



Children and Young Persons Act (Northern Ireland) 1968

1968 CHAPTER 34

PART XII

MISCELLANEOUS AND GENERAL

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 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.

Changes to legislation:

Children and Young Persons Act (Northern Ireland) 1968, Section 174 is up to date with all changes known to be in force on or before 17 June 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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 174 applied by [2016 c. 18 \(N.I.\) s. 250\(3\)](#)