



# 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 Preliminary Proceedings*

#### **31 Separation of children and young persons from adults in police stations, courts, &c.**

Arrangements shall be made for preventing a child or young person while detained in a police station, or while being conveyed to or from any criminal court, or while awaiting before or after attendance in any criminal court, from associating with an adult (not being a relative) who is charged with any offence other than an offence with which the child or young person is jointly charged, and for ensuring that a girl (being a child or young person) shall while so detained, being conveyed, or waiting, be under the care of a woman.

#### **Modifications etc. (not altering text)**

**C1** S. 31 applied (with modifications) by 1994 c. 33, s. 137D(2)(d) Sch. 7B Pt. 1 (as inserted (31.1.2017 for specified purposes, 1.3.2018 in so far as not already in force) by [Policing and Crime Act 2017](#) (c. 3), ss. 116(1)(3), 183(1)(5)(e), [Sch. 16](#)); S.I. 2018/227, art. 2(f)

*Changes to legislation: Children and Young Persons Act 1933, Cross Heading: General Provisions as to Preliminary Proceedings is up to date with all changes known to be in force on or before 25 April 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** Ss. 26(6), 29(3), 32, 35, 44(2), 54, 55(2), 57, 62–76, 77(1)(3), 78, 79(4), 81(2), 82–85, 90, 91, 94, 107(2), 108(2)(3), Sch. 4 paras. 4–13 repealed by [Children and Young Persons Act 1969 \(c. 54\)](#), s. 72, [Sch. 6](#)

**33** ..... **F2**

**Textual Amendments**  
**F2** Ss. 33, 52 repealed by [Criminal Justice Act 1948 \(c. 58\)](#), [Sch. 10 Pt. I](#)

**[<sup>F3</sup>34 Attendance at court of parent of child or young person charged with an offence, &c.**

<sup>F4</sup>(1) .....

[ Where a child or young person is in police detention, such steps as are practicable <sup>F5</sup>(2) shall be taken to ascertain the identity of a person responsible for his welfare.

- (3) If it is practicable to ascertain the identity of a person responsible for the welfare of the child or young person, that person shall be informed, unless it is not practicable to do so—
  - (a) that the child or young person has been arrested;
  - (b) why he has been arrested; and
  - (c) where he is being detained.

(4) Where information falls to be given under subsection (3) above, it shall be given as soon as it is practicable to do so.

- (5) For the purposes of this section the persons who may be responsible for the welfare of a child or young person are—
  - (a) his parent or guardian; or
  - (b) any other person who has for the time being assumed responsibility for his welfare.

(6) If it is practicable to give a person responsible for the welfare of the child or young person the information required by subsection (3) above, that person shall be given it as soon as it is practicable to do so.

(7) If it appears that at the time of his arrest a supervision order, as defined in<sup>F6</sup> . . . [<sup>F7</sup> Part IV of the Children Act 1989], is in force in respect of him, the person responsible for his supervision shall also be informed as described in subsection (3) above as soon as it is reasonably practicable to do so.

[ If it appears that at the time of his arrest the child or young person is being provided <sup>F8</sup>(7A) with accommodation by or on behalf of a local authority under section 20 of the Children Act 1989 [<sup>F9</sup> or section 76 of the Social Services and Well-being (Wales) Act 2014], the local authority shall also be informed as described in subsection (3) above as soon as it is reasonably practicable to do so.]

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[ If it appears that at the time of his arrest a youth rehabilitation order, as defined in <sup>F10</sup>(7B) [<sup>F11</sup>section 173 of the Sentencing Code], is in force in respect of him, the responsible officer, as defined in [<sup>F12</sup>section 191 of that Code], shall also be informed as described in subsection (3) above as soon as it is reasonably practicable to do so.]

(8) The reference to a parent or guardian in subsection (5) above is —  
<sup>F13</sup> . . . in the case of a child or young person in the care of a local authority, a reference to that authority; <sup>F14</sup> . . .  
<sup>F14</sup> .....

(9) The rights conferred on a child or young person by subsections (2) to (8) above are in addition to his rights under section 56 of the Police and Criminal Evidence Act 1984.

(10) The reference in subsection (2) above to a child or young person who is in police detention includes a reference to a child or young person who has been detained under the terrorism provisions; and in subsection (3) above “arrest” includes such detention.

(11) In subsection (10) above “the terrorism provisions” has the meaning assigned to it by section 65 of the Police and Criminal Evidence Act 1984]

[ The reference in subsection (2) to a child or young person who is in police detention <sup>F15</sup>(12) includes a reference to a child or young person who has been detained under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019; and in subsection (3) “arrest” includes such detention.]]

#### Textual Amendments

- F3** S. 34 substituted by [Children and Young Persons Act 1963 \(c. 37\), s. 25\(1\)](#)
- F4** S. 34(1) repealed (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\), ss. 56, 101\(1\)\(2\), Sch. 12 para. 14, Sch. 13; S.I. 1992/333, art. 2\(2\), Sch. 2](#)
- F5** S. 34(2)–(11) substituted for s. 34(2) by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\), s. 57](#)
- F6** Words in s. 34(7) repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 6, 149, 153, Sch. 4 para. 2\(2\), Sch. 28 Pt. 1 \(with Sch. 27 paras. 1, 5\); S.I. 2009/3074, art. 2\(u\)\(i\)](#)
- F7** Words in s. 34(7) inserted (14. 10. 1991) by [Children Act 1989 \(c. 41, SIF 20\), s. 108\(5\)\(6\), Sch. 13 para. 6\(2\) \( with Sch. 14 para. 1\(1\)\); S.I. 1991/828, art. 3\(2\).](#)
- F8** S. 34(7A) inserted (14. 10. 1991) by [Children Act 1989 \(c. 41 , SIF 20\), s. 108\(5\)\(6\), Sch. 13 para. 6\(3\) \( with Sch. 14 para. 1\(1\)\); S.I. 1991/828, art. 3\(2\).](#)
- F9** Words in s. 34(7A) inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\), regs. 2\(1\), 4](#)
- F10** S. 34(7B) inserted (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 6, 153, Sch. 4 para. 2\(3\) \(with Sch. 27 paras. 1, 5\); S.I. 2009/3074, art. 2\(p\)\(i\)](#)
- F11** Words in s. 34(7B) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 1\(a\) \(with Sch. 27\); S.I. 2020/1236, reg. 2](#)
- F12** Words in s. 34(7B) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 1\(b\) \(with Sch. 27\); S.I. 2020/1236, reg. 2](#)
- F13** Word "(a)" in s. 34(8) repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\), s. 108\(6\)\(7\), Sch. 15 \(with Sch. 14 para. 27\(4\)\); S.I. 1991/828, art. 3\(2\)](#)
- F14** Words from "and (b)" to the end in s. 34(8) repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\), s. 108\(6\)\(7\), Sch. 15 \(with Sch. 14 para. 27\(4\)\); S.I. 1991/828, art. 3\(2\)](#)
- F15** S. 34(12) inserted (13.8.2020) by [Counter-Terrorism and Border Security Act 2019 \(c. 3\), s. 27\(2\)\(d\), Sch. 4 para. 17; S.I. 2020/792, reg. 2\(i\)](#)

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#### **Modifications etc. (not altering text)**

- C2** S. 34(2)-(7)(8)(9) applied (with modifications) (2.8.1993) by [S.I. 1993/1813, arts. 1, 6, Sch. 3 Pt. I paras. 1, 3\(3\)](#); s. 34(2)-(7)(8)(9) applied by the said [S.I. 1993/1813, art. 6, Sch. 3 paras. 3\(3\), 4](#) as incorporated (with modifications) (1.12.1997) by [S.I. 1994/1405, art. 6, Sch. 3 paras. 4\(b\), 5](#)
- C3** S. 34 applied (2.8.1993) by [S.I. 1993/1813, arts. 1, 6, Sch. 3 Pt. I para. 3\(4\)](#); s. 34 applied by the said [S.I. 1993/1813, art. 6, Sch. 3 para. 3\(4\)](#) as incorporated (with modifications) (1.12.1997) by [S.I. 1994/1405, art. 6, Sch. 3 para. 4\(d\)](#)
- C4** S. 34 applied (with modifications) by 1994 c. 33, s. 137D(2)(e) Sch. 7B Pt. 1 (as inserted (31.1.2017 for specified purposes, 1.3.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 23\), ss. 116\(1\)\(3\), 183\(1\)\(5\)\(e\), Sch. 16](#)); [S.I. 2018/227, art. 2\(f\)](#)
- C5** S. 34(2)-(7) applied (4.11.2003) by [The Nationality, Immigration and Asylum Act 2002 \(Juxtaposed Controls\) Order 2003 \(S.I. 2003/2818\), art. 5\(2\)\(b\)](#); commencement date as notified in London, Edinburgh and Belfast Gazettes
- C6** S. 34(8)(9) applied (4.11.2003) by [The Nationality, Immigration and Asylum Act 2002 \(Juxtaposed Controls\) Order 2003 \(S.I. 2003/2818\), art. 5\(2\)\(b\)](#); commencement date as notified in London, Edinburgh and Belfast Gazettes

#### **34A Attendance at court of parent or guardian.**

- (1) Where a child or young person is charged with an offence or is for any other reason brought before a court, the court—
- (a) may in any case; and
  - (b) shall in the case of a child or a young person who is under the age of sixteen years,

require a person who is a parent or guardian of his to attend at the court during all the stages of the proceedings, unless and to the extent that the court is satisfied that it would be unreasonable to require such attendance, having regard to the circumstances of the case.

- (2) In relation to a child or young person for whom a local authority have parental responsibility and who—
- (a) is in their care; or
  - (b) is provided with accommodation by them in the exercise of any functions (in particular those under the Children Act 1989) which [<sup>F16</sup>are social service functions within the meaning of] the Local Authority Social Services Act 1970 [<sup>F17</sup>or the Social Services and Well-being (Wales) Act 2014],

the reference in subsection (1) above to a person who is a parent or guardian of his shall be construed as a reference to that authority or, where he is allowed to live with such a person, as including such a reference.

In this subsection “local authority” and “parental responsibility” have the same meanings as in the Children Act 1989.

#### **Textual Amendments**

- F16** Words in s. 34A(2)(b) substituted (26.10.2000 for E. and 28.7.2001 for W.) by [2000 c. 22, ss. 107\(1\), 108\(4\), Sch. 5 para. 1; S.I. 2000/2849, art. 2\(f\)\(h\)](#)
- F17** Words in s. 34A(2)(b) inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\), regs. 2\(1\), 5](#)

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**Textual Amendments**

**F18** Ss. 26(6), 29(3), 32, 35, 44(2), 54, 55(2), 57, 62–76, 77(1)(3), 78, 79(4), 81(2), 82–85, 90, 91, 94, 107(2), 108(2)(3), Sch. 4 paras. 4–13 repealed by [Children and Young Persons Act 1969 \(c. 54\)](#), s. 72, [Sch. 6](#)

**Changes to legislation:**

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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\(9\)](#)