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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

Juvenile Offenders

50 Age of criminal responsibility.

It shall be conclusively presumed that no child under the age of [^{F1}ten] years can be guilty of any offence.

Textual Amendments

F1 Word substituted by [Children and Young Persons Act 1963 \(c. 37\), s. 16\(1\)](#)

51^{F2}

Textual Amendments

F2 [Ss. 1\(4\), 51](#) repealed by [Criminal Law Act 1967 \(c. 58\), s. 12, Sch. 3 Pt. III](#)

52^{F3}

Textual Amendments

F3 [Ss. 33, 52](#) repealed by [Criminal Justice Act 1948 \(c. 58\), Sch. 10 Pt. I](#)

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53 Punishment of certain grave crimes.

[^{F4}(1) A person convicted of an offence who appears to the court to have been under the age of eighteen years at the time the offence was committed shall not, if he is convicted of murder, be sentenced to imprisonment for life, nor shall sentence of death be pronounced on or recorded against any such person; but in lieu thereof the court shall (notwithstanding anything in this or in any other Act) sentence him to be detained during Her Majesty’s pleasure, and if so sentenced he shall be liable to be detained in such place under such conditions as the Secretary of State may direct.]

[^{F5}(2) Where—

(a) a young person is convicted on indictment of any offence punishable in the case of an adult with imprisonment for fourteen years or more, not being an offence the sentence for which is fixed by law

[a young person is convicted of—

- ^{F6}(aa) (i) an offence under section 1 of the Road Traffic Act 1988 (causing death by dangerous driving); or
- (ii) an offence under section 3A of that Act (causing death by careless driving while under influence of drink or drugs); or]

(b) a child is convicted of manslaughter,] and the court is of opinion that none of the other methods in which the case may legally be dealt with is suitable, the court may sentence the offender to be detained for such period [^{F7}not exceeding the maximum term of imprisonment with which the offence is punishable in the case of an adult] as may be specified in the sentence; and where such a sentence has been passed the child or young person shall, during that period . . . ^{F8} be liable to be detained in such place and on such conditions as the Secretary of State may direct.

(3) A person detained pursuant to the directions of the Secretary of State under this section shall, while so detained, be deemed to be in legal custody.

(4) ^{F9}

Textual Amendments

F4 S. 53(1) substituted by [Murder \(Abolition of Death Penalty\) Act 1965 \(c. 71\), s. 1\(5\)](#)

F5 Words in s. 53(2) substituted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\), s. 126](#)

F6 S. 53(2)(aa) inserted (16.8.1993) by [1993 c. 36, s. 67\(2\)](#); [S.I. 1993/1968, art. 2\(1\), Sch. 1.](#)

F7 Words inserted by [Criminal Justice Act 1961 \(c. 39\), s. 41\(3\), Sch. 4](#)

F8 Words repealed by [Criminal Justice Act 1948 \(c. 58\), Sch. 10 Pt. I](#)

F9 S. 53(4) repealed by [Criminal Justice Act 1967 \(c. 80\), s. 102, Sch. 7 Pt. I](#)

Modifications etc. (not altering text)

C1 S. 53 modified by [Criminal Justice Act 1967 \(c. 80\), ss. 61, 62](#); extended by [Children and Young Persons Act 1969 \(c. 54\), s. 30\(1\)](#)

C2 S. 53(2) restricted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 3\(1\)](#)

C3 Power to repeal in part conferred by [Children and Young Persons Act 1969 \(c. 54, SIF 20\), s. 69\(5\)](#)

C4 S. 53(2) modified (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\), ss. 64, 101\(1\), Sch. 12 para. 18](#); [S.I. 1992/333, art. 2\(2\), Sch. 2](#)

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Textual Amendments

F10 Ss. 26(6), 29(3), 32, 35, 44(2), 54, 55(2), 57, 62–76, 77(1)(3), 78, 79(4), 81(2), 82–85, 90, 91, 94, 107(2), 108(2)(3), Sch. 4 paras. 4–13 repealed by Children and Young Persons Act 1969 (c. 54), s. 72, Sch. 6

[^{F11}55 Power to order parent or guardian to pay fine, etc.

(1) Where—

- (a) a child or young person is convicted or found guilty of any offence for the commission of which a fine or costs may be imposed or a compensation order may be made under section 35 of the Powers of Criminal Courts Act 1973; and
- (b) the court is of opinion that the case would best be met by the imposition of a fine or costs or the making of such an order, whether with or without any other punishment,

it shall be the duty of the court to order that the fine, compensation or costs awarded be paid by the parent or guardian of the child or young person instead of by the child or young person himself, unless the court is satisfied—

- (i) that the parent or guardian cannot be found; or
- (ii) that it would be unreasonable to make an order for payment, having regard to the circumstances of the case.

[Where but for this subsection—

- ^{F12}(1A) (a) a court would order a child or young person to pay a fine under section 15(2A) of the Children and Young Persons Act 1969 (failure to comply with requirement included in supervision order); or
- (b) a court would impose a fine on a young person under section 16(3) of the Powers of Criminal Courts Act 1973 (breach of requirements of community service order),

it shall be the duty of the court to order that the fine be paid by the parent or guardian of the child or young person instead of by the child or young person himself, unless the court is satisfied—

- (i) that the parent or guardian cannot be found; or
- (ii) that it would be unreasonable to make an order for payment, having regard to the circumstances of the case.]

[In the case of a young person who has attained the age of sixteen years, subsections ^{F13}(1B) (1) and (1A) above shall have effect as if, instead of imposing a duty, they conferred a power to make such an order as is mentioned in those subsections.]

- (2) An order under this section may be made against a parent or guardian who, having been required to attend, has failed to do so, but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.
- (3) A parent or guardian may appeal to the Crown Court against an order under this section made by a magistrates' court.
- (4) A parent or guardian may appeal to the Court of Appeal against an order made under this section by the Crown Court, as if he had been convicted on indictment and the order were a sentence passed on his conviction.]

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[^{F14}(5) In relation to a child or young person for whom a local authority have parental responsibility and who—
(a) is in their care; or
(b) is provided with accommodation by them in the exercise of any functions (in particular those under the Children Act 1989) which stand referred to their social services committee under the Local Authority Social Services Act 1970, references in this section to his parent or guardian shall be construed as references to that authority.

In this subsection “local authority” and “parental responsibility” have the same meanings as in the Children Act 1989.]

Textual Amendments

- F11** S. 55 substituted by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 26
- F12** S. 55(1A) inserted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 127
- F13** S. 55(1B) inserted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 57(1), 101(1), **Sch. 12 para. 14**; S.I. 1992/333, art. 2(2), **Sch. 2**
- F14** S. 55(5) inserted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 57(2), 101(1), **Sch. 12 para. 14**; S.I. 1992/333, art. 2(2), **Sch. 2**

Modifications etc. (not altering text)

- C5** S. 55 restricted (20.9.1993) by 1991 c. 53, s. 20(1B), as amended by 1993 c. 36, ss. 65(3), **Sch. 3, para. 2(1)**; S.I. 1993/1968, art. 2(2), **Sch.2**.

56 Power of other courts to remit juvenile offenders to [^{F15}youth courts].

(1) Any court by or before which a [^{F16}child or] young person is found guilty of an offence other than homicide, may, [^{F17}and, if it is not a [^{F15}youth court], shall unless satisfied that it would be undesirable to do so] remit the case to a [^{F15}youth court] acting for the place where the offender was committed for trial, or, if he was not committed for trial, to a [^{F15}youth court] acting either for the same place as the remitting court or for the place where the offender [^{F18}habitually resides]; and, where any such case is so remitted, the offender shall be brought before a [^{F15}youth court] accordingly, and that court may deal with him in any way in which it might have dealt with him if he had been tried and found guilty by that court.

[^{F19}(2) Where any case is so remitted—

- (a) the offender shall have the same right of appeal against any order of the court to which the case is remitted as if he had been found guilty by that court, but shall have no right of appeal against the order of remission; and
- (b)^{F20}]

(3) A court by which an order remitting a case to a [^{F15}youth court] is made under this section may give such directions as appear to be necessary with respect to the custody of the offender or for his release on bail until he can be brought before the [^{F15}youth court], and shall cause to be transmitted to the clerk of the [^{F15}youth court] a certificate setting out the nature of the offence and stating that the offender has been found guilty thereof, and that the case has been remitted for the purpose of being dealt with under this section.

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Textual Amendments

- F15** Words in s. 56 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**
- F16** Words repealed (prosp.) by Children and Young Persons Act 1969 (c. 54), **Sch. 6**
- F17** Words substituted by Children and Young Persons Act 1963 (c. 37), **Sch. 3 para. 14(1)**
- F18** Words substituted by Children and Young Persons Act 1969 (c. 54), **Sch. 5 para. 6**
- F19** S. 56(2) substituted by Children and Young Persons Act 1963 (c. 37), **Sch. 3 para. 14(2)**
- F20** S. 56(2)(b) repealed by Courts Act 1971 (c. 23), **Sch. 11 Pt. IV**

Modifications etc. (not altering text)

- C6** S. 56 restricted by S.I. 1988/913, **rule 11(1)**
- C7** S. 56 amended by Children and Young Persons Act 1969 (c. 54), **s. 7(8)**

57 **F21**

Textual Amendments

- F21** Ss. 26(6), 29(3), 32, 35, 44(2), 54, 55(2), 57, 62–76, 77(1)(3), 78, 79(4), 81(2), 82–85, 90, 91, 94, 107(2), 108(2)(3), Sch. 4 paras. 4–13 repealed by Children and Young Persons Act 1969 (c. 54), s. 72, **Sch. 6**

^{F22}58 Power of Secretary of State to send certain juvenile offenders to approved schools.

The Secretary of State may by order direct that—

- (a) a person who is under the age of eighteen years and is undergoing detention in a Borstal institution; or
- (b) a child or young person with respect to whom he is authorised to give directions under subsection (2) of section fifty-three of this Act; or
- (c) a young person who has been ordered to be imprisoned and has been pardoned by His Majesty on condition of his agreeing to undergo training in a school,

shall be transferred or sent to and detained in an approved school specified in the order; and any such order shall be an authority [^{F23}for his detention in that approved school or in such other approved school as the Secretary of State may from time to time determine] until such date as may be specified in the order:

Provided that the date to be so specified shall be not later than that on which he will in the opinion of the Secretary of State attain the age of nineteen years nor later—

- (a) in the case of a person who was . . . ^{F24} sentenced to detention under the said sub-section (2), than the date on which his detention would have expired;
- (b) in the case of a young person who has been sentenced to imprisonment and pardoned as aforesaid, than three years from the date as from which his sentence began to run;
- [^{F25}(c) in the case of a person who was undergoing detention in a Borstal institution, than the end of the period for which he would have been liable to be detained therein.]

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Textual Amendments

- F22 S. 58 repealed (prosp.) by Children and Young Persons Act 1969 (c. 54), ss. 72, 73(2), Sch. 6
- F23 Words substituted by Children and Young Persons Act 1963 (c. 37), Sch. 3 para. 13
- F24 Words repealed by Criminal Justice Act 1948 (c. 58), Sch. 10 Pt. I
- F25 S. 58 proviso(c) added by Criminal Justice Act 1948 (c. 58), Sch. 9

Modifications etc. (not altering text)

- C8 S. 58 extended by Children and Young Persons Act 1963 (c. 37), s. 11(2)(4)

59 Miscellaneous provisions as to summary proceedings against juvenile offenders.

(1) The words “conviction” and “sentence” shall cease to be used in relation to [^{F26}children and] young persons dealt with summarily and any reference in any enactment [^{F27}whether passed before or after the commencement of this Act] to a person convicted, a conviction or a sentence shall, in the case of a [^{F26}child or] young person, be construed as including a reference to a person found guilty of an offence, a finding of guilt or an order made upon such a finding, as the case may be:

..... F28

(2) F29

Textual Amendments

- F26 Words repealed (prosp.) by Children and Young Persons Act 1969 (c. 54), Sch. 6
- F27 Words inserted by Criminal Justice Act 1948 (c. 58), Sch. 9
- F28 S. 59(1) proviso repealed by Criminal Justice Act 1948 (c. 58), Sch. 10 Pt. I
- F29 S. 59(2) repealed by Costs in Criminal Cases Act 1952 (c. 48), Sch.

60 F30

Textual Amendments

- F30 S. 60 and Sch. 3 repealed by Magistrates' Courts Act 1952 (c. 55), s. 132, Sch. 6

61 F31

Textual Amendments

- F31 Ss. 14(3), 22, 24(3)(5), 29(1)(2), 61 repealed by Children and Young Persons Act 1963 (c. 37), s. 64, Sch. 5

62—76 F32

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Textual Amendments

F32 Ss. 26(6), 29(3), 32, 35, 44(2), 54, 55(2), 57, 62–76, 77(1)(3), 78, 79(4), 81(2), 82–85, 90, 91, 94, 107(2), 108(2)(3), Sch. 4 paras. 4–13 repealed by Children and Young Persons Act 1969 (c. 54), s. 72, **Sch. 6**

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