



# Criminal Justice and Public Order Act 1994

## 1994 CHAPTER 33

### PART III

COURSE OF JUSTICE: EVIDENCE, PROCEDURE, ETC.

*Publication of reports in young offender cases*

**49 Restrictions on reports of proceedings in which children or young persons are concerned**

For section 49 of the the Children and Young Persons Act 1933 (restrictions on reports of proceedings in which children or young persons are concerned) there shall be substituted—

**“49 Restrictions on reports of proceedings in which children or young persons are concerned**

- (1) The following prohibitions apply (subject to subsection (5) below) in relation to any proceedings to which this section applies, that is to say—
  - (a) no report shall be published which reveals the name, address or school of any child or young person concerned in the proceedings or includes any particulars likely to lead to the identification of any child or young person concerned in the proceedings; and
  - (b) no picture shall be published or included in a programme service as being or including a picture of any child or young person 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);

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- (c) proceedings under section 15 or 16 of the Children and Young Persons Act 1969 (proceedings for varying or revoking supervision orders); and
  - (d) proceedings on appeal from a magistrates' court arising out of proceedings under section 15 or 16 of that Act (including proceedings by way of case stated).
- (3) The reports to which this section applies are reports in a newspaper and reports included in a programme service; and similarly as respects pictures.
- (4) For the purposes of this section a child or young person is “concerned” in any proceedings whether as being the person against or in respect of whom the proceedings are taken or as being a witness in the proceedings.
- (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, or
  - (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 (5) above may be exercised by a single justice.
- (9) If a report or picture is published or included in a programme service in contravention of subsection (1) above, the following persons, that is to say—
  - (a) in the case of publication of a written report or a picture as part of a newspaper, any proprietor, editor or publisher of the newspaper;
  - (b) in the case of the inclusion of a report or picture in a programme service, any body corporate which provides the service and any person having functions in relation to the programme corresponding to those of an editor of a newspaper,shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (10) In any proceedings under section 15 or 16 of the Children and Young Persons Act 1969 (proceedings for varying or revoking supervision orders) before a

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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.

(11) In this section—

“legal representative” means an authorised advocate or authorised litigator, as defined by section 119(1) of the Courts and Legal Services Act 1990;

“programme” and “programme service” have the same meaning as in the Broadcasting Act 1990;

“sexual offence” has the same meaning as in section 31(1) of the Criminal Justice Act 1991;

“specified” means specified in an order under this section;

“violent offence” has the same meaning as in section 31(1) of the Criminal Justice Act 1991;

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.”.