



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

General Provisions as to Proceedings in Court

38 Evidence of child of tender years.

- (1) Where, in any proceedings against any person for any offence, any child of tender years called as a witness does not in the opinion of the court understand the nature of an oath, his evidence may be received, though not given upon oath, if, in the opinion of the court, he is possessed of sufficient intelligence to justify the reception of the evidence, and understands the duty of speaking the truth; and his evidence, though not given on oath, but otherwise taken and reduced into writing in accordance with the provisions of section seventeen of the ^{M1}Indictable Offences Act 1848, or of this Part of this Act, shall be deemed to be a deposition within the meaning of that section and that Part respectively:

... F1

- (2) If any child whose evidence is received as aforesaid wilfully gives false evidence in such circumstances that he would, if the evidence had been given on oath, have been guilty of perjury, he shall be liable on summary conviction to be dealt with as if he had been summarily convicted of an indictable offence punishable in the case of an adult with imprisonment.

Textual Amendments

F1 Proviso repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 34(1), 170(2), [Sch. 16](#)

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.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: Children and Young Persons Act 1933, Section 38 is up to date with all changes known to be in force on or before 30 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Marginal Citations

M1 1848 c. 42.

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