes including the Children and Young Persons Act 1933, the Children and Young Persons Act 1963 and the Children Act 1975. The Foster Children Act 1980 principally repeals and replaces the Children Act 1958 and certain sections of the Children Act 1975.

Much of the Domestic Proceedings and Magistrates' Courts Act 1978 is now in force. Attention is also drawn to the Magistrates' Courts Act 1980, repealing and replacing the Acts of 1952 and 1957 and parts of other statutes; it comes into force on the 6th July 1981 (Magistrates' Courts Act 1980 (Commencement) Order 1981, S.I. 1981 No. 457). Particular care must also be taken in regard to the Children Act 1975, many of the provisions of which are still not yet in force.

The following reported cases are of particular interest.

Conduct necessary to amount to consistent failure on the part of the parent to discharge his or her obligations towards a child has been considered: see *M. v. Wigan Metropolitan Borough Council*, (see note to p. 34).

The House of Lords has considered the meaning of "wilfully" in section 1 of the Children and Young Persons Act 1933: *R. v. Sheppard* (see note to p. 233).

As to the use of Place of Safety orders in regard to wards of court, see *Re B. (a minor)* (see note to p. 454).

The enquiry made by a judge as to a child's comprehension of the oath should be recorded and form part of the transcript of proceedings: *R. v. Khan* (see note to p. 262).

Proceedings are not "begun" for the purposes of s. 29 of the Children and Young Persons Act 1963 until the defendant is brought before the court for the first time: *R. v. Amersham Juvenile Court, ex parte Wilson* (see note to p. 377).

As to split orders for custody and care and control, see *Dipper v. Dipper* (see note to p. 744).

The controversy with regard to the change of a child's surname continues and the most recent Court of Appeal decision is to the effect that a change of a child's surname is not merely a peripheral matter: *W. v. A.* (see note to p. 744).

As to adoption by step-parents, see *Re D. (minors)* (see note to p. 902).

There are a considerable number of new statutory instruments including the Magistrates' Courts (Matrimonial Proceedings) Rules 1980 and the Magistrates' Courts (Guardianship of Minors) (Amendment) Rules 1980. There are also a number of additional circulars.

The law is stated as at 15th March 1981.

J.J.
M.B.
B.H.

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