



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

Youth Courts

[^{F1}45 Constitution of Youth courts.

- (1) Magistrates' courts—
 - (a) constituted in accordance with this section or section 66 of the Courts Act 2003 (judges having powers of District Judges (Magistrates' Courts)), and
 - (b) sitting for the purpose of—
 - (i) hearing any charge against a child or young person, or
 - (ii) exercising any other jurisdiction conferred on youth courts by or under this or any other Act,are to be known as youth courts.
- (2) A justice of the peace is not qualified to sit as a member of a youth court for the purpose of dealing with any proceedings unless he has an authorisation extending to the proceedings.
- (3) He has an authorisation extending to the proceedings only if he has been authorised by the [^{F2}Lord Chief Justice, with the concurrence of the Lord Chancellor,] to sit as a member of a youth court to deal with—
 - (a) proceedings of that description, or
 - (b) all proceedings dealt with by youth courts.
- (4) The [^{F3}Lord Chief Justice may, with the concurrence of the Lord Chancellor,] by rules make provision about—
 - (a) the grant and revocation of authorisations,
 - (b) the appointment of chairmen of youth courts, and

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- (c) the composition of youth courts.
- (5) Rules under subsection (4) may confer powers on the Lord Chancellor [^{F4}or Lord Chief Justice] with respect to any of the matters specified in the rules.
- (6) Rules under subsection (4) may be made only after consultation with the Criminal Procedure Rule Committee.
- (7) Rules under subsection (4) are to be made by statutory instrument.
- (8) A statutory instrument containing rules under subsection (4) is subject to annulment in pursuance of a resolution of either House of Parliament.
- [^{F5}(9) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (3) or (4) or his powers under rules under subsection (4).]

Textual Amendments

- F1** S. 45 substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 50(1), 110; S.I. 2005/910, art. 3(r) (with savings (1.4.2005) by The Courts Act 2003 (Transitional Provisions, Savings and Consequential Provisions) Order 2005 (S.I. 2005/911), art. 9)
- F2** Words in s. 45(3) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, Sch. 4 para. 20(2); S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(d)
- F3** Words in s. 45(4) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, Sch. 4 para. 20(3); S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(d)
- F4** Words in s. 45(5) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, Sch. 4 para. 20(4); S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(d)
- F5** S. 45(9) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, Sch. 4 para. 20(5); S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(d)

Modifications etc. (not altering text)

- C1** S. 45 modified (26.1.2004) by Courts Act 2003 (c. 39), ss. 66(3), 110; S.I. 2003/3345, art. 2(a)(iv)

46 Assignment of certain matters to [^{F6}youth courts].

- (1) Subject as hereinafter provided, no charge against a child or young person, and no application whereof the hearing is by rules made under this section assigned to [^{F6}youth courts], shall be heard by a [^{F7}magistrates' court] which is not a [^{F6}youth court]:

Provided that—

- (a) a charge made jointly against a child or young person and a person who has attained [^{F8}the age of eighteen] years shall be heard by a [^{F7}magistrates' court] other than a [^{F6}youth court]; and
- (b) where a child or young person is charged with an offence, the charge may be heard by a [^{F7}magistrates' court] which is not a [^{F6}youth court] if a person who has attained [^{F8}the age of eighteen] years is charged at the same time with aiding, abetting, causing, procuring, allowing or permitting that offence; and
- (c) where, in the course of any proceedings before any [^{F7}magistrates' court] other than a [^{F6}youth court], it appears that the person to whom the proceedings relate is a child or young person, nothing in this subsection shall be construed as preventing the court, if it thinks fit so to do, from proceeding with the hearing and determination of those proceedings.

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- [^{F9}(1A) If a notification that the accused desires to plead guilty without appearing before the court is received by the [^{F10}designated officer for] a court in pursuance of [^{F11}section 12 of the ^{M1}Magistrates' Courts Act 1980] and the court has no reason to believe that the accused is a child or young person, then, if he is a child or young person he shall be deemed to have attained [^{F8}the age of eighteen] for the purposes of subsection (1) of this section in its application to the proceedings in question.]
- (2) No direction, whether contained in this or any other Act, that a charge shall be brought before a [^{F6}youth court] shall be construed as restricting the powers of any justice or justices to entertain an application for bail or for a remand, and to hear such evidence as may be necessary for that purpose.
- (3) ^{F12}

Textual Amendments

- F6** Words in s. 46 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para. 40(2)(a)**; S.I. 1992/333, art. 2(2), **Sch. 2**.
- F7** Words in s. 46(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 74(2)**; S.I. 2005/910, **art. 3(bb)**
- F8** Words in s. 46(1)(1A) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 68, 101(1), Sch. 8 para. 1(2), **Sch. 12 para. 22(1)**; S.I. 1992/333, art. 2(2), **Sch. 2**.
- F9** S. 46(1A) inserted by Children and Young Persons Act 1969 (c. 54), **Sch. 5 para. 4**
- F10** Words in s. 46(1A) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 74(3)**; S.I. 2005/910, **art. 3(bb)**
- F11** Words substituted by Magistrates' Courts Act 1980 (c. 43), ss. 154(2), 155(7), **Sch. 7 para 6**
- F12** S. 46(3) repealed by Justices of the Peace Act 1949 (c. 101), **Sch. 7, Pt. II**

Modifications etc. (not altering text)

- C2** S. 46(1) excluded by Children and Young Persons Act 1963 (c. 37), **s. 18**, Criminal Law Act 1977 (c. 45), **s. 34(1)** and Magistrates' Courts Act 1980 (c. 43), **ss. 29(1), 155(7)**

Marginal Citations

- M1** 1980 c. 43.

47 Procedure in [^{F13}youth courts].

- (1) [^{F13}Youth courts] shall sit as often as may be necessary for the purpose of exercising any jurisdiction conferred on them by or under this or any other Act.
- (2) ^{F14} . . . No person shall be present at any sitting of a [^{F13}youth court] except—
- (a) members and officers of the court;
 - (b) parties to the case before the court, their solicitors and counsel, and witnesses and other persons directly concerned in that case;
 - (c) bonâ fide representatives of newspapers or news agencies;
 - (d) such other persons as the court may specially authorise to be present:
- ^{F15}
- (3) ^{F16}

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Textual Amendments

- F13 Words in s. 47 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, Sch. 11 para. 40(2)(a); S.I. 1992/333, art. 2(2), Sch. 2
- F14 Words in s. 47(2) repealed (30.9.1998) by 1998 c. 37, ss. 47(7), 120(2), Sch. 10; S.I. 1998/2327, art. 2(1)(k)(3)(g).
- F15 S. 47(2) proviso repealed by Justices of Peace Act 1949 (c. 101), Sch. 7 Pt. III
- F16 S. 47(3) repealed by Justices of the Peace Act 1949 (c. 101), Sch. 7, Pt. II

Modifications etc. (not altering text)

- C3 S. 47(2) restricted by Adoption Act 1958 (7 & 8 Eliz. 2 c. 5), s. 47; restricted by Adoption Act 1976 (c. 36), s. 37(4)

48 Miscellaneous provisions as to powers of [F17 youth courts].

- (1) A [F17 youth court] sitting for the purpose of hearing a charge against, . . . F18, a person who is believed to be a child or young person may, if it thinks fit to do so, proceed with the hearing and determination of the charge . . . F18 notwithstanding that it is discovered that the person in question is not a child or young person.
- F19(2) The attainment of [F20 the age of eighteen] years by . . . F21 a person in whose case an order for conditional discharge has been made, shall not deprive a [F17 youth court] of jurisdiction to enforce his attendance and deal with him in respect of . . . F21 the commission of a further offence . . . F21.
- (3) When a [F17 youth court] has remanded a child or young person for information to be obtained with respect to him, any [F17 youth court] acting [F22 in the same local justice area]—
 - (a) may in his absence extend the period for which he is remanded, so, however, that he appears before a court or a justice of the peace at least once in every twenty-one days;
 - (b) when the required information has been obtained, may deal with him finally;
 - F23
- (4) F24 a [F17 youth court] may sit on any day for the purpose of hearing and determining a charge against a child or young person in respect of an indictable offence.
- F25(5)
- (6) F26

Textual Amendments

- F17 Words in s. 48 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, Sch. 11 para. 40(2)(a); S.I. 1992/333, art. 2(2), Sch. 2
- F18 Words repealed by Children and Young Persons Act 1963 (c. 37), s. 64, Sch. 5
- F19 S. 48(2) substituted by Criminal Justice Act 1948 (c. 58), Sch. 9
- F20 Words in s. 48(2) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 68, 101(1), Sch. 8 para. 1(2), Sch. 12 para. 22(1); S.I. 1992/333, art. 2(2), Sch. 2
- F21 Words repealed by Children and Young Persons Act 1969 (c. 54), Sch. 6

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- F22** Words in s. 48(3) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 75**; S.I. 2005/910, **art. 3(bb)**
- F23** Words repealed by Criminal Justice Act 1948 (c. 58), **Sch. 10 Pt. I**
- F24** Words repealed by Magistrates' Courts Act 1952 (c. 55), s. 132, **Sch. 6**
- F25** S. 48(5) repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 1999/2657, **art. 2(d)(iii)**
- F26** S. 48(6) repealed by Justices of the Peace Act 1949 (c. 101), **Sch. 7, Pt. III**

[^{F27}49 Restrictions on reports of proceedings in which children or young persons are concerned.

- (1) The following prohibitions apply (subject to subsection (5) below) in relation to any proceedings to which this section applies, that is to say—
- (a) no report shall be published which reveals the name, address or school of any child or young person concerned in the proceedings or includes any particulars likely to lead to the identification of any child or young person concerned in the proceedings; and
 - (b) no picture shall be published or included in a programme service as being or including a picture of any child or young person concerned in the proceedings.
- (2) The proceedings to which this section applies are—
- (a) proceedings in a youth court;
 - (b) proceedings on appeal from a youth court (including proceedings by way of case stated);
 - ^{F28}(c) proceedings in a magistrates' court under Schedule 2 to the Criminal Justice and Immigration Act 2008 (proceedings for breach, revocation or amendment of youth rehabilitation orders);
 - (d) proceedings on appeal from a magistrates' court arising out of any proceedings mentioned in paragraph (c) (including proceedings by way of case stated).]
- (3) The reports to which this section applies are reports in a newspaper and reports included in a programme service; and similarly as respects pictures.
- (4) For the purposes of this section a child or young person is “concerned” in any proceedings whether as being the person against or in respect of whom the proceedings are taken or as being a witness in the proceedings.

- ^{F29}(4A) [If a court is satisfied that it is in the public interest to do so, it may, in relation to a child or young person who has been convicted of an offence, by order dispense to any specified extent with the requirements of this section in relation to any proceedings before it to which this section applies by virtue of subsection (2)(a) or (b) above, being proceedings relating to—
- (a) the prosecution or conviction of the offender for the offence;
 - (b) the manner in which he, or his parent or guardian, should be dealt with in respect of the offence;
 - (c) the enforcement, amendment, variation, revocation or discharge of any order made in respect of the offence;
 - (d) where an attendance centre order is made in respect of the offence, the enforcement of any rules made under [^{F30}section 222(1)(d) or (e) of the Criminal Justice Act 2003]; or

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- [where a detention and training order is made, the enforcement of any requirements imposed under ^{F31}(e) ^{F32}section 103(6)(b) of the Powers of Criminal Courts (Sentencing) Act 2000].]
- (4B) A court shall not exercise its power under subsection (4A) above without—
- (a) affording the parties to the proceedings an opportunity to make representations; and
 - (b) taking into account any representations which are duly made.]
- (5) Subject to subsection (7) below, a court may, in relation to proceedings before it to which this section applies, by order dispense to any specified extent with the requirements of this section in relation to a child or young person who is concerned in the proceedings if it is satisfied—
- (a) that it is appropriate to do so for the purpose of avoiding injustice to the child or young person; or
 - (b) that, as respects a child or young person to whom this paragraph applies who is unlawfully at large, it is necessary to dispense with those requirements for the purpose of apprehending him and bringing him before a court or returning him to the place in which he was in custody.
- (6) Paragraph (b) of subsection (5) above applies to any child or young person who is charged with or has been convicted of—
- (a) a violent offence,
 - (b) a sexual offence, or
 - (c) an offence punishable in the case of a person aged 21 or over with imprisonment for fourteen years or more.
- (7) The court shall not exercise its power under subsection (5)(b) above—
- (a) except in pursuance of an application by or on behalf of the Director of Public Prosecutions; and
 - (b) unless notice of the application has been given by the Director of Public Prosecutions to any legal representative of the child or young person.
- (8) The court's power under subsection (5) above may be exercised by a single justice.
- (9) If a report or picture is published or included in a programme service in contravention of subsection (1) above, the following persons, that is to say—
- (a) in the case of publication of a written report or a picture as part of a newspaper, any proprietor, editor or publisher of the newspaper;
 - (b) in the case of the inclusion of a report or picture in a programme service, any body corporate which provides the service and any person having functions in relation to the programme corresponding to those of an editor of a newspaper,
- shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (10) In any proceedings under ^{F33}Schedule 2 to the Criminal Justice and Immigration Act 2008 (proceedings for breach, revocation or amendment of youth rehabilitation orders)] before a magistrates' court other than a youth court or on appeal from such a court it shall be the duty of the magistrates' court or the appellate court to announce in the course of the proceedings that this section applies to the proceedings; and if the court fails to do so this section shall not apply to the proceedings.
- (11) In this section—

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“legal representative” means an authorised advocate or authorised litigator, as defined by section 119(1) of the ^{M2}Courts and Legal Services Act 1990;

“programme” and “programme service” have the same meaning as in the ^{M3}Broadcasting Act 1990;

“sexual offence” [^{F34} means an offence listed in Part 2 of Schedule 15 to the Criminal Justice Act 2003];

“specified” means specified in an order under this section;

“violent offence” [^{F35} means an offence listed in Part 1 of Schedule 15 to the Criminal Justice Act 2003];

and a person who, having been granted bail, is liable to arrest (whether with or without a warrant) shall be treated as unlawfully at large.]

Extent Information

E1 For extent and application see s. 49(12)-(14)

Textual Amendments

F27 S. 49 substituted (3.2.1995) by 1994 c. 33, s. 49; S.I. 1995/127, art. 2(1), **Sch. 1**

F28 S. 49(2)(c)(d) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6, 153, **Sch. 4 para. 3(2)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, **art. 2(p)(ii)**

F29 S. 49(4A)(4B) inserted (1.10.1997) by 1997 c. 43, s. 45(1)(2); S.I. 1997/2200, **art. 2(1)(i)**

F30 Words in s. 49(4A)(d) substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 304, 336, **Sch. 32 para. 2(2)**; S.I. 2005/950, **art. 2(1)**, Sch. 1 paras. 23, 42(3) (subject to art. 2(2) and Sch. 2 (as amended by S.I. 2005/2122, art. 2))

F31 S. 49(4A)(e) substituted (1.4.2000) by 1998 c. 37, s. 119, **Sch. 8 para. 1**; S.I. 1999/3426, **art. 3(b)** (with art. 4)

F32 Words in s. 49(4A)(e) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 2(3)(b)**

F33 Words in s. 49(10) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6, 153, **Sch. 4 para. 3(4)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, **art. 2(p)(ii)**

F34 S. 49(11): words in definition of "sexual offence" substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 304, 336, **Sch. 32 para. 2(3)(a)**; S.I. 2005/950, **art. 2(1)**, Sch. 1 paras. 23, 42(3) (subject to art. 2(2) and Sch. 2 (as amended by S.I. 2005/2122, art. 2))

F35 Words in s. 49(11) substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 304, 336, **Sch. 32 para. 2(3)(b)**; S.I. 2005/950, **art. 2(1)**, Sch. 1 paras. 23, 42(3) (subject to art. 2(2) and Sch. 2 (as amended by S.I. 2005/2122, art. 2))

Modifications etc. (not altering text)

C4 S. 49 excluded (20.1.2004 for certain purposes and otherwise 31.3.2004) by 1998 c. 37, s. 1C(9C) (as inserted by Anti-Social Behaviour Act 2003 (c. 38), **ss. 86(3)**, 93); S.I. 2003/3300, **art. 2(f)(ii)**; S.I. 2004/690, **art. 2(b)(iii)**

Marginal Citations

M2 1990 c. 41.

M3 1990 c. 42.

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