



# Children and Young Persons Act 1933

1933 CHAPTER 12 23 and 24 Geo 5

## PART VI **E+W**

### SUPPLEMENTAL

#### *Supplementary Provisions as to Legal Proceedings*

#### **99 Presumption and determination of age. **E+W****

- (1) Where a person, whether charged with an offence or not, is brought before any court otherwise than for the purpose of giving evidence, and it appears to the court that he is a child or young person, the court shall make due inquiry as to the age of that person, and for that purpose shall take such evidence as may be forthcoming at the hearing of the case, but an order or judgment of the court shall not be invalidated by any subsequent proof that the age of that person has not been correctly stated to the court, and the age presumed or declared by the court to be the age of the person so brought before it shall, for the purposes of this Act, be deemed to be the true age of that person, and, where it appears to the court that the person so brought before it has attained [<sup>F1</sup>the age of eighteen] years, that person shall for the purposes of this Act be deemed not to be a child or young person.
- (2) Where in any charge or indictment for any offence under this Act or any of the offences mentioned in the First Schedule to this Act [<sup>F2</sup>except as provided in that Schedule], it is alleged that the person by or in respect of whom the offence was committed was a child or young person or was under or had attained any specified age, and he appears to the court to have been at the date of the commission of the alleged offence a child or young person, or to have been under or to have attained the specified age, as the case may be, he shall for the purposes of this Act be presumed at that date to have been a child or young person or to have been under or to have attained that age, as the case may be, unless the contrary is proved.
- (3) Where, in any charge or indictment for any offence under this Act or any of the offences mentioned in the First Schedule to this Act, it is alleged that the person in respect of whom the offence was committed was a child or was a young person, it shall

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not be a defence to prove that the person alleged to have been a child was a young person or the person alleged to have been a young person was a child in any case where the acts constituting the alleged offence would equally have been an offence if committed in respect of a young person or child respectively.

- (4) Where a person is charged with an offence under this Act in respect of a person apparently under a specified age it shall be a defence to prove that the person was actually of or over that age.

**Textual Amendments**  
F1 Words in s. 99(1) substituted (1.10.1992) by Criminal Justice Act 1991, (c. 53, SIF 39:1), ss. 68, 101(1), Sch. 8 para. 1(2), Sch. 12 para. 22(1); S.I. 1992/333, art. 2(2), Sch.2  
F2 Words substituted by Sexual Offences Act 1956 (c. 69), Sch. 3

**Modifications etc. (not altering text)**  
C1 S. 99 extended by Children and Young Persons Act 1969 (c. 54), s. 70(3)  
C2 S. 99 extended by Mental Health Act 1983 (c. 20, SIF 85), ss. 55(7), 131(1)

**100 Evidence of wages of defendant. E+W**

In any proceedings under this Act a copy of an entry in the wages book of any employer of labour, or if no wages book be kept a written statement signed by the employer or by any responsible person in his employ, shall be evidence that the wages therein entered or stated as having been paid to any person, have in fact been so paid.

**101 Application of Summary Jurisdiction Acts. E+W**

F3 .....

**Textual Amendments**  
F3 S. 101 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1)(3), 110, Sch. 8 para. 76, Sch. 10; S.I. 2005/910, art. 3(bb)

**102 †Appeals to quarter sessions. E+W**

- (1) Appeals to [F4the Crown Court] from orders of a [F5magistrates' court] under this Act may be brought in the following cases and by the following persons, that is to say—
  - (a) ..... F6
  - (c) ..... F7
  - (e) in the case of an order requiring the owner of an automatic machine for the sale of tobacco or the person on whose premises such a machine is kept, to take precautions to prevent the machine being extensively used by persons apparently under the age of [F8eighteen] years or to remove the machine, by any person aggrieved;
  - [F9(f) in the case of a restricted premises order under section 12A or a restricted sale order under section 12B, by any person aggrieved.]
  - (f) ..... F10

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- (2) Nothing in this section shall be construed as affecting the . . . <sup>F11</sup> any other right of appeal conferred by this or any other Act.

#### Textual Amendments

- F4** Words substituted by [Courts Act 1971 \(c. 23\)](#), s. 56(2), **Sch. 9 Pt. I**
- F5** Words in s. 102(1) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, **Sch. 8 para. 77**; S.I. 2005/910, **art. 3(y)**
- F6** S. 102(1)(a)(b) repealed by [Children and Young Persons Act 1969 \(c. 54\)](#), s. 72, **Sch. 6**
- F7** S. 102(1)(c)(d) repealed (1.4.1981) by [Child Care Act 1980 \(c. 5\)](#), s. 89, **Sch. 6**
- F8** Word in s. 102(1)(e) substituted (1.10.2007) by [The Children and Young Persons \(Sale of Tobacco etc.\) Order 2007 \(S.I. 2007/767\)](#), **art. 2(b)** (with effect as mentioned in art. 1)
- F9** S. 102(1)(f) inserted (1.4.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. **143(3)**, 153; S.I. 2009/860, **art. 2(1)(c)**
- F10** S. 102(1)(f) and words repealed by [Children Act 1948 \(c. 43\)](#), **Sch. 4 Pt. II**
- F11** Words repealed by [Children and Young Persons Act 1969 \(c. 54\)](#), **Sch. 6**

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

- C3** Unreliable marginal note.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 12D(1A)-(1F) inserted by [2017 anaw 2 s. 51](#)
- s. 39(2A) inserted by [2010 c. 26 Sch. 3 para. 3](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by [2013 c. 22](#), s. 17(4) ; S.I. 2013/2200 art. 2(a))
- s. 49(12)-(14) inserted by [1999 c. 23 Sch. 2 para. 3\(9\)](#)