



Children and Young Persons Act 1933

1933 CHAPTER 12 23 and 24 Geo 5

PART III U.K.

PROTECTION OF CHILDREN AND YOUNG PERSONS IN RELATION TO CRIMINAL AND SUMMARY PROCEEDINGS

Youth Courts

45 Constitution of juvenile courts. E+W

Courts of summary jurisdiction constituted in accordance with the provisions of the Second Schedule of this Act and sitting for the purpose of hearing any charge against a child or young person or for the purpose of exercising any other jurisdiction conferred on juvenile courts by or under this or any other Act, shall be known as juvenile courts and in whatever place sitting shall be deemed to be petty sessional courts.

46 Assignment of certain matters to juvenile courts. E+W

(1) Subject as hereinafter provided, no charge against a child or young person, and no application whereof the hearing is by rules made under this section assigned to juvenile courts, shall be heard by a court of summary jurisdiction which is not a juvenile court:

Provided that—

- (a) a charge made jointly against a child or young person and a person who has attained the age of seventeen years shall be heard by a court of summary jurisdiction other than a juvenile court; and
- (b) where a child or young person is charged with an offence, the charge may be heard by a court of summary jurisdiction which is not a juvenile court if a person who has attained the age of seventeen years is charged at the same time with aiding, abetting, causing, procuring, allowing or permitting that offence; and
- (c) where, in the course of any proceedings before any court of summary jurisdiction other than a juvenile court, it appears that the person to whom the

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proceedings relate is a child or young person, nothing in this subsection shall be construed as preventing the court, if it thinks fit so to do, from proceeding with the hearing and determination of those proceedings.

[^{F1}(1A) If a notification that the accused desires to plead guilty without appearing before the court is received by the clerk of a court in pursuance of [^{F2}section 12 of the ^{M1}Magistrates' Courts Act 1980] and the court has no reason to believe that the accused is a child or young person, then, if he is a child or young person he shall be deemed to have attained the age of seventeen for the purposes of subsection (1) of this section in its application to the proceedings in question.]

(2) No direction, whether contained in this or any other Act, that a charge shall be brought before a juvenile court shall be construed as restricting the powers of any justice or justices to entertain an application for bail or for a remand, and to hear such evidence as may be necessary for that purpose.

(3) ^{F3}

Textual Amendments

F1 S. 46(1A) inserted by Children and Young Persons Act 1969 (c. 54), Sch. 5 para. 4

F2 Words substituted by Magistrates' Courts Act 1980 (c. 43), ss. 154(2), 155(7), Sch. 7 para 6

F3 Ss. 46(3), 47(3), 101(2) repealed by Justices of the Peace Act 1949 (c. 101), Sch. 7, Pt. II

Modifications etc. (not altering text)

C1 S. 46(1) excluded by Children and Young Persons Act 1963 (c. 37), s. 18, Criminal Law Act 1977 (c. 45), s. 34(1) and Magistrates' Courts Act 1980 (c. 43), ss. 29(1), 155(7)

Marginal Citations

M1 1980 c. 43.

47 Procedure in juvenile courts. E+W

(1) Juvenile courts shall sit as often as may be necessary for the purpose of exercising any jurisdiction conferred on them by or under this or any other Act.

(2) A juvenile court shall [^{F4}not sit in a room in which sittings of a court other than a juvenile court are held if a sitting of that other court has been or will be held there within an hour before or after the sitting of the juvenile court]; and no person shall be present at any sitting of a juvenile court except—

- (a) members and officers of the court;
- (b) parties to the case before the court, their solicitors and counsel, and witnesses and other persons directly concerned in that case;
- (c) bonâ fide representatives of newspapers or news agencies;
- (d) such other persons as the court may specially authorise to be present:

..... ^{F5}

(3) ^{F6}

Textual Amendments

F4 Words substituted by Children and Young Persons Act 1963 (c. 37), s. 17(2)

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- F5** S. 47(2) proviso repealed by [Justices of Peace Act 1949 \(c. 101\)](#), [Sch. 7 Pt. III](#)
- F6** Ss. 46(3), 47(3), 101(2) repealed by [Justices of the Peace Act 1949 \(c. 101\)](#), [Sch. 7, Pt. II](#)

Modifications etc. (not altering text)

- C2** S. 47(2) restricted by [Adoption Act 1958 \(7 & 8 Eliz. 2 c. 5\)](#), [s. 47](#); restricted by [Adoption Act 1976 \(c. 36\)](#), [s. 37\(4\)](#), and (1.4.1981) [Foster Children Act 1980 \(c. 6\)](#), [s. 14\(1\)](#). ([Foster Children Act 1980 \(c.6\)](#) repealed (14.10.1991) by [Children Act 1989 \(c.41, SIF 20\)](#), [s. 108\(6\)\(7\)](#), [Sch. 14 para. 27\(4\)](#), [Sch. 15](#); [S.I. 1991/828](#), [art. 3\(2\)](#))

48 Miscellaneous provisions as to powers of juvenile courts. E+W

(1) A juvenile court sitting for the purpose of hearing a charge against, . . . ^{F7}, a person who is believed to be a child or young person may, if it thinks fit to do so, proceed with the hearing and determination of the charge . . . ^{F7} notwithstanding that it is discovered that the person in question is not a child or young person.

^{F8}(2) The attainment of the age of seventeen years by . . . ^{F9} a person in whose case an order for conditional discharge has been made, shall not deprive a juvenile court of jurisdiction to enforce his attendance and deal with him in respect of . . . ^{F9} the commission of a further offence . . . ^{F9}.

(3) When a juvenile court has remanded a child or young person for information to be obtained with respect to him, any juvenile court acting for the same petty sessional division or place—

- (a) may in his absence extend the period for which he is remanded, so, however, that he appears before a court or a justice of the peace at least once in every twenty-one days;
- (b) when the required information has been obtained, may deal with him finally;

^{F10}

(4) . . . ^{F11} a juvenile court may sit on any day for the purpose of hearing and determining a charge against a child or young person in respect of an indictable offence.

(5) A juvenile court sitting in [^{F12}the inner London area] shall have all the powers of a metropolitan police magistrate; and for the purposes of any enactment by virtue of which any powers are exercisable—

- (a) by a court of summary jurisdiction acting for the same petty sessional division or place as a juvenile court by which some previous act has been done; or
- (b) by a juvenile court acting for the same petty sessional division or place as a court of summary jurisdiction by which some previous act has been done,

[^{F12}the inner London area] shall be deemed to be the place for which all metropolitan police magistrates sitting in that area and all juvenile courts sitting in that area act.

(6) . . . ^{F13}

Textual Amendments

- F7** Words repealed by [Children and Young Persons Act 1963 \(c. 37\)](#), [s. 64](#), [Sch. 5](#)
- F8** S. 48(2) substituted by [Criminal Justice Act 1948 \(c. 58\)](#), [Sch. 9](#)
- F9** Words repealed by [Children and Young Persons Act 1969 \(c. 54\)](#), [Sch. 6](#)
- F10** Words repealed by [Criminal Justice Act 1948 \(c. 58\)](#), [Sch. 10 Pt. I](#)

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- F11** Words repealed by [Magistrates' Courts Act 1952 \(c. 55\)](#), s. 132, **Sch. 6**
F12 Words substituted by virtue of [Administration of Justice Act 1964 \(c. 42\)](#), **Sch. 3 Pt. I para. 4**
F13 [S. 48\(6\)](#) repealed by [Justices of the Peace Act 1949 \(c. 101\)](#), **Sch. 7, Pt. III**

49 Restrictions on newspaper reports of proceedings in juvenile courts. E+W

- (1) Subject as hereinafter provided, no newspaper report of any proceedings in a juvenile court shall reveal the name, address or school, or include any particulars calculated to lead to the identification, of any child or young person concerned in those proceedings, either as being the person against or in respect of whom the proceedings are taken or as being a witness therein, nor shall any picture be published in any newspaper as being or including a picture of any child or young person so concerned in any such proceedings as aforesaid:

Provided that the court or the Secretary of State may in any case, if satisfied that it is [^{F14}appropriate to do so for the purpose of avoiding injustice to a child or young person], by order dispense with the requirements of this section [^{F15}in relation to him] to such extent as may be specified in the order.

- (2) Any person who publishes any matter in contravention of this section shall on summary conviction be liable in respect of each offence to a fine not exceeding [^{F16}level 5 on the standard scale].

Textual Amendments

- F14** Words substituted by [Children and Young Persons Act 1969 \(c. 54\)](#), s. **10(1)(c)**
F15 Words inserted by [Children and Young Persons Act 1969 \(c. 54\)](#), s. **10(1)(c)**
F16 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. **38, 46**

Modifications etc. (not altering text)

- C3** [S. 49](#) extended with modifications by [Cable and Broadcasting Act 1984 \(c. 46, SIF 96\)](#), s. 57(1), **Sch. 5 para. 4(3)**
C4 [S. 49](#) extended by [Children and Young Persons Act 1963 \(c. 37\)](#), s. **57(2)**
C5 [S. 49\(1\)](#) extended by [Children and Young Persons Act 1969 \(c. 54\)](#), s. **10(1)(2)**

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