



# Children and Young Persons Act 1933

1933 CHAPTER 12 23 and 24 Geo 5

## PART I E+W

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

#### *Offences*

#### 1 Cruelty to persons under sixteen. E+W

- (1) If any person who has attained the age of sixteen years and [<sup>F1</sup>has responsibility for] any child or young person under that age, wilfully assaults, ill-treats [<sup>F2</sup>(whether physically or otherwise)], neglects, abandons, or exposes him, or causes or procures him to be assaulted, ill-treated [<sup>F3</sup>(whether physically or otherwise)], neglected, abandoned, or exposed, in a manner likely to cause him unnecessary suffering or injury to health [<sup>F4</sup>(whether the suffering or injury is of a physical or a psychological nature)], that person shall be guilty of [<sup>F5</sup>an offence], and shall be liable—
  - (a) on conviction on indictment, to a fine . . . <sup>F6</sup> or alternatively, . . . <sup>F7</sup>, or in addition thereto, to imprisonment for any term not exceeding [<sup>F8</sup>14] years;
  - (b) on summary conviction, to a fine not exceeding [<sup>F9</sup>£400] pounds, or alternatively, . . . <sup>F7</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>F10</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>F11</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 [<sup>F12</sup>or at any later time before the suffocation], under the influence of drink [<sup>F13</sup>or a prohibited drug], be deemed to have neglected the infant in a manner likely to cause injury to its health.

[<sup>F14</sup>(2A) The reference in subsection (2)(b) to the infant being “in bed” with another (“the adult”) includes a reference to the infant lying next to the adult in or on any kind of furniture or surface being used by the adult for the purpose of sleeping (and the reference to the time when the adult “went to bed” is to be read accordingly).

(2B) A drug is a prohibited drug for the purposes of subsection (2)(b) in relation to a person if the person's possession of the drug immediately before taking it constituted an offence under section 5(2) of the Misuse of Drugs Act 1971.]

(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) ..... <sup>F15</sup>

(5) ..... <sup>F16</sup>

(7) <sup>F17</sup> .....

#### Textual Amendments

- F1** Words in s. 1(1) substituted (14. 10. 1991) by Children Act 1989 (c. 41, SIF 20), s. 108(5)(6), **Sch. 13 para. 2** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**.
- F2** Words in s. 1(1) inserted (3.5.2015) by Serious Crime Act 2015 (c. 9), **ss. 66(2)(a)**, 88(1) (with s. 86(10)); S.I. 2015/820, reg. 2(k)
- F3** Words in s. 1(1) inserted (3.5.2015) by Serious Crime Act 2015 (c. 9), **ss. 66(2)(b)**, 88(1) (with s. 86(10)); S.I. 2015/820, reg. 2(k)
- F4** Words in s. 1(1) substituted (3.5.2015) by Serious Crime Act 2015 (c. 9), **ss. 66(3)**, 88(1) (with s. 86(10)); S.I. 2015/820, reg. 2(k)
- F5** Words in s. 1(1) substituted (3.5.2015) by Serious Crime Act 2015 (c. 9), **ss. 66(4)**, 88(1) (with s. 86(10)); S.I. 2015/820, reg. 2(k)
- F6** Words repealed by Children Act 1975 (c. 72), **Sch. 4 Pt. III**
- F7** Words repealed by Children and Young Persons Act 1963 (c. 37), s. 64, **Sch. 5**
- F8** Word in s. 1(1)(a) substituted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 122(1)**, 208(5)(j) (with s. 122(2))
- F9** Words substituted by Children Act 1975 (c. 72), **Sch. 3 para. 1**
- F10** Words in s. 1(2)(a) inserted (14. 10. 1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4)(6), **Sch. 12 para. 2** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**.
- F11** Words substituted by S.I. 1951/174 (1951 I, p. 1369), Sch.
- F12** Words in s. 1(2)(b) inserted (3.5.2015) by Serious Crime Act 2015 (c. 9), **ss. 66(5)(a)**, 88(1) (with s. 86(10)); S.I. 2015/820, reg. 2(k)
- F13** Words in s. 1(2)(b) inserted (3.5.2015) by Serious Crime Act 2015 (c. 9), **ss. 66(5)(b)**, 88(1) (with s. 86(10)); S.I. 2015/820, reg. 2(k)
- F14** S. 1(2A)(2B) inserted (3.5.2015) by Serious Crime Act 2015 (c. 9), **ss. 66(6)**, 88(1) (with s. 86(10)); S.I. 2015/820, reg. 2(k)
- F15** S. 1(4) repealed by Criminal Law Act 1967 (c. 58), s. 12, **Sch. 3 Pt. III**

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- F16** S. 1(5)(6) repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170(2), **Sch. 16**  
**F17** S. 1(7) repealed (15.1.2005) by [Children Act 2004 \(c. 31\)](#), ss. 58(5), 64, 67(7)(f), **Sch. 5 Pt. 5**

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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. 12D(1A)-(1F) inserted by [2017 anaw 2 s. 51](#)
- 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. 49(12)-(14) inserted by [1999 c. 23 Sch. 2 para. 3\(9\)](#)