



# Crime and Disorder Act 1998

## 1998 CHAPTER 37

### PART III

#### CRIMINAL JUSTICE SYSTEM

##### *Functions of courts etc.*

#### [<sup>F1</sup>51C Notices in certain cases involving children

- (1) A notice may be given by the Director of Public Prosecutions under this section in respect of an offence falling within subsection (3) below if he is of the opinion—
    - (a) that the evidence of the offence would be sufficient for the person charged to be put on trial for the offence;
    - (b) that a child would be called as a witness at the trial; and
    - (c) that, for the purpose of avoiding any prejudice to the welfare of the child, the case should be taken over and proceeded with without delay by the Crown Court.
  - (2) That opinion must be certified by the Director of Public Prosecutions in the notice.
  - (3) This subsection applies to an offence—
    - (a) which involves an assault on, or injury or a threat of injury to, a person;
    - (b) under section 1 of the Children and Young Persons Act 1933 (cruelty to persons under 16);
    - (c) under the Sexual Offences Act 1956, the Protection of Children Act 1978 or the Sexual Offences Act 2003;
    - (d) of kidnapping or false imprisonment, or an offence under section 1 or 2 of the Child Abduction Act 1984;
      - [ under section 1 or 2 of the Modern Slavery Act 2015;]
- <sup>F2</sup>(da) [ under any of sections 136 to 138 and 148 to 150 of the Health and Care Act
- <sup>F3</sup>(db) 2022 (virginity testing and hymenoplasty etc);]

*Status: Point in time view as at 01/07/2022.*

*Changes to legislation: Crime and Disorder Act 1998, Section 51C is up to date with all changes known to be in force on or before 22 May 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)*

- (e) which consists of attempting or conspiring to commit, or of aiding, abetting, counselling, procuring or inciting the commission of, an offence falling within [F4 any of paragraphs (a) to (db)] above.
- (4) Subsections (4), (5) and (6) of section 51B above apply for the purposes of this section as they apply for the purposes of that.
- (5) The functions of the Director of Public Prosecutions under this section may be exercised by an officer acting on behalf of the Director.
- (6) A decision to give a notice under this section shall not be subject to appeal or liable to be questioned in any court (whether a magistrates' court or not).
- (7) In this section “child” means—
- (a) a person who is under the age of 17; or
  - (b) any person of whom a video recording (as defined in section 63(1) of the Youth Justice and Criminal Evidence Act 1999) was made when he was under the age of 17 with a view to its admission as his evidence in chief in the trial referred to in subsection (1) above.]

#### Textual Amendments

- F1** Ss. 51-51E substituted for s. 51 (4.4.2005 for specified purposes, 18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), Sch. 3 para. 18; [S.I. 2005/950](#), art. 2(1), Sch. 1 para. 29(a) (with Sch. 2) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(1)); [S.I. 2012/1320](#), art. 4(1)(c)(2)(3) (with art. 5) (see [S.I. 2012/2574](#), art. 4(2) and [S.I. 2013/1103](#), art. 4); [S.I. 2012/2574](#), art. 2(2)(3)(c), Sch. (with arts. 3, 4) (as amended (4.11.2012) by [S.I. 2012/2761](#), art. 2) (with [S.I. 2013/1103](#), art. 4); [S.I. 2013/1103](#), art. 2(1)(c)(2)(3) (with arts. 3, 4)
- F2** S. 51C(3)(da) inserted (17.3.2016) by [The Modern Slavery Act 2015 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/244\)](#), regs. 1(1), [9\(a\)](#)
- F3** S. 51C(3)(db) inserted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 16 para. 7\(a\)](#); [S.I. 2022/734](#), reg. 2(a), Sch. (with regs. 13, 29, 30)
- F4** Words in s. 51C(3) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 16 para. 7\(b\)](#); [S.I. 2022/734](#), reg. 2(a), Sch. (with regs. 13, 29, 30)

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

- C1** S. 51C(3)(e) amended (1.10.2008) by [Serious Crime Act 2007 \(c. 27\)](#), [ss. 63\(1\)](#), [94\(1\)](#), [Sch. 6 para. 36](#); [S.I. 2008/2504](#), [art. 2\(a\)](#)

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**Changes to legislation:**

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