



Crime and Disorder Act 1998

1998 CHAPTER 37

PART II

CRIMINAL LAW

Miscellaneous

34 Abolition of rebuttable presumption that a child is doli incapax.

The rebuttable presumption of criminal law that a child aged 10 or over is incapable of committing an offence is hereby abolished.

Commencement Information

- II** S. 34 wholly in force; S. 34 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, art. 2(1) (subject to savings in arts. 5-8)

35 Effect of child's silence at trial.

In section 35 of the 1994 Act (effect of accused's silence at trial), the following provisions shall cease to have effect, namely—

- (a) in subsection (1), the words “who has attained the age of fourteen years”; and
- (b) subsection (6).

Commencement Information

- I2** S. 35 wholly in force; S. 35 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, art. 2(1) (subject to savings in arts. 5-8)

Status: Point in time view as at 02/12/2002.

Changes to legislation: Crime and Disorder Act 1998, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 14 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. (See end of Document for details)

36 Abolition of death penalty for treason and piracy.

- (1) In section I of the ^{M1}Treason Act (Ireland) 1537 (practising any harm etc. to, or slandering, the King, Queen or heirs apparent punishable as high treason), for the words “have and suffer such pains of death and” there shall be substituted the words “ be liable to imprisonment for life and to such ”.
- (2) In the following enactments, namely—
 - (a) section II of the ^{M2}Crown of Ireland Act 1542 (occasioning disturbance etc. to the crown of Ireland punishable as high treason);
 - (b) section XII of the ^{M3}Act of Supremacy (Ireland) 1560 (penalties for maintaining or defending foreign authority);
 - (c) section 3 of the ^{M4}Treason Act 1702 (endeavouring to hinder the succession to the Crown etc. punishable as high treason);
 - (d) section I of the ^{M5}Treason Act (Ireland) 1703 (which makes corresponding provision),
 for the words “suffer pains of death” there shall be substituted the words “ be liable to imprisonment for life ”.
- (3) The following enactments shall cease to have effect, namely—
 - (a) the ^{M6}Treason Act 1790;
 - (b) the ^{M7}Treason Act 1795.
- (4) In section 1 of the ^{M8}Treason Act 1814 (form of sentence in case of high treason), for the words “such person shall be hanged by the neck until such person be dead”, there shall be substituted the words “ such person shall be liable to imprisonment for life ”.
- (5) In section 2 of the ^{M9}Piracy Act 1837 (punishment of piracy when murder is attempted), for the words “and being convicted thereof shall suffer death” there shall be substituted the words “ and being convicted thereof shall be liable to imprisonment for life ”.
- (6) The following enactments shall cease to have effect, namely—
 - (a) the Sentence of ^{M10}Death (Expectant Mothers) Act 1931; and
 - (b) sections 32 and 33 of the ^{M11}Criminal Justice Act Northern Ireland) 1945 (which make corresponding provision).

Commencement Information

I3 S. 36 wholly in force; s. 36 not in force at Royal Assent, see s. 121; s. 36 in force at 30.9.1998 by [S.I. 1998/2327](#), [art. 2\(1\)](#) (subject to savings in [arts. 5-8](#))

Marginal Citations

M1 1537 c.7.
M2 1542 c.1.
M3 1560 c.1.
M4 1702 c.21.
M5 1703 c. 5.
M6 1790 c.48.
M7 1795 c.7.
M8 1814 c.146.
M9 1837 c.88.
M10 1931 c.24.

Status: Point in time view as at 02/12/2002.

Changes to legislation: Crime and Disorder Act 1998, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 14 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. (See end of Document for details)

M11 1945 c.15 (N.I.).

Status:

Point in time view as at 02/12/2002.

Changes to legislation:

Crime and Disorder Act 1998, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 14 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.