



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

Youth Courts

[^{F1}49] Restrictions on reports of proceedings in which children or young persons are concerned.

- (1) The following prohibitions apply (subject to subsection (5) below) in relation to any proceedings to which this section applies, that is to say—
 - (a) no report shall be published which reveals the name, address or school of any child or young person concerned in the proceedings or includes any particulars likely to lead to the identification of any child or young person concerned in the proceedings; and
 - (b) no picture shall be published or included in a programme service as being or including a picture of any child or young person concerned in the proceedings.
- (2) The proceedings to which this section applies are—
 - (a) proceedings in a youth court;
 - (b) proceedings on appeal from a youth court (including proceedings by way of case stated);
 - (c) proceedings under [^{F2}Schedule 7 to the Powers of Criminal Courts (Sentencing) Act 2000] (proceedings for varying or revoking supervision orders); and
 - (d) proceedings on appeal from a magistrates' court arising out of proceedings under [^{F3}Schedule 7 to that Act](including proceedings by way of case stated).
- (3) The reports to which this section applies are reports in a newspaper and reports included in a programme service; and similarly as respects pictures.

Status: Point in time view as at 04/04/2005. This version of this provision has been superseded.

Changes to legislation: Children and Young Persons Act 1933, Section 49 is up to date with all changes known to be in force on or before 25 June 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 this section a child or young person is “concerned” in any proceedings whether as being the person against or in respect of whom the proceedings are taken or as being a witness in the proceedings.
- [If a court is satisfied that it is in the public interest to do so, it may, in relation to a
- ^{F4}(4A) child or young person who has been convicted of an offence, by order dispense to any specified extent with the requirements of this section in relation to any proceedings before it to which this section applies by virtue of subsection (2)(a) or (b) above, being proceedings relating to—
- (a) the prosecution or conviction of the offender for the offence;
 - (b) the manner in which he, or his parent or guardian, should be dealt with in respect of the offence;
 - (c) the enforcement, amendment, variation, revocation or discharge of any order made in respect of the offence;
 - (d) where an attendance centre order is made in respect of the offence, the enforcement of any rules made under [^{F5}section 222(1)(d) or (e) of the Criminal Justice Act 2003]; or
- [where a detention and training order is made, the enforcement of any
- ^{F6}(e) requirements imposed under [^{F7}section 103(6)(b) of the Powers of Criminal Courts (Sentencing) Act 2000].]
- (4B) A court shall not exercise its power under subsection (4A) above without—
- (a) affording the parties to the proceedings an opportunity to make representations; and
 - (b) taking into account any representations which are duly made.]
- (5) Subject to subsection (7) below, a court may, in relation to proceedings before it to which this section applies, by order dispense to any specified extent with the requirements of this section in relation to a child or young person who is concerned in the proceedings if it is satisfied—
- (a) that it is appropriate to do so for the purpose of avoiding injustice to the child or young person; or
 - (b) that, as respects a child or young person to whom this paragraph applies who is unlawfully at large, it is necessary to dispense with those requirements for the purpose of apprehending him and bringing him before a court or returning him to the place in which he was in custody.
- (6) Paragraph (b) of subsection (5) above applies to any child or young person who is charged with or has been convicted of—
- (a) a violent offence,
 - (b) a sexual offence, or
 - (c) an offence punishable in the case of a person aged 21 or over with imprisonment for fourteen years or more.
- (7) The court shall not exercise its power under subsection (5)(b) above—
- (a) except in pursuance of an application by or on behalf of the Director of Public Prosecutions; and
 - (b) unless notice of the application has been given by the Director of Public Prosecutions to any legal representative of the child or young person.
- (8) The court’s power under subsection (5) above may be exercised by a single justice.

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- (9) If a report or picture is published or included in a programme service in contravention of subsection (1) above, the following persons, that is to say—
- (a) in the case of publication of a written report or a picture as part of a newspaper, any proprietor, editor or publisher of the newspaper;
 - (b) in the case of the inclusion of a report or picture in a programme service, any body corporate which provides the service and any person having functions in relation to the programme corresponding to those of an editor of a newspaper,
- shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (10) In any proceedings under [^{F8}Schedule 7 to the Powers of Criminal Courts (Sentencing) Act 2000] (proceedings for varying or revoking supervision orders) before a magistrates' court other than a youth court or on appeal from such a court it shall be the duty of the magistrates' court or the appellate court to announce in the course of the proceedings that this section applies to the proceedings; and if the court fails to do so this section shall not apply to the proceedings.
- (11) In this section—
- “legal representative” means an authorised advocate or authorised litigator, as defined by section 119(1) of the ^{M1}Courts and Legal Services Act 1990;
 - “programme” and “programme service” have the same meaning as in the ^{M2}Broadcasting Act 1990;
 - “sexual offence” [^{F9}means an offence listed in Part 2 of Schedule 15 to the Criminal Justice Act 2003];
 - “specified” means specified in an order under this section;
 - “violent offence” [^{F10}means an offence listed in Part 1 of Schedule 15 to the Criminal Justice Act 2003];
- and a person who, having been granted bail, is liable to arrest (whether with or without a warrant) shall be treated as unlawfully at large.]

Extent Information

E1 For extent and application see s. 49(12)-(14)

Textual Amendments

- F1** S. 49 substituted (3.2.1995) by 1994 c. 33, s. 49; S.I. 1995/127, art. 2(1), **Sch. 1**
- F2** Words in s. 49(2)(c) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 2(2)(a)**
- F3** Words in s. 49(2)(d) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 2(2)(b)**
- F4** S. 49(4A)(4B) inserted (1.10.1997) by 1997 c. 43, s. 45(1)(2); S.I. 1997/2200, art. 2(1)(i)
- F5** Words in s. 49(4A)(d) substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 304, 336, **Sch. 32 para. 2(2)**; S.I. 2005/950, art. 2(1), Sch. 1 paras. 23, 42(3) (subject to art. 2(2) and Sch. 2 (as amended by S.I. 2005/2122, art. 2))
- F6** S. 49(4A)(e) substituted (1.4.2000) by 1998 c. 37, s. 119, **Sch. 8 para. 1**; S.I. 1999/3426, art. 3(b) (with art. 4)
- F7** Words in s. 49(4A)(e) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 2(3)(b)**
- F8** Words in s. 49(10) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 2(4)**
- F9** S. 49(11): words in definition of “sexual offence” substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 304, 336, **Sch. 32 para. 2(3)(a)**; S.I. 2005/950, art. 2(1), Sch. 1 paras. 23, 42(3) (subject to art. 2(2) and Sch. 2 (as amended by S.I. 2005/2122, art. 2))

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F10 Words in s. 49(11) substituted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 304, 336, [Sch. 32 para. 2\(3\)\(b\)](#); [S.I. 2005/950](#), [art. 2\(1\)](#), Sch. 1 paras. 23, 42(3) (subject to [art. 2\(2\)](#) and [Sch. 2](#) (as amended by [S.I. 2005/2122](#), [art. 2](#)))

Modifications etc. (not altering text)

C1 S. 49 excluded (20.1.2004 for certain purposes and otherwise 31.3.2004) by [1998 c. 37](#), s. 1C(9C) (as inserted by [Anti-Social Behaviour Act 2003 \(c. 38\)](#), [ss. 86\(3\)](#), 93); [S.I. 2003/3300](#), [art. 2\(f\)\(ii\)](#); [S.I. 2004/690](#), [art. 2\(b\)\(iii\)](#)

Marginal Citations

M1 [1990 c. 41](#).

M2 [1990 c. 42](#).

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