



Children and Young Persons (Scotland) Act 1937

1937 CHAPTER 37 1 Edw 8 and 1 Geo 6

PART II

PREVENTION OF CRUELTY AND EXPOSURE TO MORAL AND PHYSICAL DANGER

Offences

12 Cruelty to persons under sixteen.

- (1) If any person who has attained the age of sixteen years and has the custody, charge, or care of 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 a fine . . . ^{F1}, or alternatively, or in default of payment of such a fine, or in addition thereto, to imprisonment for any term not exceeding [^{F2}ten]years;
 - (b) on summary conviction, to a fine not exceeding [^{F3}£400], or alternatively, or in default of payment of such a fine, 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 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 [^{F4}the enactments applicable in that behalf];

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons (Scotland) Act 1937, Section 12. (See end of Document for details)

- (b) where it is proved that the death of a child 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 child) while the child 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, under the influence of drink, be deemed to have neglected the child in a manner likely to cause injury to his 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.
- (4) Where any person who has attained the age of sixteen years is tried on indictment for the culpable homicide of a child or young person under the age of sixteen years of whom he had the custody, charge, or care, it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under this section, to find him guilty of that offence.
- (5) F5
- (6) F5
- (7) Nothing in this section shall be construed as affecting the right of any parent, teacher, or other person having the lawful control or charge of a child or young person to administer punishment to him.

Textual Amendments

F1 Words repealed by [Children Act 1975 \(c. 72\), Sch. 4 Pt. III](#)

F2 Word substituted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\), s. 45\(1\)\(2\)](#)

F3 Words substituted by [Children Act 1975 \(c. 72\), Sch. 3 para. 2](#)

F4 Words Substuted by [S.I. 1951/174 \(1951 I, p. 1369\), Sch.](#)

F5 [S. 12\(5\)\(6\)](#) repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\), s. 170\(2\), Sch. 16](#)

Status:

Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Children and Young Persons (Scotland) Act 1937, Section 12.