



# Children and Young Persons Act 1933

1933 CHAPTER 12 23 and 24 Geo 5

## PART I

### PREVENTION OF CRUELTY AND EXPOSURE TO MORAL AND PHYSICAL DANGER

#### *Offences*

#### **1 Cruelty to persons under sixteen.**

- (1) If any person who has attained the age of sixteen years and [<sup>F1</sup>has the custody, charge, or care of][<sup>F1</sup>has responsibility for] any child or young person under that age, wilfully assaults, ill-treats, neglects, abandons, or exposes him, or causes or procures him to be assaulted, ill-treated, neglected, abandoned, or exposed, in a manner likely to cause him unnecessary suffering or injury to health (including injury to or loss of sight, or hearing, or limb, or organ of the body, and any mental derangement), that person shall be guilty of a misdemeanor, and shall be liable—
- (a) on conviction on indictment, to a fine . . . <sup>F2</sup> or alternatively, . . . <sup>F3</sup>, or in addition thereto, to imprisonment for any term not exceeding [<sup>F4</sup>ten] years;
  - (b) on summary conviction, to a fine not exceeding [<sup>F5</sup>£400] pounds, or alternatively, . . . <sup>F3</sup>, or in addition thereto, to imprisonment for any term not exceeding six months.
- (2) For the purposes of this section—
- (a) a parent or other person legally liable to maintain a child or young person [<sup>F6</sup>, or the legal guardian of a child or young person,] shall be deemed to have neglected him in a manner likely to cause injury to his health if he has failed to provide adequate food, clothing, medical aid or lodging for him, or if, having been unable otherwise to provide such food, clothing, medical aid or lodging, he has failed to take steps to procure it to be provided under [<sup>F7</sup>the enactments applicable in that behalf];
  - (b) where it is proved that the death of an infant under three years of age was caused by suffocation (not being suffocation caused by disease or the presence of any foreign body in the throat or air passages of the infant) while the infant

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was in bed with some other person who has attained the age of sixteen years, that other person shall, if he was, when he went to bed, under the influence of drink, be deemed to have neglected the infant in a manner likely to cause injury to its health.

- (3) A person may be convicted of an offence under this section—
  - (a) notwithstanding that actual suffering or injury to health, or the likelihood of actual suffering or injury to health, was obviated by the action of another person;
  - (b) notwithstanding the death of the child or young person in question.
- (4) ..... F8
- (5) ..... F9
- (7) Nothing in this section shall be construed as affecting the right of any parent, teacher, or other person having the lawful control or charge of a child or young person to administer punishment to him.

**Textual Amendments**

F1 Words “has responsibility for” substituted (*prosp.* for words “has the custody, charge or care of” by Children Act 1989 (c. 41, SIF 20), s. 108(2)(5)(6), Sch. 13 para. 2, **Sch. 14 para. 1(1)**)

F2 Words repealed by Children Act 1975 (c. 72), **Sch. 4 Pt. III**

F3 Words repealed by Children and Young Persons Act 1963 (c. 37), s. 64, **Sch. 5**

F4 Word substituted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. **45(1)(2)**

F5 Words substituted by Children Act 1975 (c. 72), **Sch. 3 para. 1**

F6 Words inserted (*prosp.*) by Children Act 1989 (c. 41, SIF 20), s. 108(2)(4)(6), Sch. 12 para. 2, **Sch. 14 para. 1(1)**

F7 Words substituted by S.I. 1951/174 (1951 I, p. 1369), Sch.

F8 Ss. 1(4), 51 repealed by Criminal Law Act 1967 (c. 58), s. 12, **Sch. 3 Pt. III**

F9 S. 1(5)(6) repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170(2), **Sch. 16**

2 ..... F10

**Textual Amendments**

F10 Ss. 2, 3(2) repealed by Sexual Offences Act 1956 (c. 69). s. 52, Sch. 4

**3 Allowing persons under sixteen to be in brothels.**

- (1) If any person having [<sup>F11</sup>the custody, charge or care of][<sup>F11</sup>responsibility for] a child or young person who has attained the age of four years and is under the age of sixteen years, allows that child or young person to reside in or to frequent a brothel, he shall be [<sup>F12</sup>liable on summary conviction to a fine not exceeding [<sup>F13</sup>level 2 on the standard scale]], or alternatively . . . <sup>F14</sup> or in addition thereto, to imprisonment for any term not exceeding six months.
- (2) ..... F15

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#### Textual Amendments

- F11** Words “responsibility for” substituted (*prosp.* for words “the custody, charge or care of” by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(2)(5)(6), Sch. 13 para. 3(a), [Sch. 14 para. 1\(1\)](#))
- F12** Words substituted by [Criminal Law Act 1977 \(c. 45\)](#), [Sch. 1 para. 4](#)
- F13** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#)
- F14** Words repealed by [Children and Young Persons Act 1963 \(c. 37\)](#), s. 64, [Sch. 5](#)
- F15** [Ss. 2, 3\(2\)](#) repealed by [Sexual Offences Act 1956 \(c. 69\)](#). s. 52, Sch. 4

## 4 Causing or allowing persons under sixteen to be used for begging.

- (1) If any person causes or procures any child or young person under the age of sixteen years or, having [<sup>F16</sup>the custody, charge, or care of][<sup>F16</sup>responsibility for] such a child or young person, allows him to be in any street, premises, or place for the purpose of begging or receiving alms, or of inducing the giving of alms (whether or not there is any pretence of singing, playing, performing, offering anything for sale, or otherwise) he shall, on summary conviction, be liable to a fine not exceeding [<sup>F17</sup>level 2 on the standard scale], or alternatively, . . . <sup>F18</sup> or in addition thereto, to imprisonment for any term not exceeding three months.
- (2) If a person having [<sup>F16</sup>the custody, charge, or care of][<sup>F16</sup>responsibility for] a child or young person is charged with an offence under this section, and it is proved that the child or young person was in any street, premises, or place for any such purpose as aforesaid, and that the person charged allowed the child or young person to be in the street, premises, or place, he shall be presumed to have allowed him to be in the street, premises, or place for that purpose unless the contrary is proved.
- (3) If any person while singing, playing, performing or offering anything for sale in a street or public place has with him a child who has been lent or hired out to him, the child shall, for the purposes of this section, be deemed to be in that street or place for the purpose of inducing the giving of alms.

#### Textual Amendments

- F16** Words “responsibility for” substituted (*prosp.*) for words “the custody, charge or care of” by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(2)(5)(6), Sch. 13 para. 3(b), [Sch. 14 para. 1\(1\)](#))
- F17** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#)
- F18** Words repealed by [Children and Young Persons Act 1963 \(c. 37\)](#), s. 64, [Sch. 5](#)

## 5 Giving intoxicating liquor to children under five.

If any person gives, or causes to be given, to any child under the age of five years any intoxicating liquor, except upon the order of a duly qualified medical practitioner, or in case of sickness, apprehended sickness, or other urgent cause, he shall, on summary conviction, be liable to a fine not exceeding [<sup>F19</sup>level 1 on the standard scale].

#### Textual Amendments

- F19** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#)

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F20

#### Textual Amendments

**F20** S. 6 repealed by [Licensing Act 1953 \(c. 46\)](#), [Sch. 10](#)

7

### **Sale of tobacco, &c. to persons under sixteen.**

- (1) Any person who sells to a person apparently under the age of sixteen years any tobacco or cigarette papers, whether for his own use or not, shall be liable, on summary conviction, in the case of a first offence to a fine not exceeding [<sup>F21</sup>twenty-five] pounds, in the case of a second offence to a fine not exceeding [<sup>F21</sup>fifty] pounds, and in the case of a third or subsequent offence to a fine not exceeding [<sup>F21</sup>one hundred] pounds.

. . .  
 F22

- (2) If on complaint to a court of summary jurisdiction it is proved to the satisfaction of the court that any automatic machine for the sale of tobacco kept on any premises is being extensively used by persons apparently under the age of sixteen years, the court [<sup>F23</sup>shall] order the owner of the machine, or the person on whose premises the machine is kept, to take such precautions to prevent the machine being so used as may be specified in the order or, if necessary, to remove the machine, within such time as may be specified in the order, and if any person against whom such an order has been made fails to comply therewith, he shall be liable, on summary conviction, to a fine not exceeding [<sup>F24</sup>level 3 on the standard scale], and to a further fine not exceeding [<sup>F25</sup>ten] pound for each day during which the offence continues.
- (3) It shall be the duty of a constable and of a park-keeper being in uniform to seize any tobacco or cigarette papers in the possession of any person apparently under the age of sixteen years whom he finds smoking in any street or public place, and any tobacco or cigarette papers so seized shall be disposed of, if seized by a constable, in such manner as the police authority may direct, and if seized by a park-keeper, in such manner as the authority or person by whom he was appointed may direct.
- (4) Nothing in this section shall make it an offence to sell tobacco or cigarette papers to, or shall authorise the seizure of tobacco or cigarette papers in the possession of, any person who is at the time employed by a manufacturer of or dealer in tobacco, either wholesale or retail, for the purposes of his business, or is a boy messenger in uniform in the employment of a messenger company and employed as such at the time.
- (5) For the purposes of this section the expression “tobacco” includes cigarettes [<sup>F26</sup>any product containing tobacco and intended for oral or nasal use] and smoking mixtures intended as a substitute for tobacco, and the expression “cigarettes” includes cut tobacco rolled up in paper, tobacco leaf, or other material in such form as to be capable of immediate use for smoking.

#### Textual Amendments

- F21** Words substituted by [Children and Young Persons Act 1963 \(c. 37\)](#), [s. 32\(a\)](#) in relation to offences committed after 1.2.1964
- F22** Words repealed by [Protection of Children \(Tobacco\) Act 1986 \(c. 34, SIF 20\)](#), [s. 1\(1\)\(a\)\(2\)](#)
- F23** Word substituted by [Protection of Children \(Tobacco\) Act 1986 \(c. 34, SIF 20\)](#), [s. 1\(1\)\(b\)\(2\)](#)
- F24** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#)

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**F25** Words substituted by Children and Young Persons Act 1963 (c. 37), s. 32(b) in relation to offences committed after 1.2.1964

**F26** Words inserted by Protection of Children (Tobacco) Act 1986 (c. 34, SIF 20), s. 1(1)(c)

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

**C1** Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 35 (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.)

8 ..... F27

**Textual Amendments**

**F27** S. 8 repealed by Consumer Credit Act 1974 (c. 39), s. 192(1)(4), Sch. 5

9 ..... F28

**Textual Amendments**

**F28** S. 9 repealed by Scrap Metal Dealers Act 1964 (c. 69), Sch. Pt. I

**10 Vagrants preventing children from receiving education.**

(1) If a person habitually wanders from place to place and takes with him any child who has attained the age of five years [<sup>F29</sup>or any young person who has not attained the age at which under the enactments relating to education children cease to be of compulsory school age,] he shall, unless he proves that the child [<sup>F30</sup>or young person is not, by being so taken with him, prevented from receiving efficient full-time education suitable to his age ability and aptitude [<sup>F31</sup>and to any special educational needs he may have], be liable on summary conviction to a fine not exceeding [<sup>F32</sup>level 1 on the standard scale].]

[<sup>F33</sup>(1A) Proceedings for an offence under this section shall not be instituted except by a local education authority; and before instituting such proceedings the authority shall consider whether it would be appropriate, instead of or as well as instituting the proceedings, [<sup>F34</sup>to bring the child or young person in question before a juvenile court under section 1 of the <sup>M1</sup>Children and Young Persons Act 1969.]] [<sup>F34</sup>to make an application in respect of the child or young person for an education supervision order under section 36 of the Children Act 1989]

(2) ..... F35

[<sup>F36</sup>(3) Where in any proceedings for an offence against this section it is proved that the parent or guardian of the child or young person is engaged in any trade or business of such a nature as to require him to travel from place to place, the person against whom the proceedings were brought shall be acquitted if it is proved that the child or young person has attended a school at which he was a registered pupil as regularly as the nature of the trade or business of the parent or guardian permits:

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Provided that in the case of a child or young person who has attained the age of six years the person against whom the proceedings were brought shall not be entitled to be acquitted under this subsection unless it is proved that the child or young person has made at least two hundred attendances during the period of twelve months ending with the date on which the proceedings were instituted.]

- (4) [<sup>F37</sup>The Secretary of State for Education and Science] shall have power to make regulations as to the issue of certificates of attendance for the purposes of the last foregoing subsection, and any such regulations shall be laid before Parliament as soon as may be after they are made.

#### Textual Amendments

- F29** Words inserted by [Education Act 1944 \(c. 31\)](#), **Sch. 8**  
**F30** Words substituted by [Education Act 1944 \(c. 31\)](#), **Sch. 8**  
**F31** Words inserted by [Education Act 1981 \(c. 60, SIF 41:1\)](#), **Sch. 3 para. 1**  
**F32** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 46**  
**F33** [S. 10\(1A\)](#) inserted by [Children and Young Persons Act 1969 \(c. 54\)](#), **Sch. 5 para. 2**  
**F34** Words commencing “to make an application” substituted (*prosp.*) for words commencing “to bring the child” by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(2)(5)(6), Sch. 13 para. 4, **Sch. 14 para. 1(1)**  
**F35** [S. 10\(2\)](#) repealed by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119, **Sch. 7 Pt. I**  
**F36** [S. 10\(3\)](#) substituted by [Education Act 1944 \(c. 31\)](#), **Sch. 8**  
**F37** Words substituted by virtue of [Education Act 1944 \(c. 31\)](#), **s. 2(1)** and [S.I. 1964/490](#), **arts. 2(1), 3(2)**

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

- C2** [S. 10](#) amended by [Children and Young Persons Act 1969 \(c. 54\)](#), **s. 28(2)** (repealed (*prosp.*) with saving by [Children Act 1989 \(c.41, SIF 20\)](#), s. 108(2)(6)(7), Sch. 14 para. 27(4)(6), **Sch. 15**)

#### Marginal Citations

- M1** [1969 c. 54](#).

## 11 †Exposing children under seven to risk of burning.

If any person who has attained the age of sixteen years, having [<sup>F38</sup>the custody, charge or care of][<sup>F38</sup>responsibility for] any child under the age of [<sup>F39</sup>twelve] years, allows the child to be in any room containing an open fire grate [<sup>F40</sup>or any heating appliance liable to cause injury to a person by contact therewith] not sufficiently protected to guard against the risk of his being burnt or scalded without taking reasonable precautions against that risk, and by reason thereof the child is killed or suffers serious injury, he shall on summary conviction be liable to a fine not exceeding [<sup>F41</sup>level 1 on the standard scale]:

Provided that neither this section, nor any proceedings taken thereunder, shall affect any liability of any such person to be proceeded against by indictment for any indictable offence.

#### Textual Amendments

- F38** Words “responsibility for” substituted (*prosp.* for words “the custody, charge or care of” by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(2)(5)(6), Sch. 13 para. 3(c), **Sch. 14 para. 1(1)**  
**F39** Word substituted by [Children and Young Persons \(Amendment\) Act 1952 \(c. 50\)](#), **Sch. para. 1(a)**

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**F40** Words inserted by Children and Young Persons (Amendment) Act 1952 (c. 50), Sch. para. 1(b)

**F41** Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46

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

**C3** Unreliable marginal note.

## 12 Failing to provide for safety of children at entertainments.

- (1) Where there is provided in any building an entertainment for children, or an entertainment at which the majority of the persons attending are children, then, if the number of children attending the entertainment exceeds one hundred, it shall be the duty of the person providing the entertainment to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate, and to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and to take all other reasonable precautions for the safety of the children.
- (2) Where the occupier of a building permits, for hire or reward, the building to be used for the purpose of an entertainment, he shall take all reasonable steps to secure the observance of the provisions of this section.
- (3) If any person on whom any obligation is imposed by this section fails to fulfil that obligation, he shall be liable, on summary conviction, to a fine not exceeding, in the case of a first offence fifty pounds, and in the case of a second or subsequent offence one hundred pounds, and also, if the building in which the entertainment is given is licensed . . . <sup>F42</sup> under any of the enactments relating to the licensing of theatres and of houses and other places for music or dancing, the licence shall be liable to be revoked by the authority by whom the licence was granted.
- (4) A constable may enter any building in which he has reason to believe that such an entertainment as aforesaid is being, or is about to be, provided, with a view to seeing whether the provisions of this section are carried into effect, and an officer authorised for the purpose by an authority by whom licences are granted under any of the enactments referred to in the last foregoing subsection shall have the like power of entering any building so licensed by that authority.
- (5) The institution of proceedings under this section shall—
  - (a) in the case of a building [<sup>F43</sup>licensed by a local authority] under [<sup>F44</sup>section 1 of the Cinemas Act 1985], or under the enactments relating to the licensing of theatres or of houses and other places for music or dancing, be the duty of [<sup>F43</sup>that local authority]; and
  - (b) in any other case, be the duty of the police authority.
- (6) This section shall not apply to any entertainment given in a private dwelling-house.

**Textual Amendments**

**F42** Words repealed by Cinemas Act 1985 (c. 13, SIF 45A), s. 24(2), Sch. 3

**F43** Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 16, Sch. 8 para. 5

**F44** Words substituted by Cinemas Act 1985 (c. 13, SIF 45A), s. 24(1), Sch. 2 para. 2



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

- C4** [S. 12](#): functions of local authority not to be the responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), [reg. 2\(1\)](#), [Sch. 1](#) B1 35
- C5** [Criminal Justice Act 1982](#) (c. 48, [SIF 39:1](#)), [ss. 35](#) (in relation to liability on first and subsequent convictions), [38](#) (increase of fines) and [46](#) (substitution of references to levels on the standard scale) apply (E.W.)



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