CHAPTER 49

An Act to permit the transfer of proceedings from the High Court of Justice to the Court of Chancery of the County Palatine of Lancaster. [1st August, 1952.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Transfer of causes, &c., from High Court to Lancaster Palatine Court.

1. Any cause or matter pending in the High Court (except an appeal, whether by way of case stated or otherwise) may at any time and at any stage, upon the application of any of the parties thereto be transferred from the High Court to the Court of Chancery of the County Palatine of Lancaster by an order either of the High Court or of a Judge thereof if the cause or matter is for the time being assigned to the Chancery Division, or if the cause or matter is for the time being assigned to the Queen's Bench Division but any of the parties thereto is seeking to enforce or maintain any equitable right or to obtain any equitable relief or remedy.

Consequential provisions.

2. Where an order is made in pursuance of the foregoing section for any such transfer the proper officer of the High Court shall on production of the order transmit the documents filed in the proceedings to the Court of Chancery of the County Palatine of Lancaster, and, subject to the rules of court of the Court of Chancery of the County Palatine of Lancaster, the cause or matter shall thereafter be proceeded with according to the practice of the Court of Chancery of the County Palatine of Lancaster as if the cause or matter had been commenced in that Court, and as if any party to the cause or matter who is bound by the order but not otherwise subject to the jurisdiction of that Court had submitted to its jurisdiction.

Costs.

3. In the case of any such transfer the costs of the whole proceedings both before and after the transfer shall, subject to any order made by the Court or Judge ordering the transfer, be in the discretion of the Court of Chancery of the County Palatine of Lancaster and that Court shall have power to make orders with respect thereto and the costs of the whole proceedings shall be taxed in that Court.

Application to Crown proceedings.

4. This Act shall bind the Crown:

Provided that an order under this Act shall not, without the consent of the Crown, be made for the transfer to the Court of Chancery of the County Palatine of Lancaster of any cause or matter to which the Crown, or any Government department,

or any Minister of the Crown or other officer or servant of the Crown as such is a party, but this proviso shall not apply to proceedings brought by the Attorney-General upon the relation of some other person by reason of their being brought by him.

Short title. **5.** This Act may be cited as the Court of Chancery of Lancaster Act, 1952, and this Act and the Chancery of Lancaster Acts, 1850 to 1890, may be cited together as the Chancery of Lancaster Acts, 1850 to 1952.

CHAPTER 50

Children and Young Persons (Amendment) Act, 1952

ARRANGEMENT OF SECTIONS

Section
1. Definition of " in need of care or protection ".
2. Duty of local authority to investigate.
3. Substitution of custody in special reception centre for custody in remand home.
4. Power to vary, &c., commitment.
5. Amendment of ss. 35 and 64 of principal Act.
6. Approved school orders.
7. Arrangements between managers of approved school and local authority.
8. Exposing children under twelve to risk of burning.
9. Consequential amendments of enactments.
10. Interpretation.
11. Short title, citation, extent and commencement.

SCHEDULE: Consequential amendments of enactments.

An Act to amend the Children and Young Persons Act, 1933, and section twenty-seven of the Criminal Justice Act, 1948; and for purposes connected therewith.

[1st August 1952.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Definition of " in need of care or protection ". **1.** Any reference in the principal Act to a child or young person in need of care or protection shall include a reference to a child or young person who, having no parent or guardian or a parent or guardian unfit to exercise care and guardianship or not exercising proper care and guardianship, is ill-treated or neglected in a manner likely to cause him unnecessary suffering or injury to health.