



# Youth Justice and Criminal Evidence Act 1999

## 1999 CHAPTER 23

### PART II

#### GIVING OF EVIDENCE OR INFORMATION FOR PURPOSES OF CRIMINAL PROCEEDINGS

#### CHAPTER IV

#### REPORTING RESTRICTIONS

#### *Offences*

#### **49 Offences under Chapter IV.**

- (1) This section applies if a publication—
- includes any matter in contravention of section 44(2) or of a direction under section 45(3) or 46(2); or
  - includes a report in contravention of section 47.

[<sup>F1</sup>(1A) This section also applies—

- in England and Wales, Scotland and Northern Ireland, if a publication includes any matter in contravention of a direction under section 45A(2) made by a service court;
  - in England and Wales, if a publication includes any matter in contravention of a direction under section 45A(2) made by a court other than a service court.]
- (2) Where the publication is a newspaper or periodical, any proprietor, any editor and any publisher of the newspaper or periodical is guilty of an offence.
- (3) Where the publication is a relevant programme—

**Changes to legislation:** *Youth Justice and Criminal Evidence Act 1999, Section 49 is up to date with all changes known to be in force on or before 21 April 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*

- (a) any body corporate or Scottish partnership engaged in providing the programme service in which the programme is included, and
  - (b) any person having functions in relation to the programme corresponding to those of an editor of a newspaper,
- is guilty of an offence.
- (4) In the case of any other publication, any person publishing it is guilty of an offence.
- (5) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (6) Proceedings for an offence under this section in respect of a publication falling within subsection (1)(b) may not be instituted—
- (a) in England and Wales otherwise than by or with the consent of the Attorney General, or
  - (b) in Northern Ireland otherwise than by or with the consent of the Attorney General for Northern Ireland.
- [<sup>F2</sup>(7) Schedule 2A makes special provision in connection with the operation of this section, so far as it relates to a publication that includes matter in contravention of a direction under section 45A(2), in relation to persons providing information society services.]

#### Textual Amendments

- F1** S. 49(1A) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), **ss. 78(3)(a)**, 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 63
- F2** S. 49(7) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), **ss. 78(3)(b)**, 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 63

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

- C1** S. 49 applied by S.I. 2004/1988 (N.I. 12), art. 6C(5) (as inserted (N.I.) (18.9.2006) by [The Criminal Justice \(Northern Ireland\) Order 2005 \(S.I. 2005/1965\)](#), arts. 1(2)(a), **6**; S.R. 2006/368, art. 2(a)
- C2** S. 49 applied (E.W.) (20.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 31(4)**, 185(1) (with **ss. 21, 33, 42, 58, 75, 93**); S.I. 2014/2590, art. 3(a)
- C3** S. 49 applied (E.W.) (23.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 16(4)**, 185(1) (with **ss. 21, 33, 42, 58, 75, 93**); S.I. 2015/373, art. 4(a)
- C4** S. 49 applied (26.5.2016) by [Psychoactive Substances Act 2016 \(c. 2\)](#), **ss. 33(4)**, 63(2); S.I. 2016/553, reg. 2
- C5** S. 49 applied (26.5.2016) by [Psychoactive Substances Act 2016 \(c. 2\)](#), **ss. 34(4)**, 63(2); S.I. 2016/553, reg. 2
- C6** S. 49 applied (E.W.) (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), **ss. 340(4)**, 416(1) (with **ss. 2, 398(1), 406, Sch. 27**); S.I. 2020/1236, reg. 2

#### Commencement Information

- I1** Pt. II Chs. 1-4 (ss. 16-52) in force for certain purposes at Royal Assent, see s. 68(4)
- I2** S. 49 in force at 7.10.2004 for specified purposes for E.W. by S.I. 2004/2428, **art. 2(c)**
- I3** S. 49 in force at 8.11.2004 for specified purposes for N.I. by S.R. 2004/467, **art. 2(d)**
- I4** S. 49 in force at 13.4.2015 for specified purposes for E.W. by S.I. 2015/818, **art. 2(c)**
- I5** S. 49(1)-(5) in force at 7.10.2004 for specified purposes for S. by S.I. 2004/408, **art. 3(b)**

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 49 applied by [2021 c. 17 s. 49\(4\)](#)

**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\(1\)](#)