



Children and Young Persons Act 1933

1933 CHAPTER 12 23 and 24 Geo 5

PART VI

SUPPLEMENTAL

Supplementary Provisions as to Legal Proceedings

99 Presumption and determination of age.

- (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 [^{F1}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 [^{F2}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

Changes to legislation: Children and Young Persons Act 1933, Section 99 is up to date with all changes known to be in force on or before 09 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

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](#)
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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)

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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\(9\)](#)