



Children and Young Persons Act 1933

1933 CHAPTER 12 23 and 24 Geo 5

PART III

PROTECTION OF CHILDREN AND YOUNG PERSONS IN RELATION TO CRIMINAL AND SUMMARY PROCEEDINGS

General Provisions as to Proceedings in Court

36 Prohibition against children being present in court during the trial of other persons.

No child (other than an infant in arms) shall be permitted to be present in court during the trial of any other person charged with an offence, or during any proceedings preliminary thereto, except during such time as his presence is required as a witness or otherwise for the purposes of justice; and any child present in court when under this section he is not to be permitted to be so shall be ordered to be removed:

Provided that this section shall not apply to messengers, clerks, and other persons required to attend at any court for purposes connected with their employment.

37 Power to clear court while child or young person is giving evidence in certain cases.

- (1) Where, in any proceedings in relation to an offence against, or any conduct contrary to, decency or morality, a person who, in the opinion of the court, is a child or young person is called as a witness, the court may direct that all or any persons, not being members or officers of the court or parties to the case, their counsel or solicitors, or persons otherwise directly concerned in the case, be excluded from the court during the taking of the evidence of that witness:

Provided that nothing in this section shall authorise the exclusion of bonâ fide representatives of a newspaper or news agency.

Status: Point in time view as at 01/02/1991.

Changes to legislation: Children and Young Persons Act 1933, Cross Heading: General Provisions as to Proceedings in Court is up to date with all changes known to be in force on or before 21 March 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)

- (2) The powers conferred on a court by this section shall be in addition and without prejudice to any other powers of the court to hear proceedings in camera.

38 Evidence of child of tender years.

- (1) Where, in any proceedings against any person for any offence, any child of tender years called as a witness does not in the opinion of the court understand the nature of an oath, his evidence may be received, though not given upon oath, if, in the opinion of the court, he is possessed of sufficient intelligence to justify the reception of the evidence, and understands the duty of speaking the truth; and his evidence, though not given on oath, but otherwise taken and reduced into writing in accordance with the provisions of section seventeen of the ^{M1}Indictable Offences Act 1848, or of this Part of this Act, shall be deemed to be a deposition within the meaning of that section and that Part respectively:

. . . F1

- (2) If any child whose evidence is received as aforesaid wilfully gives false evidence in such circumstances that he would, if the evidence had been given on oath, have been guilty of perjury, he shall be liable on summary conviction to be dealt with as if he had been summarily convicted of an indictable offence punishable in the case of an adult with imprisonment.

Textual Amendments

F1 Proviso repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 34(1), 170(2), [Sch. 16](#)

Marginal Citations

M1 [1848 c. 42.](#)

39 Power to prohibit publication of certain matter in newspapers.

- (1) In relation to any proceedings in any court . . . ^{F2}, the court may direct that—
- (a) no newspaper report of the proceedings shall reveal the name, address or school, or include any particulars calculated to lead to the identification, of any child or young person concerned in the proceedings, either as being the person [^{F3}by or against] or in respect of whom the proceedings are taken, or as being a witness therein;
 - (b) no picture shall be published in any newspaper as being or including a picture of any child or young person so concerned in the proceedings as aforesaid;
- except in so far (if at all) as may be permitted by the direction of the court.
- (2) Any person who publishes any matter in contravention of any such direction shall on summary conviction be liable in respect of each offence to a fine not exceeding [^{F4}level 5 on the standard scale].

Textual Amendments

F2 Words repealed by [Children and Young Persons Act 1963 \(c. 37\)](#), s. 64, [Sch. 5](#)

F3 Words substituted by [Children and Young Persons Act 1963 \(c. 37\)](#), s. 57(1)

F4 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46

Status: Point in time view as at 01/02/1991.

Changes to legislation: Children and Young Persons Act 1933, Cross Heading: General Provisions as to Proceedings in Court is up to date with all changes known to be in force on or before 21 March 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)

Modifications etc. (not altering text)

- C1** S. 39 extended by Children and Young Persons Act 1963 (c. 37), s. 57(3)(4) (as amended (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), ss. 79(10), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 64 (with Sch. 2 para. 5))
- C2** S. 39 extended with modifications by Cable and Broadcasting Act 1984 (c. 46, SIF 96), s. 57(1), Sch. 5 para. 4(3)

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

Children and Young Persons Act 1933, Cross Heading: General Provisions as to Proceedings in Court is up to date with all changes known to be in force on or before 21 March 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.