



Children and Young Persons Act (Northern Ireland) 1968

1968 CHAPTER 34

PART II

PREVENTION OF CRUELTY AND EXPOSURE TO MORAL AND PHYSICAL DANGER

F1 Most functions transf. to D/HSS, SRO (NI) 1973/504. Remaining functions transf. to S of S., SI 1973/2163

**Non-textual amendments applied to the whole Legislation
can be found in the
Introduction**

MISCELLANEOUS OFFENCES IN RELATION TO CHILDREN AND YOUNG PERSONS

20 Cruelty to persons under sixteen.

(1) If any person who has attained the age of sixteen and has^[F1] 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 an offence, and shall be liable—

- (a) on conviction on indictment, to^[F2] an unlimited fine] or to imprisonment for a term not exceeding^[F3] ten years] or to both;
- (b) on summary conviction, to a fine not exceeding^[F2] level 3 on the standard scale] or to imprisonment for a term not exceeding six months or to both.

Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons Act (Northern Ireland) 1968, PART II. (See end of Document for details)

(2) For the purposes of this section—

- (a) a parent or other person legally liable to maintain a child or young person^{F1}, 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 the [Health and Personal Social Services (Northern Ireland) Order 1972] or^{F4} Part VII of the Social Security Contributions and Benefits (Northern Ireland) Act 1992];
- (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 was in bed with some other person who has attained the age of sixteen, that other person shall, if he was, whilst in bed, under the influence of intoxicating liquor or drugs, 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.

Subs. (4), (5) rep. by 1989 NI 15

(6)^{F5}

F1	1995 NI 2
F2	1984 NI 3
F3	1989 NI 15
F4	1992 c. 9
F5	S. 20(6) repealed (20.9.2006) by Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2006 (S.I. 2006/1945 (N.I. 14)), arts. 1(3), 2(5)

21 Causing or encouraging seduction or prostitution of girl under seventeen.

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F6	S. 21 repealed (2.2.2009) by Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2)), arts. 1(3), 81, 83, Sch. 1 para. 12(2), Sch. 3 ; S.R. 2008/510, art. 2
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22 Indecent conduct towards child.

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F7	S. 22 repealed (2.2.2009) by Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2)), arts. 1(3), 81, 83, Sch. 1 para. 12(3), Sch. 3 (with Sch. 2 para. 1); S.R. 2008/510, art. 2
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23 Allowing children or young persons to be in brothels.

If any person having^{F8} responsibility for] a child who has attained the age of four, or of a young person, allows that child or young person to reside in or to frequent a brothel, he shall be guilty of an offence and shall be liable—

- (a) on conviction on indictment to^{F9} an unlimited fine] or to imprisonment for a term not exceeding six months or to both;
- (b) on summary conviction to a fine not exceeding^{F9} level 3 on the standard scale] or to imprisonment for a term not exceeding six months or to both.

F8 1995 NI 2
F9 1984 NI 3

24 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 or, having^{F10} 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 be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding^{F11} level 3 on the standard scale] or to imprisonment for a term not exceeding three months or to both.
- (2) If a person having^{F10} 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.

F10 1995 NI 2
F11 1984 NI 3

25 Giving intoxicating liquor to children.

If any person gives, or causes to be given, to any child any intoxicating liquor, except upon the order of a doctor or in case of sickness, apprehended sickness, or other urgent cause, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding^{F12} level 3 on the standard scale].

F12 1984 NI 3

S. 26 rep. by 1971 c. 13 (NI)

Ss. 27, 28 rep. by 1995 NI 2

Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons Act (Northern Ireland) 1968, PART II. (See end of Document for details)

29 Exposing children under twelve to risk of burning.

- (1) If any person who has attained the age of sixteen, having^{F13} responsibility for] any child under the age of twelve, allows the child to be in any room containing an open fire 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, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding^{F14} level 1 on the standard scale].
- (2) Where by reason of a contravention of subsection (1) a child is killed or suffers serious injury no proceedings taken under this section shall affect any liability of any such person to be proceeded against by indictment for any indictable offence.

F13 1995 NI 2

F14 1984 NI 3

30 Failing to provide for safety of children at entertainments.

- (1) Where there is provided in any premises 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 premises, or to any part thereof, than the premises or part can properly accommodate, and to control the movement of the children and other persons admitted while entering and leaving the premises or any part thereof, and to take all other reasonable precautions for the safety of the children.
- (2) Where the occupier of any premises permits, for hire or reward, the premises 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 guilty of an offence and shall be liable on summary conviction to a fine not exceeding^{F15} level 3 on the standard scale], and also, if the premises in which the entertainment is given are licensed^{F16}. . . under any of the enactments relating to the licensing of theatres or other premises used for public entertainment, the licence shall be liable to be revoked by the authority by whom the licence was granted or by any authority having jurisdiction in relation to any application for the transfer or renewal of the licence.
- (4) A constable may enter any premises 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 or are about to be 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 subsection (3) shall have the like power of entering any premises so licensed by that authority; and if any person wilfully obstructs any constable or officer in the due exercise of any powers conferred on him by or under this subsection he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding^{F15} level 3 on the standard scale].

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- (5) A person (other than a constable in uniform) exercising any power of entry conferred by this section shall, if so required, produce his credentials.
- (6) This section shall not apply to any entertainment given in a private dwelling-house.

F15 1984 NI 3
F16 1991 NI 12

SPECIAL PROVISIONS AS TO PROSECUTIONS FOR OFFENCES SPECIFIED IN SCHEDULE 1

S. 31 rep. by 1989 NI 12

S. 32 rep. by 1995 NI 2

33 Mode of charging offences.

- (1) Where a person is charged with committing any of the offences mentioned in Schedule 1 in respect—
- (a) of two or more children;
 - (b) of a child together with one or more than one young person;
 - (c) of two or more young persons;
 - (d) of a young person together with one or more than one child; or
 - (e) of two or more children together with two or more young persons;
- the same complaint or summons may charge the offence in respect of all or any of them, but the person shall not, if he is summarily convicted, be liable to a separate penalty in respect of each child or young person except upon separate complaints.
- (2) [^{F17}The same complaint or summons may charge any person] with the offences of assault, ill-treatment, neglect, abandonment or exposure, together or separately, and may charge him with committing all or any of those offences in a manner likely to cause unnecessary suffering or injury to health, alternatively or together, but when those offences are charged together the person charged shall not, if he is summarily convicted, be liable to a separate penalty for each.
- (3) When any offence mentioned in Schedule 1 charged against any person is a continuous offence, it shall not be necessary to specify in the complaint, summons, or indictment the dates of the acts constituting the offence, except that, where the offence is one to which [^{F18} Article 19(1)(a) of the Magistrates' Courts (Northern Ireland) Order 1981] applies, the complaint and the summons shall specify that the cause of complaint still continues or ceased to continue within the six months immediately preceding the date of the complaint.

F17 1995 NI 2
F18 1981 NI 26

S. 34 rep. by 1989 NI 12

Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons Act (Northern Ireland) 1968, PART II. (See end of Document for details)

GENERAL

[^{F19}35 Notification as to proceedings under Part II

- (1) Where on the complaint of any person charging an offence under this Part with respect to a child or young person a summons or warrant is issued, the complainant shall as soon as reasonably practicable notify to the appropriate authority—
 - (a) the nature of the charge, and
 - (b) the name and address of the child, so far as known to the complainant.
- (2) Subsection (1) shall not apply where the complainant is the appropriate authority.
- (3) In this section “the appropriate authority” means the authority within whose area the child's address is or, if that is not known, the authority within whose area the offence is alleged to have been committed, and “authority” and “area” have the same meaning as in the Children Order.]

F19 1995 NI 2

[^{F20}36 Interpretation of Part II.

- (1) For the purposes of this Part, the following shall be presumed to have responsibility for a child or young person—
 - (a) any person who—
 - (i) has parental responsibility for him (within the meaning of the Children Order); or
 - (ii) is otherwise legally liable to maintain him; and
 - (b) any person who has care of him.
- (2) A person who is presumed to be responsible for a child or young person by virtue of subsection (1)(a) shall not be taken to have ceased to be responsible for him by reason only that he does not have care of him.]

F20 1995 NI 2

Changes to legislation:

There are currently no known outstanding effects for the Children and Young Persons Act (Northern Ireland) 1968, PART II.