



# Criminal Justice Act 1991

## 1991 CHAPTER 53

### PART III

#### CHILDREN AND YOUNG PERSONS

##### *Children's evidence*

#### **53 Notices of transfer in certain cases involving children.**

[<sup>F1</sup>(1) If a person has been charged with an offence to which section 32(2) of the 1988 Act applies (sexual offences and offences involving violence or cruelty) and the Director of Public Prosecutions is of the opinion—

- (a) that the evidence of the offence would be sufficient for the person charged to be committed for trial;
- (b) that a child who is alleged—
  - (i) to be a person against whom the offence was committed; or
  - (ii) to have witnessed the commission of the offence,will be called as a witness at the trial; and
- (c) that, for the purpose of avoiding any prejudice to the welfare of the child, the case should be taken over and proceeded with without delay by the Crown Court,

a notice (“notice of transfer”) certifying that opinion may be [<sup>F2</sup>given] by or [<sup>F2</sup>to] behalf of the Director on the magistrates’ court in whose jurisdiction the offence has been charged.

- (2) A notice of transfer shall be [<sup>F3</sup>given] before the magistrates’ court begins to inquire into the case as examining justices.
- (3) On the [<sup>F4</sup>giving] of a notice of transfer the functions of the magistrates’ court shall cease in relation to the case except as provided by paragraphs 2 and 3 of Schedule 6 to this Act or by [<sup>F5</sup>regulations under section 19 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012].

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*Changes to legislation: Criminal Justice Act 1991, Section 53 is up to date with all changes known to be in force on or before 07 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (4) The decision to [<sup>F6</sup>give] a notice of transfer shall not be subject to appeal or liable to be questioned in any court.
- (5) Schedule 6 to this Act (which makes further provision in relation to notices of transfer) shall have effect.
- (6) In this section “child” means a person who—
- (a) in the case of an offence falling within section 32(2)(a) or (b) of the 1988 Act, is under fourteen years of age or, if he was under that age when any such video recording as is mentioned in section 32A(2) of that Act was made in respect of him, is under fifteen years of age; or
  - (b) in the case of an offence falling within section 32(2)(c) of that Act, is under seventeen years of age or, if he was under that age when any such video recording was made in respect of him, is under eighteen years of age.
- (7) Any reference in subsection (6) above to an offence falling within paragraph (a), (b) or (c) of section 32(2) of that Act includes a reference to an offence which consists of attempting or conspiring to commit, or of aiding, abetting, counselling, procuring or inciting the commission of, an offence falling within that paragraph.
- [<sup>F7</sup>(8) This section shall not apply in any case in which section 51 of the Crime and Disorder Act 1998 (no committal proceedings for indictable-only offences) applies.]]

#### Textual Amendments

- F1** S. 53 repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 3 para. 62\(2\)](#), [Sch. 37 Pt. 4](#); [S.I. 2012/1320](#), art. 4(1)(c)(d)(2)(3) (with art. 5); [S.I. 2012/2574](#), art. 2(1)(c)(d)(2)(3), [Sch.](#) (with arts. 3, 4) (as amended (4.11.2012) by [S.I. 2012/2761](#), art. 2); [S.I. 2013/1103](#), art. 2(1)(c)(d)(2)(3) (with arts. 3, 4)
- F2** Words in s. 53(1) substituted (3.2.1995) by [1994 c. 33](#), s. 168(1), [Sch. 9 para. 49\(a\)](#); [S.I. 1995/127](#), art. 2(1), [Sch. 1](#), Appendix A
- F3** Words in s. 53(2) substituted (3.2.1995) by [1994 c. 33](#), s. 168(1), [Sch. 9 para. 49\(b\)](#); [S.I. 1995/127](#), art. 2(1), [Sch. 1](#), Appendix A
- F4** Words in s. 53(3) substituted (3.2.1995) by [1994 c. 33](#), s. 168(1), [Sch. 9 para. 49\(c\)](#); [S.I. 1995/127](#), art. 2(1), [Sch. 1](#), Appendix A
- F5** Words in s. 53(3) substituted (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 5 para. 40](#); [S.I. 2013/453](#), art. 3(h) (with savings and transitional provisions in [S.I. 2013/534](#), art. 6)
- F6** Words in s. 53(4) substituted (3.2.1995) by [1994 c. 33](#), s. 168(1), [Sch. 9 para. 49\(d\)](#); [S.I. 1995/127](#), art. 2(1), [Sch. 1](#), Appendix A
- F7** S. 53(8) inserted (4.1.1998 for certain purposes, otherwise 15.1.2001) by [1998 c. 37](#), s. 119, [Sch. 8 para. 93](#); [S.I. 1998/2327](#), art. 4(2)(c) (subject to art. 3); [S.I. 2000/3283](#), art. 2(c).

#### Modifications etc. (not altering text)

- C1** S. 53(7) modified (1.10.2008) by [Serious Crime Act 2007 \(c. 27\)](#), ss. 63(1)(2), 94, [Sch. 6 para. 19\(a\)](#); [S.I. 2008/2504](#), art. 2(a)

#### Commencement Information

- I1** S. 53 wholly in force at 1.10.1992 see s. 102(2)(3) and [S.I. 1992/333](#), art. 2(2), [Sch. 2](#).

**Changes to legislation:**

Criminal Justice Act 1991, Section 53 is up to date with all changes known to be in force on or before 07 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 24(2)(ba) inserted by [2013 c. 22 s. 26\(7\)](#)
- s. 46(3)(aa) substituted for word by [2008 c. 4 s. 33\(7\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 33(2)(4)(7)(8) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(a); S.I. 2012/2906, art. 2(d))
- s. 46ZA inserted by [2008 c. 4 s. 33\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 33(2)(4)(7)(8) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(a); S.I. 2012/2906, art. 2(d))