



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

Juvenile Offenders

50 Age of criminal responsibility.

It shall be conclusively presumed that no child under the age of [^{F1}ten] years can be guilty of any offence.

Annotations:

Amendments (Textual)

F1 Word substituted by [Children and Young Persons Act 1963 \(c. 37\), s. 16\(1\)](#)

51^{F2}

Annotations:

Amendments (Textual)

F2 [Ss. 1\(4\), 51](#) repealed by [Criminal Law Act 1967 \(c. 58\), s. 12, Sch. 3 Pt. III](#)

52^{F3}

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Children and Young Persons Act 1933. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Annotations:

Amendments (Textual)

F3 Ss. 33, 52 repealed by [Criminal Justice Act 1948 \(c. 58\)](#), **Sch. 10 Pt. I**

^{F4}**53**

Annotations:

Amendments (Textual)

F4 S. 53 repealed (25.8.2000) by [2000 c. 6, ss. 165\(4\), 168\(1\)](#), **Sch. 12 Pt. I** (with [Sch. 11 paras. 1, 2](#))

54 ^{F5}

Annotations:

Amendments (Textual)

F5 Ss. 26(6), 29(3), 32, 35, 44(2), 54, 55(2), 57, 62–76, 77(1)(3), 78, 79(4), 81(2), 82–85, 90, 91, 94, 107(2), 108(2)(3), [Sch. 4 paras. 4–13](#) repealed by [Children and Young Persons Act 1969 \(c. 54\)](#), s. 72, **Sch. 6**

^{F6}**55**

Annotations:

Amendments (Textual)

F6 S. 55 repealed (25.8.2000) by [2000 c. 6, ss. 165\(4\), 168\(1\)](#), **Sch. 12 Pt. I** (with [Sch. 11 paras. 1, 2](#)) and subject to an amendment (26.10.2000 for E. and 28.7.2001 for W.) by [2000 c. 22, ss. 107\(1\), 108\(4\)](#), **Sch. 5 para. 2**; [S.I. 2000/2849, art. 2\(f\)\(h\)](#)

^{F7}**56**

Annotations:

Amendments (Textual)

F7 S. 56 repealed (25.8.2000) by [2000 c. 6, ss. 165\(4\), 168\(1\)](#), **Sch. 12 Pt. I** (with [Sch. 11 paras. 1, 2](#))

57 ^{F8}

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Annotations:

Amendments (Textual)

- F8** Ss. 26(6), 29(3), 32, 35, 44(2), 54, 55(2), 57, 62–76, 77(1)(3), 78, 79(4), 81(2), 82–85, 90, 91, 94, 107(2), 108(2)(3), Sch. 4 paras. 4–13 repealed by Children and Young Persons Act 1969 (c. 54), s. 72, **Sch. 6**

58 Power of Secretary of State to send certain juvenile offenders to approved schools.

The Secretary of State may by order direct that—

- (a) a person who is under the age of eighteen years and is undergoing detention in a Borstal institution; or
- (b) a child or young person [^{F9}sentenced to be detained under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 with respect to whom he is authorised to give directions under section 92 of that Act]; or
- (c) a young person who has been ordered to be imprisoned and has been pardoned by His Majesty on condition of his agreeing to undergo training in a school,

shall be transferred or sent to and detained in an approved school specified in the order; and any such order shall be an authority [^{F10}for his detention in that approved school or in such other approved school as the Secretary of State may from time to time determine] until such date as may be specified in the order:

Provided that the date to be so specified shall be not later than that on which he will in the opinion of the Secretary of State attain the age of nineteen years nor later—

- (a) in the case of a person who was . . . [^{F11}sentenced to detention under the said [^{F12}section 91], than the date on which his detention would have expired;
- (b) in the case of a young person who has been sentenced to imprisonment and pardoned as aforesaid, than three years from the date as from which his sentence began to run;
- [^{F13}(c) in the case of a person who was undergoing detention in a Borstal institution, than the end of the period for which he would have been liable to be detained therein.]

Annotations:

Amendments (Textual)

- F9** S. 58: Words in first paragraph (b) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 3(2)**
- F10** Words substituted by Children and Young Persons Act 1963 (c. 37), **Sch. 3 para. 13**
- F11** Words repealed by Criminal Justice Act 1948 (c. 58), **Sch. 10 Pt. I**
- F12** S. 58: Words in second paragraph (a) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 3(3)**
- F13** S. 58 proviso(c) added by Criminal Justice Act 1948 (c. 58), **Sch. 9**

Modifications etc. (not altering text)

- C1** S. 58 extended by Children and Young Persons Act 1963 (c. 37), s. 11(2)(4)

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59 Miscellaneous provisions as to summary proceedings against juvenile offenders.

(1) The words “conviction” and “sentence” shall cease to be used in relation to [^{F14}children and] young persons dealt with summarily and any reference in any enactment [^{F15}whether passed before or after the commencement of this Act] to a person convicted, a conviction or a sentence shall, in the case of a [^{F14}child or] young person, be construed as including a reference to a person found guilty of an offence, a finding of guilt or an order made upon such a finding, as the case may be:

..... F16

(2) F17

Annotations:

Amendments (Textual)

F14 Words repealed (prosp.) by [Children and Young Persons Act 1969 \(c. 54\)](#), **Sch. 6**

F15 Words inserted by [Criminal Justice Act 1948 \(c. 58\)](#), **Sch. 9**

F16 [S. 59\(1\)](#) proviso repealed by [Criminal Justice Act 1948 \(c. 58\)](#), **Sch. 10 Pt. I**

F17 [S. 59\(2\)](#) repealed by Costs in [Criminal Cases Act 1952 \(c. 48\)](#), **Sch.**

60 F18

Annotations:

Amendments (Textual)

F18 [S. 60](#) and [Sch. 3](#) repealed by [Magistrates' Courts Act 1952 \(c. 55\)](#), s. 132, **Sch. 6**

61 F19

Annotations:

Amendments (Textual)

F19 [Ss. 14\(3\), 22, 24\(3\)\(5\), 29\(1\)\(2\), 61](#) repealed by [Children and Young Persons Act 1963 \(c. 37\)](#), s. 64, **Sch. 5**

62—76 F20

Annotations:

Amendments (Textual)

F20 [Ss. 26\(6\), 29\(3\), 32, 35, 44\(2\), 54, 55\(2\), 57, 62–76, 77\(1\)\(3\), 78, 79\(4\), 81\(2\), 82–85, 90, 91, 94, 107\(2\), 108\(2\)\(3\), Sch. 4 paras. 4–13](#) repealed by [Children and Young Persons Act 1969 \(c. 54\)](#), s. 72, **Sch. 6**

Changes to legislation:

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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. 1(2A)(2B) inserted by 2015 c. 9 s. 66(6)
- s. 12D(1)(d) and word inserted by 2014 c. 6 s. 93(6)(b)
- s. 12D(1A)-(1F) inserted by 2017 anaw 2 s. 51
- s. 12D(2A) inserted by 2014 c. 6 s. 93(6)(c)
- s. 39(1)(aa) inserted by 2015 c. 2 s. 79(4)
- s. 39(2A) inserted by 2010 c. 26 Sch. 3 para. 3 (This amendment not applied to legislation.gov.uk. Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by 2013 c. 22, s. 17(4) ; S.I. 2013/2200 art. 2(a))
- s. 39A inserted by 2015 c. 2 s. 79(9)
- Sch. 1A inserted by 2015 c. 2 Sch. 15 para. 1

Commencement Orders yet to be applied to the Children and Young Persons Act 1933

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2010/145 art. 2 Sch. commences (2009 c. 25)
- S.I. 2010/469 art. 2-4 Sch. commences (2006 c. 38)
- S.I. 2010/1068 art. 2 commences (2009 c. 21)
- S.I. 2010/2541 art. 2 3 commences (2006 c. 38)
- S.I. 2011/1255 art. 2 commences (2009 c. 21)
- S.I. 2011/2362 art. 2 commences (2009 c. 21)
- S.I. 2011/3019 art. 3 Sch. 1 commences (2011 c. 13)