



Youth Justice and Criminal Evidence Act 1999

1999 CHAPTER 23

PART II

GIVING OF EVIDENCE OR INFORMATION FOR PURPOSES OF CRIMINAL PROCEEDINGS

CHAPTER IV

REPORTING RESTRICTIONS

Reports relating to persons under 18

44 Restrictions on reporting alleged offences involving persons under 18.

- (1) This section applies (subject to subsection (3)) where a criminal investigation has begun in respect of—
 - (a) an alleged offence against the law of—
 - (i) England and Wales, or
 - (ii) Northern Ireland; or
 - (b) an alleged civil offence (other than an offence falling within paragraph (a)) committed (whether or not in the United Kingdom) by a person subject to service law.
- (2) No matter relating to any person involved in the offence shall while he is under the age of 18 be included in any publication if it is likely to lead members of the public to identify him as a person involved in the offence.
- (3) The restrictions imposed by subsection (2) cease to apply once there are proceedings in a court (whether a court in England and Wales, a service court or a court in Northern Ireland) in respect of the offence.

Status: Point in time view as at 22/05/2019.

Changes to legislation: Youth Justice and Criminal Evidence Act 1999, Cross Heading: Reports relating to persons under 18 is up to date with all changes known to be in force on or before 27 September 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)

- (4) For the purposes of subsection (2) any reference to a person involved in the offence is to—
- (a) a person by whom the offence is alleged to have been committed; or
 - (b) if this paragraph applies to the publication in question by virtue of subsection (5)—
 - (i) a person against or in respect of whom the offence is alleged to have been committed, or
 - (ii) a person who is alleged to have been a witness to the commission of the offence;
 except that paragraph (b)(i) does not include a person in relation to whom section 1 of the ^{M1}Sexual Offences (Amendment) Act 1992 (anonymity of victims of certain sexual offences) applies in connection with the offence.
- (5) Subsection (4)(b) applies to a publication if—
- (a) where it is a relevant programme, it is transmitted, or
 - (b) in the case of any other publication, it is published,
- on or after such date as may be specified in an order made by the Secretary of State.
- [^{F1}(5A) In the application of this section to Northern Ireland, the reference in subsection (5) to the Secretary of State shall be construed as a reference to the Department of Justice in Northern Ireland.]
- (6) The matters relating to a person in relation to which the restrictions imposed by subsection (2) apply (if their inclusion in any publication is likely to have the result mentioned in that subsection) include in particular—
- (a) his name,
 - (b) his address,
 - (c) the identity of any school or other educational establishment attended by him,
 - (d) the identity of any place of work, and
 - (e) any still or moving picture of him.
- (7) Any appropriate criminal court may by order dispense, to any extent specified in the order, with the restrictions imposed by subsection (2) in relation to a person if it is satisfied that it is necessary in the interests of justice to do so.
- (8) However, when deciding whether to make such an order dispensing (to any extent) with the restrictions imposed by subsection (2) in relation to a person, the court shall have regard to the welfare of that person.
- (9) In subsection (7) “appropriate criminal court” means—
- (a) in a case where this section applies by virtue of subsection (1)(a)(i) or (ii), any court in England and Wales or (as the case may be) in Northern Ireland which has any jurisdiction in, or in relation to, any criminal proceedings (but not a service court unless the offence is alleged to have been committed by a person subject to service law);
 - (b) in a case where this section applies by virtue of subsection (1)(b), any court falling within paragraph (a) or a service court.
- (10) The power under subsection (7) of a magistrates’ court in England and Wales may be exercised by a single justice.

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- (11) In the case of a decision of a magistrates’ court in England and Wales, or a court of summary jurisdiction in Northern Ireland, to make or refuse to make an order under subsection (7), the following persons, namely—
- (a) any person who was a party to the proceedings on the application for the order, and
 - (b) with the leave of the Crown Court^[F2], or in Northern Ireland a county court], any other person,
- may, in accordance with ^[F3]Criminal Procedure Rules in England and Wales, or rules of court in Northern Ireland], appeal to the Crown Court^[F2], or in Northern Ireland a county court,] against that decision or appear or be represented at the hearing of such an appeal.
- (12) On such an appeal the Crown Court ^[F4]or in Northern Ireland a county court]—
- (a) may make such order as is necessary to give effect to its determination of the appeal; and
 - (b) may also make such incidental or consequential orders as appear to it to be just.
- (13) In this section—
- (a) “civil offence” means an act or omission which, if committed in England and Wales, would be an offence against the law of England and Wales;
 - (b) any reference to a criminal investigation, in relation to an alleged offence, is to an investigation conducted by police officers, or other persons charged with the duty of investigating offences, with a view to it being ascertained whether a person should be charged with the offence;
 - (c) any reference to a person subject to service law is to—
 - ^[F5](i) a person subject to service law within the meaning of the Armed Forces Act 2006; or
 - (ii) a civilian subject to service discipline within the meaning of that Act.]

Textual Amendments

- F1** S. 44(5A) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), **Sch. 14 para. 43** (with arts. 28-31)
- F2** Words in s. 44(11) inserted (N.I.) (28.7.2003) by [The Criminal Justice \(Northern Ireland\) Order 2003 \(S.I. 2003/1247\)](#), art. 1(3), **Sch. 1 para. 23(a)**; S.R. 2003/352, art. 2(d)
- F3** Words in s. 44(11) substituted (1.9.2004) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), **Sch. 8 para. 386**; S.I. 2004/2066, art. 2(c)(xix) (with art. 3)
- F4** Words in s. 44(12) inserted (N.I.) (28.7.2003) by [The Criminal Justice \(Northern Ireland\) Order 2003 \(S.I. 2003/1247\)](#), art. 1(3), **Sch. 1 para. 23(b)**; S.R. 2003/352, art. 2(d)
- F5** S. 44(13)(c)(i)(ii) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 158**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

Modifications etc. (not altering text)

- C1** S. 44(1)(b) modified (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), art. 1(3), **Sch. 1 para. 44(1)**
- C2** S. 44(9) modified (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), art. 1(3), **Sch. 1 para. 44(1)**

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Commencement Information

II Pt. II Chs. 1-4 (ss. 16-52) in force for certain purposes at Royal Assent, see s. 68(4)

Marginal Citations

M1 1992 c. 34.

45 Power to restrict reporting of criminal proceedings involving persons under 18.

- (1) This section applies (subject to subsection (2)) in relation to—
 - (a) any criminal proceedings in any court (other than a service court) in England and Wales or Northern Ireland; and
 - (b) any proceedings (whether in the United Kingdom or elsewhere) in any service court.
- (2) This section does not apply in relation to any proceedings to which section 49 of the ^{M2}Children and Young Persons Act 1933 applies.
- (3) The court may direct that no matter relating to any person concerned in the proceedings shall while he is under the age of 18 be included in any publication if it is likely to lead members of the public to identify him as a person concerned in the proceedings.
- (4) The court or an appellate court may by direction (“an excepting direction”) dispense, to any extent specified in the excepting direction, with the restrictions imposed by a direction under subsection (3) if it is satisfied that it is necessary in the interests of justice to do so.
- (5) The court or an appellate court may also by direction (“an excepting direction”) dispense, to any extent specified in the excepting direction, with the restrictions imposed by a direction under subsection (3) if it is satisfied—
 - (a) that their effect is to impose a substantial and unreasonable restriction on the reporting of the proceedings, and
 - (b) that it is in the public interest to remove or relax that restriction;
 but no excepting direction shall be given under this subsection by reason only of the fact that the proceedings have been determined in any way or have been abandoned.
- (6) When deciding whether to make—
 - (a) a direction under subsection (3) in relation to a person, or
 - (b) an excepting direction under subsection (4) or (5) by virtue of which the restrictions imposed by a direction under subsection (3) would be dispensed with (to any extent) in relation to a person,
 the court or (as the case may be) the appellate court shall have regard to the welfare of that person.
- (7) For the purposes of subsection (3) any reference to a person concerned in the proceedings is to a person—
 - (a) against or in respect of whom the proceedings are taken, or
 - (b) who is a witness in the proceedings.
- (8) The matters relating to a person in relation to which the restrictions imposed by a direction under subsection (3) apply (if their inclusion in any publication is likely to have the result mentioned in that subsection) include in particular—
 - (a) his name,

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- (b) his address,
 - (c) the identity of any school or other educational establishment attended by him,
 - (d) the identity of any place of work, and
 - (e) any still or moving picture of him.
- (9) A direction under subsection (3) may be revoked by the court or an appellate court.
- (10) An excepting direction—
- (a) may be given at the time the direction under subsection (3) is given or subsequently; and
 - (b) may be varied or revoked by the court or an appellate court.
- (11) In this section “appellate court”, in relation to any proceedings in a court, means a court dealing with an appeal (including an appeal by way of case stated) arising out of the proceedings or with any further appeal.

Modifications etc. (not altering text)

- C3** S. 45 applied (E.W.) (31.8.2009 for specified purposes, 1.4.2010 for specified purposes, 1.11.2010 for specified purposes) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), [ss. 11\(8\)\(b\)](#), 66(2); [S.I. 2009/1840](#), [art. 3\(c\)](#); [S.I. 2010/469](#), [arts. 3\(c\)](#), 4, [Schs.](#); [S.I. 2010/2541](#), [arts. 3\(c\)](#), 4, [Schs.](#)
- C4** S. 45 applied (E.W.) (20.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), [ss. 30\(5\)\(b\)](#), 185(1) (with [ss. 21](#), 33, 42, 58, 75, 93); [S.I. 2014/2590](#), [art. 3\(a\)](#)

Commencement Information

- I2** Pt. II Chs. 1-4 (ss. 16-52) in force for certain purposes at Royal Assent, see s. 68(4)
- I3** S. 45 in force at 13.4.2015 for E.W. in so far as not already in force by [S.I. 2015/818](#), [art. 2\(a\)](#)

Marginal Citations

- M2** [1933 c. 12](#).

[^{F6}45A Power to restrict reporting of criminal proceedings for lifetime of witnesses and victims under 18

- (1) This section applies in relation to—
- (a) any criminal proceedings in any court (other than a service court) in England and Wales, and
 - (b) any proceedings (whether in the United Kingdom or elsewhere) in any service court.
- (2) The court may make a direction (“a reporting direction”) that no matter relating to a person mentioned in subsection (3) shall during that person's lifetime be included in any publication if it is likely to lead members of the public to identify that person as being concerned in the proceedings.
- (3) A reporting direction may be made only in respect of a person who is under the age of 18 when the proceedings commence and who is—
- (a) a witness, other than an accused, in the proceedings;
 - (b) a person against whom the offence, which is the subject of the proceedings, is alleged to have been committed.

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- (4) For the purposes of subsection (2), matters relating to a person in respect of whom the reporting direction is made include—
- (a) the person's name,
 - (b) the person's address,
 - (c) the identity of any school or other educational establishment attended by the person,
 - (d) the identity of any place of work of the person, and
 - (e) any still or moving picture of the person.
- (5) The court may make a reporting direction in respect of a person only if it is satisfied that—
- (a) the quality of any evidence given by the person, or
 - (b) the level of co-operation given by the person to any party to the proceedings in connection with that party's preparation of its case,
- is likely to be diminished by reason of fear or distress on the part of the person in connection with being identified by members of the public as a person concerned in the proceedings.
- (6) In determining whether subsection (5) is satisfied, the court must in particular take into account—
- (a) the nature and alleged circumstances of the offence to which the proceedings relate;
 - (b) the age of the person;
 - (c) such of the following as appear to the court to be relevant—
 - (i) the social and cultural background and ethnic origins of the person,
 - (ii) the domestic, educational and employment circumstances of the person, and
 - (iii) any religious beliefs or political opinions of the person;
 - (d) any behaviour towards the person on the part of—
 - (i) an accused,
 - (ii) members of the family or associates of an accused, or
 - (iii) any other person who is likely to be an accused or a witness in the proceedings.
- (7) In determining that question the court must in addition consider any views expressed—
- (a) by the person in respect of whom the reporting restriction may be made, and
 - (b) where that person is under the age of 16, by an appropriate person other than an accused.
- (8) In determining whether to make a reporting direction in respect of a person, the court must have regard to—
- (a) the welfare of that person,
 - (b) whether it would be in the interests of justice to make the direction, and
 - (c) the public interest in avoiding the imposition of a substantial and unreasonable restriction on the reporting of the proceedings.
- (9) A reporting direction may be revoked by the court or an appellate court.

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- (10) The court or an appellate court may by direction (“an excepting direction”) dispense, to any extent specified in the excepting direction, with the restrictions imposed by a reporting direction.
- (11) The court or an appellate court may only make an excepting direction if—
- (a) it is satisfied that it is necessary in the interests of justice to do so, or
 - (b) it is satisfied that—
 - (i) the effect of the reporting direction is to impose a substantial and unreasonable restriction on the reporting of the proceedings, and
 - (ii) it is in the public interest to remove or relax that restriction.
- (12) No excepting direction shall be given under subsection (11)(b) by reason only of the fact that the proceedings have been determined in any way or have been abandoned.
- (13) In determining whether to make an excepting direction in respect of a person, the court or the appellate court must have regard to the welfare of that person.
- (14) An excepting direction—
- (a) may be given at the time the reporting direction is given or subsequently, and
 - (b) may be varied or revoked by the court or an appellate court.
- (15) For the purposes of this section—
- (a) criminal proceedings in a court other than a service court commence when proceedings are instituted for the purposes of Part 1 of the Prosecution of Offences Act 1985, in accordance with section 15(2) of that Act;
 - (b) proceedings in a service court commence when the charge is brought under [F7section 122][F7section 121(1A) or 122] of the Armed Forces Act 2006.
- (16) In this section—
- (a) “appellate court”, in relation to any proceedings in a court, means a court dealing with an appeal (including an appeal by way of case stated) arising out of the proceedings or with any further appeal;
 - (b) “appropriate person” has the same meaning as in section 50;
 - (c) references to the quality of evidence given by a person are to its quality in terms of completeness, coherence and accuracy (and for this purpose “coherence” refers to a person's ability in giving evidence to give answers which address the questions put to the person and can be understood both individually and collectively);
 - (d) references to the preparation of the case of a party to any proceedings include, where the party is the prosecution, the carrying out of investigations into any offence at any time charged in the proceedings.]

Textual Amendments

- F6** S. 45A inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), **ss. 78(2)**, 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 63
- F7** Words in s. 45A(15)(b) substituted (22.5.2019 for specified purposes) by [Armed Forces Act 2016 \(c. 21\)](#), **ss. 5(3)(a)**, 19(1); S.I. 2019/961, reg. 2(1)(a) (with reg. 3)

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