



Children and Young Persons Act 1933

1933 CHAPTER 12 23 and 24 Geo 5

PART I

PREVENTION OF CRUELTY AND EXPOSURE TO MORAL AND PHYSICAL DANGER

Offences

1 Cruelty to persons under sixteen.

- (1) If any person who has attained the age of sixteen years and [^{F1}has responsibility for] any child or young person under that age, wilfully assaults, ill-treats, neglects, abandons, or exposes him, or causes or procures him to be assaulted, ill-treated, neglected, abandoned, or exposed, in a manner likely to cause him unnecessary suffering or injury to health (including injury to or loss of sight, or hearing, or limb, or organ of the body, and any mental derangement), that person shall be guilty of a misdemeanor, and shall be liable—
 - (a) on conviction on indictment, to a fine . . . ^{F2} or alternatively, . . . ^{F3}, or in addition thereto, to imprisonment for any term not exceeding [^{F4}ten] years;
 - (b) on summary conviction, to a fine not exceeding [^{F5}£400] pounds, or alternatively, . . . ^{F3}, or in addition thereto, to imprisonment for any term not exceeding six months.
- (2) For the purposes of this section—
 - (a) a parent or other person legally liable to maintain a child or young person [^{F6}, or the legal guardian of a child or young person,] shall be deemed to have neglected him in a manner likely to cause injury to his health if he has failed to provide adequate food, clothing, medical aid or lodging for him, or if, having been unable otherwise to provide such food, clothing, medical aid or lodging, he has failed to take steps to procure it to be provided under [^{F7}the enactments applicable in that behalf];
 - (b) where it is proved that the death of an infant under three years of age was caused by suffocation (not being suffocation caused by disease or the presence of any foreign body in the throat or air passages of the infant) while the infant

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was in bed with some other person who has attained the age of sixteen years, that other person shall, if he was, when he went to bed, under the influence of drink, be deemed to have neglected the infant in a manner likely to cause injury to its health.

- (3) A person may be convicted of an offence under this section—
 - (a) notwithstanding that actual suffering or injury to health, or the likelihood of actual suffering or injury to health, was obviated by the action of another person;
 - (b) notwithstanding the death of the child or young person in question.
- (4) F8
- (5) F9
- (7) ^{F10}

Textual Amendments

F1 Words in s. 1(1) substituted (14. 10. 1991) by Children Act 1989 (c. 41, SIF 20), s. 108(5)(6), **Sch. 13 para. 2** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**.

F2 Words repealed by Children Act 1975 (c. 72), **Sch. 4 Pt. III**

F3 Words repealed by Children and Young Persons Act 1963 (c. 37), s. 64, **Sch. 5**

F4 Word substituted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. **45(1)(2)**

F5 Words substituted by Children Act 1975 (c. 72), **Sch. 3 para. 1**

F6 Words in s. 1(2)(a) inserted (14. 10. 1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4)(6), **Sch. 12 para. 2** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**.

F7 Words substituted by S.I. 1951/174 (1951 I, p. 1369), Sch.

F8 S. 1(4) repealed by Criminal Law Act 1967 (c. 58), s. 12, **Sch. 3 Pt. III**

F9 S. 1(5)(6) repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170(2), **Sch. 16**

F10 S. 1(7) repealed (15.1.2005) by Children Act 2004 (c. 31), ss. 58(5), 64, 67(7)(f), **Sch. 5 Pt. 5**

2 F11

Textual Amendments

F11 Ss. 2, 3(2) repealed by Sexual Offences Act 1956 (c. 69). s. 52, Sch. 4

3 Allowing persons under sixteen to be in brothels.

- (1) If any person having [^{F12}responsibility for] a child or young person who has attained the age of four years and is under the age of sixteen years, allows that child or young person to reside in or to frequent a brothel, he shall be [^{F13}liable on summary conviction to a fine not exceeding [^{F14}level 2 on the standard scale]], or alternatively . . . ^{F15} or in addition thereto, to imprisonment for any term not exceeding six months.
- (2) ^{F16}

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Textual Amendments

- F12** Words in s. 3(1) substituted (14. 10. 1991) by Children Act 1989 (c. 41, SIF 20), s. 108(5)(6), **Sch. 13 para. 3(a)** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**.
- F13** Words substituted by Criminal Law Act 1977 (c. 45), **Sch. 1 para. 4**
- F14** Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46**
- F15** Words repealed by Children and Young Persons Act 1963 (c. 37), s. 64, **Sch. 5**
- F16** S. 3(2) repealed by Sexual Offences Act 1956 (c. 69). s. 52, Sch. 4

4 Causing or allowing persons under sixteen to be used for begging.

- (1) If any person causes or procures any child or young person under the age of sixteen years or, having [^{F17}responsibility for] such a child or young person, allows him to be in any street, premises, or place for the purpose of begging or receiving alms, or of inducing the giving of alms (whether or not there is any pretence of singing, playing, performing, offering anything for sale, or otherwise) he shall, on summary conviction, be liable to a fine not exceeding [^{F18}level 2 on the standard scale], or alternatively, . . . [^{F19} or in addition thereto, to imprisonment for any term not exceeding three months.
- (2) If a person having [^{F17}responsibility for] a child or young person is charged with an offence under this section, and it is proved that the child or young person was in any street, premises, or place for any such purpose as aforesaid, and that the person charged allowed the child or young person to be in the street, premises, or place, he shall be presumed to have allowed him to be in the street, premises, or place for that purpose unless the contrary is proved.
- (3) If any person while singing, playing, performing or offering anything for sale in a street or public place has with him a child who has been lent or hired out to him, the child shall, for the purposes of this section, be deemed to be in that street or place for the purpose of inducing the giving of alms.

Textual Amendments

- F17** Words in s. 4(1)(2) substituted (14. 10. 1991) by Children Act 1989 (c. 41, SIF 20), s. 108(5)(6), **Sch. 13 para. 3(b)** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**.
- F18** Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46**
- F19** Words repealed by Children and Young Persons Act 1963 (c. 37), s. 64, **Sch. 5**

5 Giving intoxicating liquor to children under five.

If any person gives, or causes to be given, to any child under the age of five years any [^{F20}alcohol (within the meaning given by section 191 of the Licensing Act 2003, but disregarding subsection (1)(f) to (i) of that section)], except upon the order of a duly qualified medical practitioner, or in case of sickness, apprehended sickness, or other urgent cause, he shall, on summary conviction, be liable to a fine not exceeding [^{F21}level 1 on the standard scale].

Textual Amendments

- F20** Words in s. 5 substituted (24.11.2005) by Licensing Act 2003 (c. 17), ss. 198, 201, **Sch. 6 para. 13** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, **art. 2(2)**

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F21 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 46**

6 **F22**

Textual Amendments

F22 S. 6 repealed by [Licensing Act 1953 \(c. 46\)](#), **Sch. 10**

7 Sale of tobacco, &c. to persons under [^{F23}eighteen].

(1) Any person who sells to a person [^{F24}. . .] under the age of [^{F25}eighteen] years any tobacco or cigarette papers, whether for his own use or not, shall be liable, [^{F26}on summary conviction to a fine not exceeding level 4 on the standard scale.]

[^{F27}(1A) It shall be a defence for a person charged with an offence under subsection (1) above to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.]

(2) If on complaint to a [^{F28}magistrates' court] it is proved to the satisfaction of the court that any automatic machine for the sale of tobacco kept on any premises [^{F29}has been used by any person] under the age of [^{F25}eighteen] years, the court [^{F30}shall] order the owner of the machine, or the person on whose premises the machine is kept, to take such precautions to prevent the machine being so used as may be specified in the order or, if necessary, to remove the machine, within such time as may be specified in the order, and if any person against whom such an order has been made fails to comply therewith, he shall be liable, on summary conviction, [^{F31}to a fine not exceeding level 4 on the standard scale.]

(3) It shall be the duty of a constable and of a park-keeper being in uniform to seize any tobacco or cigarette papers in the possession of any person apparently under the age of sixteen years whom he finds smoking in any street or public place, and any tobacco or cigarette papers so seized shall be disposed of, if seized by a constable, in such manner as the police authority may direct, and if seized by a park-keeper, in such manner as the authority or person by whom he was appointed may direct.

(4) Nothing in this section shall make it an offence to sell tobacco or cigarette papers to, or shall authorise the seizure of tobacco or cigarette papers in the possession of, any person who is at the time employed by a manufacturer of or dealer in tobacco, either wholesale or retail, for the purposes of his business, or is a boy messenger in uniform in the employment of a messenger company and employed as such at the time.

(5) For the purposes of this section the expression “tobacco” includes cigarettes [^{F32}any product containing tobacco and intended for oral or nasal use] and smoking mixtures intended as a substitute for tobacco, and the expression “cigarettes” includes cut tobacco rolled up in paper, tobacco leaf, or other material in such form as to be capable of immediate use for smoking.

Textual Amendments

F23 Word in s. 7 sidenote substituted (1.10.2007) by [The Children and Young Persons \(Sale of Tobacco etc.\) Order 2007 \(S.I. 2007/767\)](#), **art. 2(a)** (with effect as mentioned in [art. 1](#))

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- F24** Word in s. 7(1) omitted (1.3.1992) by virtue of Children and Young Persons (Protection from Tobacco) Act 1991 (c. 23, SIF 20), s. 1(2)(a), (with s. 8(3)); S.I. 1992/332, art. 2
- F25** Word in s. 7(1)(2) substituted (1.10.2007) by The Children and Young Persons (Sale of Tobacco etc.) Order 2007 (S.I. 2007/767), art. 2(a) (with effect as mentioned in art. 1)
- F26** Words in s. 7(1) substituted (1.3.1992) by Children and Young Persons (Protection from Tobacco) Act 1991 (c. 23, SIF 20), s. 1(2)(b), (with s. 8(3)); S.I. 1992/332, art. 2
- F27** S. 7(1A) inserted (1.3.1992) by Children and Young Persons (Protection from Tobacco) Act 1991 (c. 23, SIF 20), s. 1(3), (with s. 8(3)); S.I. 1992/332, art.2
- F28** Words in s. 7(2) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, Sch. 8 para. 72; S.I. 2005/910, art. 3(bb)
- F29** Words in s. 7(2) substituted (1.3.1992) by Children and Young Persons (Protection from Tobacco) Act 1991 (c. 23, SIF 20), s. 1(4)(a), (with s. 8(3)(4)); S.I. 1992/332, art.2
- F30** Word substituted by Protection of Children (Tobacco) Act 1986 (c. 34, SIF 20), s. 1(1)(b)(2)
- F31** Words in s. 7(2) substituted (1.3.1992) by Children and Young Persons (Protection from Tobacco) Act 1991 (c. 23, SIF 20), s. 1(4)(b), (with s. 8(3)(4)); S.I. 1992/332, art. 2
- F32** Words inserted by Protection of Children (Tobacco) Act 1986 (c. 34, SIF 20), s. 1(1)(c)

Modifications etc. (not altering text)

- C1** In s. 7: definition of "tobacco" applied (20.2.1993) by Children and Young Persons (Protection from Tobacco) Act 1991 (c. 23, SIF 20), s. 4(8); S.I. 1992/3227, art. 2(2).
- C2** S. 7: power to amend conferred (19.7.2006 for specified purposes and otherwise 1.7.2007) by Health Act 2006 (c. 28), ss. 13, 83; S.I. 2007/1375, art. 2(a)
- C3** Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 35 (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.)
- C4** S. 7(2) saved (1.3.1992) by Children and Young Persons (Protection from Tobacco) Act 1991 (c. 23, SIF 20), s. 8(5); S.I. 1992/332, art. 2

8 F33

Textual Amendments

- F33** S. 8 repealed by Consumer Credit Act 1974 (c. 39), s. 192(1)(4), Sch. 5

9 F34

Textual Amendments

- F34** S. 9 repealed by Scrap Metal Dealers Act 1964 (c. 69), Sch. Pt. I

^{F35}**10**

Textual Amendments

- F35** S. 10 repealed (1.10.1993) by 1993 c.35, ss. 303(4), 307(1)(3), Sch. 19, para. 1, Sch. 21 Pt.I; S.I. 1993/1975, art. 9, Sch. 1 Appendix.

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11 †Exposing children under seven to risk of burning.

If any person who has attained the age of sixteen years, having [^{F36}responsibility for] any child under the age of [^{F37}twelve] years, allows the child to be in any room containing an open fire grate [^{F38}or any heating appliance liable to cause injury to a person by contact therewith] not sufficiently protected to guard against the risk of his being burnt or scalded without taking reasonable precautions against that risk, and by reason thereof the child is killed or suffers serious injury, he shall on summary conviction be liable to a fine not exceeding [^{F39}level 1 on the standard scale]:

Provided that neither this section, nor any proceedings taken thereunder, shall affect any liability of any such person to be proceeded against by indictment for any indictable offence.

Textual Amendments

- F36** Words in s. 11 substituted (14. 10. 1991) by Children Act 1989 (c. 41, SIF 20), s. 108(5)(6), **Sch. 13 para. 3(c)** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**.
- F37** Word substituted by Children and Young Persons (Amendment) Act 1952 (c. 50), **Sch. para. 1(a)**
- F38** Words inserted by Children and Young Persons (Amendment) Act 1952 (c. 50), **Sch. para. 1(b)**
- F39** Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46**

Modifications etc. (not altering text)

- C5** Unreliable marginal note.
- C6** Words in s. 11 substituted by 1952 c. 50, continued to have effect (5.11.1993) by 1993 c. 50, s. 1(2), **Sch. 2 Pt. II para. 23**.

12 Failing to provide for safety of children at entertainments.

- (1) Where there is provided in any building an entertainment for children, or an entertainment at which the majority of the persons attending are children, then, if the number of children attending the entertainment exceeds one hundred, it shall be the duty of the person providing the entertainment to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate, and to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and to take all other reasonable precautions for the safety of the children.
- (2) Where the occupier of a building permits, for hire or reward, the building to be used for the purpose of an entertainment, he shall take all reasonable steps to secure the observance of the provisions of this section.
- (3) If any person on whom any obligation is imposed by this section fails to fulfil that obligation, he shall be liable, on summary conviction, to a fine not exceeding, in the case of a first offence fifty pounds, and in the case of a second or subsequent offence one hundred pounds ^{F40}
- (4) A constable may enter any building in which he has reason to believe that such an entertainment as aforesaid is being, or is about to be, provided, with a view to seeing whether the provisions of this section are carried into effect, and an officer authorised for the purpose by an authority by whom licences are granted under any of

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the enactments referred to in the last foregoing subsection shall have the like power of entering any building so licensed by that authority.

(5) The institution of proceedings under this section shall—

- [^{F41}(a) in the case of a building in respect of which a premises licence authorising the provision of regulated entertainment has effect, be the duty of the relevant licensing authority;]
- (b) in any other case, be the duty of the police authority.

[^{F42}(5A) For the purposes of this section—

- (a) “premises licence” and “the provision of regulated entertainment” have the meaning given by the Licensing Act 2003, and
- (b) “the relevant licensing authority”, in relation to a building in respect of which a premises licence has effect, means the relevant licensing authority in relation to that building under section 12 of that Act.]

(6) This section shall not apply to any entertainment given in a private dwelling-house.

Textual Amendments

- F40** Words in s. 12(3) repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 198, 199, Sch. 6 para. 14(a), Sch. 7 (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2)
- F41** S. 12(5)(a) substituted (24.11.2005) by Licensing Act 2003 (c. 17), ss. 198, 199, Sch. 6 para. 14(b) (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2)
- F42** S. 12(5A) inserted (24.11.2005) by Licensing Act 2003 (c. 17), ss. 198, 199, Sch. 6 para. 14(c) (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2)

Modifications etc. (not altering text)

- C7** S. 12: functions of local authority not to be the responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1 B1 35
- C8** Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 35 (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.)

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