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## SCHEDULES

### SCHEDULE 2

#### REPORTING RESTRICTIONS: MISCELLANEOUS AMENDMENTS

##### *Children and Young Persons Act 1933 (c.12)*

- 3 (1) Section 49 (restrictions on reports of proceedings in which children or young persons concerned) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) No matter relating to any child or young person concerned in proceedings to which this section applies shall while he is under the age of 18 be included in any publication if it is likely to lead members of the public to identify him as someone concerned in the proceedings.”
- (3) For subsection (3) substitute—
- “(3) In this section “publication” includes any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public (and for this purpose every relevant programme shall be taken to be so addressed), but does not include an indictment or other document prepared for use in particular legal proceedings.
- (3A) The matters relating to a person in relation to which the restrictions imposed by subsection (1) above apply (if their inclusion in any publication is likely to have the result mentioned in that subsection) include in particular—
- (a) his name,
  - (b) his address,
  - (c) the identity of any school or other educational establishment attended by him,
  - (d) the identity of any place of work, and
  - (e) any still or moving picture of him.”
- (4) In subsection (4), for the words from “whether as being” onwards substitute “if he is—
- (a) a person against or in respect of whom the proceedings are taken, or
  - (b) a person called, or proposed to be called, to give evidence in the proceedings.”
- (5) In subsection (4A), for “requirements of this section” substitute “ restrictions imposed by subsection (1) above ”.
- (6) In subsection (8), after “subsection” insert “ (4A) or ”.
- (7) For subsection (9) substitute—

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- “(9) If a publication includes any matter in contravention of subsection (1) above, the following persons shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale—
- (a) where the publication is a newspaper or periodical, any proprietor, any editor and any publisher of the newspaper or periodical;
  - (b) where the publication is a relevant programme—
    - (i) any body corporate or Scottish partnership engaged in providing the programme service in which the programme is included; and
    - (ii) any person having functions in relation to the programme corresponding to those of an editor of a newspaper;
  - (c) in the case of any other publication, any person publishing it.
- (9A) Where a person is charged with an offence under subsection (9) above it shall be a defence to prove that at the time of the alleged offence he was not aware, and neither suspected nor had reason to suspect, that the publication included the matter in question.
- (9B) If an offence under subsection (9) above committed by a body corporate is proved—
- (a) to have been committed with the consent or connivance of, or
  - (b) to be attributable to any neglect on the part of,
- an officer, the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.
- (9C) In subsection (9B) above “officer” means a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.
- (9D) If the affairs of a body corporate are managed by its members, “director” in subsection (9C) above means a member of that body.
- (9E) Where an offence under subsection (9) above is committed by a Scottish partnership and is proved to have been committed with the consent or connivance of a partner, he as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.”
- (8) In subsection (11), for the definition of “programme” and “programme service” substitute—
- ““picture” includes a likeness however produced;
- “relevant programme” means a programme included in a programme service, within the meaning of the <sup>M1</sup>Broadcasting Act 1990;”.
- (9) After subsection (11) insert—
- “(12) This section extends to England and Wales, Scotland and Northern Ireland, but no reference in this section to any court includes a court in Scotland.
- (13) In its application to Northern Ireland, this section has effect as if—
- (a) in subsection (1) for the reference to the age of 18 there were substituted a reference to the age of 17;

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- (b) subsection (2)(c) and (d) were omitted;
  - (c) in subsection (4A)—
    - (i) in paragraph (d) for the reference to [<sup>F1</sup>section 394(1) (d) or (e) of the Sentencing Code] there were substituted a reference to Article 50(3) of the <sup>M2</sup>Criminal Justice (Children) (Northern Ireland) Order 1998; and
    - (ii) in paragraph (e) for the references to a detention and training order and to [<sup>F2</sup>section 242(4)(b) of the Sentencing Code] there were substituted references to a juvenile justice centre order and to Article 40(2) of the <sup>M3</sup>Criminal Justice (Children) (Northern Ireland) Order 1998;
  - (d) in subsection (5) for references to a court (other than the reference in paragraph (b)) there were substituted references to a court or the Secretary of State;
  - (e) in subsection (7)—
    - (i) for the references to the Director of Public Prosecutions there were substituted references to the Director of Public Prosecutions for Northern Ireland; and
    - (ii) in paragraph (b) for the reference to any legal representative of the child or young person there were substituted a reference to any barrister or solicitor acting for the child or young person;
  - (f) subsections (8) and (10) were omitted; and
  - (g) in subsection (11)—
    - (i) the definition of “legal representative” were omitted; and
    - (ii) [<sup>F3</sup>for the references to Part 1 or 2 of Schedule 18 to the Sentencing Code] there were substituted references to Article 2(2) of the <sup>M4</sup>Criminal Justice (Northern Ireland) Order 1996.
- (14) References in this section to a young person concerned in proceedings are, where the proceedings are in a court in Northern Ireland, to a person who has attained the age of 14 but is under the age of 17.”
- (10) The amendments made by this paragraph do not apply to the inclusion of matter in a publication if—
- (a) where the publication is a relevant programme, it is transmitted, or
  - (b) in the case of any other publication, it is published,
- before the coming into force of this paragraph.

#### Textual Amendments

- F1** Words in Sch. 2 para. 3(9) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 161\(a\)](#) (with [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#)
- F2** Words in Sch. 2 para. 3(9) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 161\(b\)](#) (with [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#)
- F3** Words in Sch. 2 para. 3(9) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 161\(c\)](#) (with [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#)

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#### Commencement Information

**I1** Sch. 2 para. 3(1)-(8)(10) in force at 13.4.2015 for E.W. by [S.I. 2015/818](#), [art. 2\(g\)\(ii\)](#)

#### Marginal Citations

**M1** 1990 c. 42.

**M2** [S.I. 1998/1504](#) (N.I. 9).

**M3** 1998 c. 37.

**M4** [S.I. 1996/3160](#) (N.I. 24).

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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. 33BA33BB inserted by [2009 c. 25 s. 104\(1\)](#)