



# Crime and Disorder Act 1998

## 1998 CHAPTER 37

### PART II

#### CRIMINAL LAW

##### *Miscellaneous*

#### **34 Abolition of rebuttable presumption that a child is doli incapax**

The rebuttable presumption of criminal law that a child aged 10 or over is incapable of committing an offence is hereby abolished.

#### **35 Effect of child's silence at trial**

In section 35 of the 1994 Act (effect of accused's silence at trial), the following provisions shall cease to have effect, namely—

- (a) in subsection (1), the words “who has attained the age of fourteen years”; and
- (b) subsection (6).

#### **36 Abolition of death penalty for treason and piracy**

(1) In section I of the Treason Act (Ireland) 1537 (practising any harm etc. to, or slandering, the King, Queen or heirs apparent punishable as high treason), for the words “have and suffer such pains of death and” there shall be substituted the words “be liable to imprisonment for life and to such”.

(2) In the following enactments, namely—

- (a) section II of the Crown of Ireland Act 1542 (occasioning disturbance etc. to the crown of Ireland punishable as high treason);
- (b) section XII of the Act of Supremacy (Ireland) 1560 (penalties for maintaining or defending foreign authority);
- (c) section 3 of the Treason Act 1702 (endeavouring to hinder the succession to the Crown etc. punishable as high treason);

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*Status: This is the original version (as it was originally enacted).*

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- (d) section I of the Treason Act (Ireland) 1703 (which makes corresponding provision),  
for the words “suffer pains of death” there shall be substituted the words “be liable to imprisonment for life”.
- (3) The following enactments shall cease to have effect, namely—
- (a) the Treason Act 1790;
  - (b) the Treason Act 1795.
- (4) In section 1 of the Treason Act 1814 (form of sentence in case of high treason), for the words “such person shall be hanged by the neck until such person be dead”, there shall be substituted the words “such person shall be liable to imprisonment for life”.
- (5) In section 2 of the Piracy Act 1837 (punishment of piracy when murder is attempted), for the words “and being convicted thereof shall suffer death” there shall be substituted the words “and being convicted thereof shall be liable to imprisonment for life”.
- (6) The following enactments shall cease to have effect, namely—
- (a) the Sentence of Death (Expectant Mothers) Act 1931; and
  - (b) sections 32 and 33 of the Criminal Justice Act Northern Ireland) 1945 (which make corresponding provision).