



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.

[^{F2}(1) No matter relating to any child or young person concerned in proceedings to which this section applies shall while he is under the age of 18 be included in any publication if it is likely to lead members of the public to identify him as someone 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);

[^{F3}(c) proceedings in a magistrates' court under Schedule 2 to the Criminal Justice and Immigration Act 2008 (proceedings for breach, revocation or amendment of youth rehabilitation orders);

- (d) proceedings on appeal from a magistrates' court arising out of any proceedings mentioned in paragraph (c) (including proceedings by way of case stated).]

[^{F4}(3) In this section “publication” includes any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public (and for this purpose every relevant programme shall be taken to be so addressed), but does not include an indictment or other document prepared for use in particular legal proceedings.

Status: Point in time view as at 12/04/2019. This version of this provision has been superseded.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 22 May 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)

- (3A) The matters relating to a person in relation to which the restrictions imposed by subsection (1) above apply (if their inclusion in any publication is likely to have the result mentioned in that subsection) include in particular—
- (a) his name,
 - (b) his address,
 - (c) the identity of any school or other educational establishment attended by him,
 - (d) the identity of any place of work, and
 - (e) any still or moving picture of him.]
- (4) For the purposes of this section a child or young person is “concerned” in any proceedings [^{F5}if he is—
- (a) a person against or in respect of whom the proceedings are taken, or
 - (b) a person called, or proposed to be called, to give evidence in the proceedings.]
- [If a court is satisfied that it is in the public interest to do so, it may, in relation to a
- ^{F6}(4A) child or young person who has been convicted of an offence, by order dispense to any specified extent with the [^{F7}restrictions imposed by subsection (1) above] 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 [^{F8}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
 - ^{F9}(e) requirements imposed under [^{F10}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, ^{F11}...

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- [a terrorism offence, or]
^{F12}(ba)
- (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 [^{F13}(4A) or] (5) above may be exercised by a single justice.
- [^{F14}(9) If a publication includes any matter in contravention of subsection (1) above, the following persons shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale—
- (a) where the publication is a newspaper or periodical, any proprietor, any editor and any publisher of the newspaper or periodical;
- (b) where the publication is a relevant programme—
- (i) any body corporate or Scottish partnership engaged in providing the programme service in which the programme is included; and
- (ii) any person having functions in relation to the programme corresponding to those of an editor of a newspaper;
- (c) in the case of any other publication, any person publishing it.
- (9A) Where a person is charged with an offence under subsection (9) above it shall be a defence to prove that at the time of the alleged offence he was not aware, and neither suspected nor had reason to suspect, that the publication included the matter in question.
- (9B) If an offence under subsection (9) above committed by a body corporate is proved—
- (a) to have been committed with the consent or connivance of, or
- (b) to be attributable to any neglect on the part of,
- an officer, the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.
- (9C) In subsection (9B) above “officer” means a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.
- (9D) If the affairs of a body corporate are managed by its members, “director” in subsection (9C) above means a member of that body.
- (9E) Where an offence under subsection (9) above is committed by a Scottish partnership and is proved to have been committed with the consent or connivance of a partner, he as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.]
- (10) In any proceedings under [^{F15}Schedule 2 to the Criminal Justice and Immigration Act 2008 (proceedings for breach, revocation or amendment of youth rehabilitation 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.

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(11) In this section—

^{F16}

[^{F17}“picture” includes a likeness however produced;

“relevant programme” means a programme included in a programme service, within the meaning of the Broadcasting Act 1990;]

“sexual offence” [^{F18}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;

[^{F19}“terrorism offence” means an offence listed in Part 3 of Schedule 15 to the Criminal Justice Act 2003;]

“violent offence” [^{F20}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** S. 49(1) substituted (13.4.2015) by Youth Justice and Criminal Evidence Act 1999 (c. 23), s. 68(3)(4), **Sch. 2 para. 3(2)** (with Sch. 2 para. 3(10), Sch. 7); S.I. 2015/818, art. 2(g)
- F3** S. 49(2)(c)(d) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6, 153, **Sch. 4 para. 3(2)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, **art. 2(p)(ii)**
- F4** S. 49(3)(3A) substituted for s. 49(3) (13.4.2015) by Youth Justice and Criminal Evidence Act 1999 (c. 23), s. 68(3)(4), **Sch. 2 para. 3(3)** (with Sch. 2 para. 3(10), Sch. 7); S.I. 2015/818, art. 2(g)
- F5** Words in s. 49(4) substituted (13.4.2015) by Youth Justice and Criminal Evidence Act 1999 (c. 23), s. 68(3)(4), **Sch. 2 para. 3(4)** (with Sch. 2 para. 3(10), Sch. 7); S.I. 2015/818, art. 2(g)
- F6** S. 49(4A)(4B) inserted (1.10.1997) by 1997 c. 43, s. 45(1)(2); S.I. 1997/2200, **art. 2(1)(i)**
- F7** Words in s. 49(4A) substituted (13.4.2015) by Youth Justice and Criminal Evidence Act 1999 (c. 23), s. 68(3)(4), **Sch. 2 para. 3(5)** (with Sch. 2 para. 3(10), Sch. 7); S.I. 2015/818, art. 2(g)
- F8** 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))
- F9** 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)
- F10** 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)**
- F11** Word in s. 49(6)(b) omitted (12.4.2019) by virtue of Counter-Terrorism and Border Security Act 2019 (c. 3), s. 27(3), **Sch. 4 para. 1(a)(i)** (with s. 25(3)(4))
- F12** S. 49(6)(ba) inserted (12.4.2019) by Counter-Terrorism and Border Security Act 2019 (c. 3), s. 27(3), **Sch. 4 para. 1(a)(ii)** (with s. 25(3)(4))
- F13** Words in s. 49(8) inserted (13.4.2015) by Youth Justice and Criminal Evidence Act 1999 (c. 23), s. 68(3)(4), **Sch. 2 para. 3(6)** (with Sch. 2 para. 3(10), Sch. 7); S.I. 2015/818, art. 2(g)
- F14** S. 49(9)-(9E) substituted for s. 49(9) (13.4.2015) by Youth Justice and Criminal Evidence Act 1999 (c. 23), s. 68(3)(4), **Sch. 2 para. 3(7)** (with Sch. 2 para. 3(10), Sch. 7); S.I. 2015/818, art. 2(g)
- F15** Words in s. 49(10) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6, 153, **Sch. 4 para. 3(4)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, **art. 2(p)(ii)**
- F16** Words in s. 49(11) repealed (1.1.2010) by Legal Services Act 2007 (c. 29), ss. 208, 210, 211, Sch. 21 para. 19, **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(i)(i)** (with art. 9)

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- F17** Words in s. 49(11) substituted (13.4.2015) by Youth Justice and Criminal Evidence Act 1999 (c. 23), s. 68(3)(4), **Sch. 2 para. 3(8)** (with Sch. 2 para. 3(10), Sch. 7); S.I. 2015/818, art. 2(g)
- F18** 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))
- F19** Words in s. 49(11) inserted (12.4.2019) by Counter-Terrorism and Border Security Act 2019 (c. 3), s. 27(3), **Sch. 4 para. 1(b)** (with s. 25(3)(4))
- F20** 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 (31.8.2009 for specified purposes, 1.4.2010 for specified purposes, 1.11.2010 for specified purposes) by Violent Crime Reduction Act 2006 (c. 38), **ss. 11(8)(a)**, 66(2); S.I. 2009/1840, art. 3(c); S.I. 2010/469, arts. 3(c), 4, Sch.; S.I. 2010/2541, arts. 3(c), 4, Sch.
- C2** S. 49 excluded (1.4.2010 for specified purposes, 1.11.2010 for specified purposes) by Violent Crime Reduction Act 2006 (c. 38), **ss. 7(9)(a)**, 66(2); S.I. 2010/469, arts. 2(b), 4, Sch.; S.I. 2010/2541, arts. 2(b), 4, Sch.
- C3** S. 49 excluded (20.10.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 30(5)(a)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(a)
- C4** S. 49 excluded (20.10.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 23(8)(a)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(a)
- C5** S. 49 excluded (23.3.2015) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 17**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(a)
- C6** 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)**

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