



Children and Young Persons Act (Northern Ireland) 1968

1968 CHAPTER 34

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

174 Presumption and determination of age.

^{F1}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

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Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons Act (Northern Ireland) 1968, PART XII. (See end of Document for details)

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.

F1 1961 c. 15 (NI)

S. 175 rep. by 1995 NI 2

176^{F2} **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).

F2 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^{F3} appropriate 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^{F3} lay magistrate] is available, the judge may sit with that^{F3} lay magistrate]; and where in any case no such^{F3} 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—

^{F3}“appropriate lay magistrate” means a lay magistrate for the county court division for which the county court is held or any other county court division which adjoins that county court division;]

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

F3 2002 c. 26

S. 179 rep. by 1998 NI 9

180 **Interpretation.**

- (1) In this Act—

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“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

[^{F4}“child”^{F5}, except when used in section 22,] means a person under the age of fourteen^{F5} 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^{F4} 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

[^{F4}“responsibility” shall be construed in accordance with section 36;]

Definition rep. by 1998 NI 9

Definition rep. by 1995 NI 2

“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.

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F4 [1995 NI 2](#)

F5 [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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Changes to legislation:

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