



# 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*

#### 46 Assignment of certain matters to [<sup>F1</sup>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 [<sup>F1</sup>youth courts] shall be heard by a court of summary jurisdiction which is not a [<sup>F1</sup>youth court]:

Provided that—

- (a) a charge made jointly against a child or young person and a person who has attained [<sup>F2</sup>the age of eighteen] years shall be heard by a court of summary jurisdiction other than a [<sup>F1</sup>youth court]; and
- (b) where a child or young person is charged with an offence, the charge may be heard by a court of summary jurisdiction which is not a [<sup>F1</sup>youth court] if a person who has attained [<sup>F2</sup>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 court of summary jurisdiction other than a [<sup>F1</sup>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.

[<sup>F3</sup>(1A) If a notification that the accused desires to plead guilty without appearing before the court is received by the clerk of a court in pursuance of [<sup>F4</sup>section 12 of the <sup>M1</sup>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

*Status: Point in time view as at 30/09/1998. This version of this provision has been superseded.*

*Changes to legislation: Children and Young Persons Act 1933, Section 46 is up to date with all changes known to be in force on or before 05 August 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)*

have attained [<sup>F2</sup> 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 [<sup>F1</sup> 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) ..... <sup>F5</sup>

**Textual Amendments**

- F1** 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**.
- F2** 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**.
- F3** S. 46(1A) inserted by Children and Young Persons Act 1969 (c. 54), **Sch. 5 para. 4**
- F4** Words substituted by Magistrates' Courts Act 1980 (c. 43), ss. 154(2), 155(7), **Sch. 7 para 6**
- F5** S. 46(3) repealed by Justices of the Peace Act 1949 (c. 101), **Sch. 7, Pt. II**

**Modifications etc. (not altering text)**

- C1** 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.

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