



# Criminal Justice Act 1991

## 1991 CHAPTER 53

### PART III

#### CHILDREN AND YOUNG PERSONS

##### *Children's evidence*

#### **52 Competence of children as witnesses**

(1) After section 33 of the 1988 Act there shall be inserted the following section—

**“33A Evidence given by children**

- (1) A child's evidence in criminal proceedings shall be given unsworn.
  - (2) A deposition of a child's unsworn evidence may be taken for the purposes of criminal proceedings as if that evidence had been given on oath.
  - (3) In this section “child” means a person under fourteen years of age.”
- (2) Subsection (1) of section 38 of the 1933 Act (evidence of child of tender years to be given on oath or in certain circumstances unsworn) shall cease to have effect; and accordingly the power of the court in any criminal proceedings to determine that a particular person is not competent to give evidence shall apply to children of tender years as it applies to other persons.