



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

46 Assignment of certain matters to [^{F1}youth courts].

- (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 [^{F1}youth courts] ,shall be heard by a [^{F2}magistrates' court] which is not a [^{F1}youth court]:

Provided that—

- (a) a charge made jointly against a child or young person and a person who has attained [^{F3}the age of eighteen] years shall be heard by a [^{F2}magistrates' court] other than a [^{F1}youth court]; and
- (b) where a child or young person is charged with an offence, the charge may be heard by a [^{F2}magistrates' court] which is not a [^{F1}youth court] if a person who has attained [^{F3}the age of eighteen] 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 [^{F2}magistrates' court] other than a [^{F1}youth court], it appears that the person to whom the 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.

[^{F4}(1A) If a notification that the accused desires to plead guilty without appearing before the court is received by the [^{F5}designated officer for] a court in pursuance of [^{F6}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 [^{F3} the age of eighteen] for the purposes of subsection (1) of this section in its application to the proceedings in question.]

Changes to legislation: Children and Young Persons Act 1933, Section 46 is up to date with all changes known to be in force on or before 11 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

- (2) No direction, whether contained in this or any other Act, that a charge shall be brought before a [^{F1}youth 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) F7

Textual Amendments

- F1** Words in s. 46 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para. 40(2)(a)**; S.I. 1992/333, art. 2(2), **Sch. 2**.
- F2** Words in s. 46(1) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 74(2)**; S.I. 2005/910, art. 3(bb)
- F3** Words in s. 46(1)(1A) 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**.
- F4** S. 46(1A) inserted by Children and Young Persons Act 1969 (c. 54), **Sch. 5 para. 4**
- F5** Words in s. 46(1A) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 74(3)**; S.I. 2005/910, art. 3(bb)
- F6** Words substituted by Magistrates' Courts Act 1980 (c. 43), ss. 154(2), 155(7), **Sch. 7 para 6**
- F7** S. 46(3) 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.

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Changes and effects yet to be applied to :

- s. 46 amended by [1999 c. 22 Sch. 13 para. 811\(a\)](#)

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\(9\)](#)