



# 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

#### *General Provisions as to Proceedings in Court*

#### **39 Power to prohibit publication of certain matter<sup>F1</sup>....**

- (1) In relation to any proceedings<sup>F2</sup>, other than criminal proceedings,] in any court . . . <sup>F3</sup>, the court may direct that [<sup>F4</sup>the following may not be included in a publication] —
- (a) <sup>F5</sup>...the name, address or school <sup>F6</sup>... of any child or young person concerned in the proceedings, either as being the person [<sup>F7</sup>by or against] or in respect of whom the proceedings are taken, or as being a witness therein:
- [<sup>F8</sup>(aa) any particulars calculated to lead to the identification of a child or young person so concerned in the proceedings;]
- (b) [<sup>F9</sup>a picture that is or includes] a picture of any child or young person so concerned in the proceedings <sup>F10</sup>...;
- except in so far (if at all) as may be permitted by the direction of the court.
- (2) Any person who [<sup>F11</sup>includes matter in a publication] in contravention of any such direction shall on summary conviction be liable in respect of each offence to a fine not exceeding [<sup>F12</sup>level 5 on the standard scale].

[<sup>F13</sup>(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 a document prepared for use in particular legal proceedings;

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

**Changes to legislation:** Children and Young Persons Act 1933, Section 39 is up to date with all changes known to be in force on or before 12 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) View outstanding changes

### Textual Amendments

- F1** Words in s. 39 heading omitted (13.4.2015) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 79\(8\), 95\(1\)](#); S.I. 2015/778, art. 3, Sch. 1 para. 64 (with Sch. 2 para. 5)
- F2** Words in s. 39(1) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 79\(2\)\(a\), 95\(1\)](#) (with s. 79(12)(13)); S.I. 2015/778, art. 3, Sch. 1 para. 64 (with Sch. 2 para. 5)
- F3** Words repealed by [Children and Young Persons Act 1963 \(c. 37\), s. 64, Sch. 5](#)
- F4** Words in s. 39(1) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 79\(2\)\(b\), 95\(1\)](#); S.I. 2015/778, art. 3, Sch. 1 para. 64 (with Sch. 2 para. 5)
- F5** Words in s. 39(1)(a) omitted (13.4.2015) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 79\(3\)\(a\), 95\(1\)](#); S.I. 2015/778, art. 3, Sch. 1 para. 64 (with Sch. 2 para. 5)
- F6** Words in s. 39(1)(a) omitted (13.4.2015) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 79\(3\)\(b\), 95\(1\)](#); S.I. 2015/778, art. 3, Sch. 1 para. 64 (with Sch. 2 para. 5)
- F7** Words substituted by [Children and Young Persons Act 1963 \(c. 37\), s. 57\(1\)](#)
- F8** S. 39(1)(aa) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 79\(4\), 95\(1\)](#); S.I. 2015/778, art. 3, Sch. 1 para. 64 (with Sch. 2 para. 5)
- F9** Words in s. 39(1)(b) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 79\(5\)\(a\), 95\(1\)](#); S.I. 2015/778, art. 3, Sch. 1 para. 64 (with Sch. 2 para. 5)
- F10** Words in s. 39(1)(b) omitted (13.4.2015) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 79\(5\)\(b\), 95\(1\)](#); S.I. 2015/778, art. 3, Sch. 1 para. 64 (with Sch. 2 para. 5)
- F11** Words in s. 39(2) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 79\(6\), 95\(1\)](#); S.I. 2015/778, art. 3, Sch. 1 para. 64 (with Sch. 2 para. 5)
- F12** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), ss. 38, 46](#)
- F13** S. 39(3) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 79\(7\), 95\(1\)](#); S.I. 2015/778, art. 3, Sch. 1 para. 64 (with Sch. 2 para. 5)

### Modifications etc. (not altering text)

- C1** S. 39 extended by [Children and Young Persons Act 1963 \(c. 37\), s. 57\(3\)\(4\)](#) (as amended (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 79\(10\), 95\(1\)](#); S.I. 2015/778, art. 3, Sch. 1 para. 64 (with [Sch. 2 para. 5](#)))
- C2** S. 39 extended with modifications by [Cable and Broadcasting Act 1984 \(c. 46, SIF 96\), s. 57\(1\), Sch. 5 para. 4\(3\)](#)
- C3** S. 39 applied (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\(8\)\(b\)\(10\), 66\(2\)](#); S.I. 2009/1840, art. 3(c); S.I. 2010/469, arts. 3(c), 4, Sch.; S.I. 2010/2541, arts. 3(b), 4, Sch.
- C4** S. 39 applied (1.4.2010 for specified purposes, 1.11.2010 for specified purposes) by [Violent Crime Reduction Act 2006 \(c. 38\), ss. 7\(9\)\(b\), 66\(2\)](#); S.I. 2010/469, arts. 2(b), 4, Sch.; S.I. 2010/2541, arts. 2(b), 4, Sch.
- C5** S. 39 applied (20.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\), ss. 23\(8\)\(b\), 185\(1\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(a)
- C6** S. 39 applied (1.12.2020) by [Sentencing Act 2020 \(c. 17\), ss. 332\(8\)\(b\), 416\(1\)](#) (with ss. 2, 398(1), 406, Sch. 27); S.I. 2020/1236, reg. 2

**Changes to legislation:**

Children and Young Persons Act 1933, Section 39 is up to date with all changes known to be in force on or before 12 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.

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**Changes and effects yet to be applied to :**

- s. 39(3) inserted by [1999 c. 23 Sch. 2 para. 2\(1\)](#)

**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\(9\)](#)