



Youth Justice and Criminal Evidence Act 1999

1999 CHAPTER 23

PART II

GIVING OF EVIDENCE OR INFORMATION FOR PURPOSES OF CRIMINAL PROCEEDINGS

CHAPTER IV

REPORTING RESTRICTIONS

Reports relating to persons under 18

44 Restrictions on reporting alleged offences involving persons under 18.

- (1) This section applies (subject to subsection (3)) where a criminal investigation has begun in respect of—
 - (a) an alleged offence against the law of—
 - (i) England and Wales, or
 - (ii) Northern Ireland; or
 - (b) an alleged civil offence (other than an offence falling within paragraph (a)) committed (whether or not in the United Kingdom) by a person subject to service law.
- (2) No matter relating to any person involved in the offence shall while he is under the age of 18 be included in any publication if it is likely to lead members of the public to identify him as a person involved in the offence.
- (3) The restrictions imposed by subsection (2) cease to apply once there are proceedings in a court (whether a court in England and Wales, a service court or a court in Northern Ireland) in respect of the offence.

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(4) For the purposes of subsection (2) any reference to a person involved in the offence is to—

- (a) a person by whom the offence is alleged to have been committed [^{F1}except a person in relation to whom section 12(2) of the Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 applies in connection with the offence]; or
- (b) if this paragraph applies to the publication in question by virtue of subsection (5)—
 - (i) a person against or in respect of whom the offence is alleged to have been committed, or
 - (ii) a person who is alleged to have been a witness to the commission of the offence;

except that paragraph (b)(i) does not include a person in relation to whom section 1 of the ^{M1}Sexual Offences (Amendment) Act 1992 (anonymity of victims of certain sexual offences) applies in connection with the offence.

(5) Subsection (4)(b) applies to a publication if—

- (a) where it is a relevant programme, it is transmitted, or
- (b) in the case of any other publication, it is published,

on or after such date as may be specified in an order made by the Secretary of State.

[^{F2}(5A) In the application of this section to Northern Ireland, the reference in subsection (5) to the Secretary of State shall be construed as a reference to the Department of Justice in Northern Ireland.]

(6) The matters relating to a person in relation to which the restrictions imposed by subsection (2) apply (if their inclusion in any publication is likely to have the result mentioned in that subsection) include in particular—

- (a) his name,
- (b) his address,
- (c) the identity of any school or other educational establishment attended by him,
- (d) the identity of any place of work, and
- (e) any still or moving picture of him.

(7) Any appropriate criminal court may by order dispense, to any extent specified in the order, with the restrictions imposed by subsection (2) in relation to a person if it is satisfied that it is necessary in the interests of justice to do so.

(8) However, when deciding whether to make such an order dispensing (to any extent) with the restrictions imposed by subsection (2) in relation to a person, the court shall have regard to the welfare of that person.

(9) In subsection (7) “appropriate criminal court” means—

- (a) in a case where this section applies by virtue of subsection (1)(a)(i) or (ii), any court in England and Wales or (as the case may be) in Northern Ireland which has any jurisdiction in, or in relation to, any criminal proceedings (but not a service court unless the offence is alleged to have been committed by a person subject to service law);
- (b) in a case where this section applies by virtue of subsection (1)(b), any court falling within paragraph (a) or a service court.

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- (10) The power under subsection (7) of a magistrates' court in England and Wales may be exercised by a single justice.
- (11) In the case of a decision of a magistrates' court in England and Wales, or a court of summary jurisdiction in Northern Ireland, to make or refuse to make an order under subsection (7), the following persons, namely—
- (a) any person who was a party to the proceedings on the application for the order, and
 - (b) with the leave of the Crown Court^[F3], or in Northern Ireland a county court], any other person,
- may, in accordance with ^[F4]Criminal Procedure Rules in England and Wales, or rules of court in Northern Ireland], appeal to the Crown Court^[F3], or in Northern Ireland a county court,] against that decision or appear or be represented at the hearing of such an appeal.
- (12) On such an appeal the Crown Court ^[F5]or in Northern Ireland a county court]—
- (a) may make such order as is necessary to give effect to its determination of the appeal; and
 - (b) may also make such incidental or consequential orders as appear to it to be just.
- (13) In this section—
- (a) “civil offence” means an act or omission which, if committed in England and Wales, would be an offence against the law of England and Wales;
 - (b) any reference to a criminal investigation, in relation to an alleged offence, is to an investigation conducted by police officers, or other persons charged with the duty of investigating offences, with a view to it being ascertained whether a person should be charged with the offence;
 - (c) any reference to a person subject to service law is to—
 - ^[F6](i) a person subject to service law within the meaning of the Armed Forces Act 2006; or
 - (ii) a civilian subject to service discipline within the meaning of that Act.]

Textual Amendments

- F1** Words in s. 44(4)(a) inserted (N.I.) (28.9.2023) by Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 (c. 19), ss. 18, 30(2); S.R. 2023/142, art. 3
- F2** S. 44(5A) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), Sch. 14 para. 43 (with arts. 28-31)
- F3** Words in s. 44(11) inserted (N.I.) (28.7.2003) by The Criminal Justice (Northern Ireland) Order 2003 (S.I. 2003/1247), art. 1(3), Sch. 1 para. 23(a); S.R. 2003/352, art. 2(d)
- F4** Words in s. 44(11) substituted (1.9.2004) by Courts Act 2003 (c. 39), s. 110(1), Sch. 8 para. 386; S.I. 2004/2066, art. 2(c)(xix) (with art. 3)
- F5** Words in s. 44(12) inserted (N.I.) (28.7.2003) by The Criminal Justice (Northern Ireland) Order 2003 (S.I. 2003/1247), art. 1(3), Sch. 1 para. 23(b); S.R. 2003/352, art. 2(d)
- F6** S. 44(13)(c)(i)(ii) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), Sch. 16 para. 158; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

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Modifications etc. (not altering text)

- C1** S. 44(1)(b) modified (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), art. 1(3), **Sch. 1 para. 44(1)**
- C2** S. 44(9) modified (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), art. 1(3), **Sch. 1 para. 44(1)**

Commencement Information

- II** Pt. II Chs. 1-4 (ss. 16-52) in force for certain purposes at Royal Assent, see s. 68(4)

Marginal Citations

- M1** 1992 c. 34.

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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. 33BA33BB inserted by [2009 c. 25 s. 104\(1\)](#)