



Children and Young Persons Act (Northern Ireland) 1968

1968 CHAPTER 34

Part I (ss. 1#19) rep. by 1995 NI 2

PART II

PREVENTION OF CRUELTY AND EXPOSURE TO MORAL AND PHYSICAL DANGER

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^{F2} ..., that person shall be guilty of an offence, and shall be liable—
- (a) on conviction on indictment, to^[F3] an unlimited fine] or to imprisonment for a term not exceeding^[F4] ten years] or to both;
 - (b) on summary conviction, to a fine not exceeding^[F3] level 3 on the standard scale] or to imprisonment for a term not exceeding six months or to both.
- (2) For the purposes of this section—
- ^[F5](za) a reference to—
 - (i) ill-treatment is to ill-treatment whether physical or otherwise;
 - (ii) suffering or injury is to suffering or injury whether physical or otherwise;]
 - (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

Status: Point in time view as at 21/02/2022.

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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^{F6} 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)^{F7}.....

F1	1995 NI 2
F2	Words in s. 20(1) repealed (21.2.2022) by Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 (c. 2), s. 21(a) ; S.R. 2022/57, art. 2(u)
F3	1984 NI 3
F4	1989 NI 15
F5	S. 20(2)(za) inserted (21.2.2022) by Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 (c. 2), s. 21(b) ; S.R. 2022/57, art. 2(u)
F6	1992 c. 9
F7	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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F8	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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F9	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^{F10} 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^{F11} 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^{F11} level 3 on the standard scale] or to imprisonment for a term not exceeding six months or to both.

F10 1995 NI 2

F11 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^{F12} 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^{F13} level 3 on the standard scale] or to imprisonment for a term not exceeding three months or to both.
- (2) If a person having^{F12} 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.

F12 1995 NI 2

F13 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^{F14} level 3 on the standard scale].

F14 1984 NI 3

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

Ss. 27, 28 rep. by 1995 NI 2

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29 Exposing children under twelve to risk of burning.

- (1) If any person who has attained the age of sixteen, having^[F15] 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^[F16] 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.

F15 1995 NI 2

F16 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^[F17] level 3 on the standard scale], and also, if the premises in which the entertainment is given are licensed^[F18] . . . 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^[F17] 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.

F17 1984 NI 3
F18 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) [^{F19}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 [^{F20} 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.

F19 1995 NI 2
F20 1981 NI 26

S. 34 rep. by 1989 NI 12

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GENERAL

[^{F21}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.]

F21 1995 NI 2

[^{F22}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.]

F22 1995 NI 2

Modifications etc. (not altering text)

- C1** S. 36 applied (21.2.2022) by [Domestic Abuse and Civil Proceedings Act \(Northern Ireland\) 2021 \(c. 2\), s. 11\(2\)](#); S.R. 2022/57, art. 2(k)
- C2** S. 36 applied (21.2.2022) by [Domestic Abuse and Civil Proceedings Act \(Northern Ireland\) 2021 \(c. 2\), s. 17\(2\)](#); S.R. 2022/57, art. 2(q)

Part III (ss. 37#47) rep. by 1995 NI 2

PART IV

PROTECTION OF CHILDREN AND YOUNG PERSONS IN RELATION TO CRIMINAL AND SUMMARY PROCEEDINGS

Ss. 48#62 rep. by 1998 NI 9

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JUVENILE COURTS

63^{F23} Constitution of juvenile courts.

Courts of summary jurisdiction constituted in accordance with the provisions of Schedule 2 and sitting for the purpose of hearing any charge against a child or young person or for the purpose of exercising any other jurisdiction conferred on juvenile courts by or under this or any other Act, shall be known as juvenile courts and in whatever place sitting shall be deemed to be courts of summary jurisdiction.

F23 1964 c. 21 (NI)

Ss. 64#79 rep. by 1998 NI 9

S. 80 rep. by 1996 NI 24

Ss. 81#91 rep. by 1998 NI 9

S. 92 rep. by 1995 NI 2

PART V

CHILDREN AND YOUNG PERSONS IN NEED OF CARE, PROTECTION OR CONTROL

Ss. 93#95 rep. by 1995 NI 2

96 Powers of other courts.

[^{F24}(1) Where it appears to any court by or before which a person is convicted of having committed in respect of a child or young person any of the offences mentioned in Schedule 1 (not being an offence which resulted in the death of the child or young person) that it may be appropriate for a care or supervision order to be made with respect to him under the Children Order, the court may direct the appropriate Board or [^{F25}HSC trust] to undertake an investigation of the child's circumstances.

(1A) Paragraphs (2) to (6) of Article 56 of the Children Order (power of court in family proceedings to direct investigation into child's circumstances) shall have effect where the court gives a direction under this section as they have effect where a court gives a direction under that Article.]

Subs. (2), (3) rep. by 1995 NI 2

F24 1995 NI 2

F25 Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\), ss. 32, 34\(3\), Sch. 6 para. 1\(1\)\(d\)](#) (with Sch. 6 para. 1(3)); S.R. 2009/114, [art. 2](#)

S. 97 rep. by 1998 NI 9

S. 98 rep. by 1995 NI 2

Ss. 99#102 rep. by 1998 NI 9

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Parts VI#VIII (ss. 103#131) rep. by 1995 NI 2

PART IX

REMAND HOMES, ATTENDANCE CENTRES, TRAINING SCHOOLS AND PERSONS
 TO WHOSE CARE CHILDREN AND YOUNG PERSONS MAY BE COMMITTED

Ss. 132#148 rep. by 1998 NI 9

149 Expenses of education and library boards.

Subs. (1) (2) rep. by 1972 NI 14

Subs. (3) rep. by 1995 NI 2

Ss. 150, 151 rep. by 1998 NI 9

S. 152 rep. by 1995 NI 2

S. 153 rep. by 1972 NI 14

Ss. 154#160 rep. by 1995 NI 2

S. 161 rep. by 1972 NI 14

S. 162 rep. by 1995 NI 2

PART XI

SPECIAL PREVENTIVE POWERS

S. 163 rep. by 1998 NI 9

S. 164 rep. by 1995 NI 2

PART XII

MISCELLANEOUS AND GENERAL

S. 165 rep. by 1995 NI 2

S. 166 rep. by 1972 NI 14

Ss. 167, 168 rep. by 1998 NI 9

S. 169 rep. by 1995 NI 2

S. 170 rep. by 1998 NI 9

S. 171 rep. by 1972 NI 14

Ss. 172, 173 rep. by 1998 NI 9

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174 Presumption and determination of age.

^{F26}*Subs. (1) rep. by 1998 NI 9*

- (2) Where in any charge or indictment for any offence under this Act or any of the offences mentioned in Schedule 1, except an offence under the Criminal Law Amendment Act 1885, it is alleged that the person by or in respect of whom the offence was committed was a child or young person or was under or had attained any specified age, and he appears to the court to have been at the date of the commission of the alleged offence a child or young person, or to have been under or to have attained the specified age, as the case may be, he shall for the purposes of this Act be presumed at that date to have been a child or young person or to have been under or to have attained that age, as the case may be, unless the contrary is proved.
- (3) Where, in any charge or indictment for any offence under this Act or any of the offences mentioned in Schedule 1, it is alleged that the person in respect of whom the offence was committed was a child or was a young person, it shall not be a defence to prove that the person alleged to have been a child was a young person or the person alleged to have been a young person was a child in any case where the acts constituting the alleged offence would equally have been an offence if committed in respect of a young person or child respectively.
- (4) Where a person is charged with an offence under this Act in respect of a person apparently under a specified age it shall be a defence to prove that the person was actually of or over that age.

F26 1961 c. 15 (NI)

S. 175 rep. by 1995 NI 2

176 ^{F27} Application of Summary Jurisdiction Acts.

Subject to the provisions of this Act, all orders of a court of summary jurisdiction under this Act shall be made, and all proceedings in relation to any such orders shall be taken, in manner provided by the Summary Jurisdiction Acts (Northern Ireland).

F27 rep. prosp. by 1998 NI 9

S. 177 rep. by 1998 NI 9

178 Assessors for county court in appeals from juvenile courts.

- (1) Where a county court deals with a case on appeal from a juvenile court, the judge shall, where practicable, be assisted by two [^{F28}... lay magistrates, at least one of whom (where practicable) is a woman,] who shall sit with him and act as assessors.
- (2) Where in any case only one such [^{F28} lay magistrate] is available, the judge may sit with that [^{F28} lay magistrate]; and where in any case no such [^{F28} lay magistrate] is available and it appears to the judge that an adjournment would not be in the interests of justice, he may sit alone.

Para. (3) rep. by 2002 c. 26

- (4) In this section—

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F30

“judge” has the same meaning as in the County Courts Act (Northern Ireland) 1959 .

F28 2002 c. 26

F29 Words in s. 178(1) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 62(1)(a), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

F30 Words in s. 178(4) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 62(1)(b), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

S. 179 rep. by 1998 NI 9

180 Interpretation.

(1) In this Act—

“the Act of 1950” means the Children and Young Persons Act (Northern Ireland) 1950 ;

Definition rep. by 1998 NI 9

Definition rep. by 1995 NI 2

[^{F31}“child”^{F32}, except when used in section 22,] means a person under the age of fourteen^{F32} and, when used in section 22, has the meaning assigned to it by that section];

“Children Order” means the Children (Northern Ireland) Order 1995;]

Definitions rep. by 1998 NI 9

“credentials” in relation to a person acting in any capacity means some duly authenticated document showing that he is authorised to act in that capacity;

“doctor” means a fully registered medical practitioner;

Definitions rep. by 1998 NI 9

Definition rep. by 1995 NI 2

“intoxicating liquor” means any fermented, distilled or spirituous liquor which under the law for the time being in force is subject to an excise duty;

“legal guardian”, in relation to a child or young person, means^{F31} a guardian of a child as defined in the Children Order];

Definition rep. by 1972 NI 14

Definitions rep. by 1998 NI 9

“parent”, in relation to any child or young person, or other person—

(a) who is illegitimate, includes his putative father;

Para. (b) rep. by 1987 NI 22

Definitions rep. by 1998 NI 9

“public place” includes any public park, garden, sea beach or railway station, and any ground to which the public for the time being have or are permitted to have access, whether on payment or otherwise;

Definitions rep. by 1998 NI 9

[^{F31}“responsibility” shall be construed in accordance with section 36;]

Definition rep. by 1998 NI 9

Definition rep. by 1995 NI 2

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“street” includes any highway and any public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

Definitions rep. by 1998 NI 9

Definition rep. by 1972 NI 14

Definition rep. by 1998 NI 9

“young person” means a person who has attained the age of fourteen and is under the age of seventeen.

- (2) References in this Act to findings of guilt and findings that an offence has been committed shall be construed as including references to pleas of guilty and admissions that an offence has been committed.
- (3) References in this Act to the age of any person are expressed in years.
- (4) For the purposes of this Act a statement made regardless of whether it is true or false shall be deemed to be made recklessly, whether or not the person making it had reasons for believing that it might be false.

F31 1995 NI 2

F32 2000 c. 43

181 Transitional provisions, amendments and repeals.

Subs. (1) rep. by 1998 NI 9

Subs. (2), with Schedule 7, effects amendments; subs.(3), with Schedule 8, effects repeals

182 Short title and commencement.

- (1) This Act may be cited as the Children and Young Persons Act (Northern Ireland) 1968.
- (2) *Commencement*

Status:

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