



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

45 Power to restrict reporting of criminal proceedings involving persons under 18.

- (1) This section applies (subject to subsection (2)) in relation to—
 - (a) any criminal proceedings in any court (other than a service court) in England and Wales or Northern Ireland; and
 - (b) any proceedings (whether in the United Kingdom or elsewhere) in any service court.
- (2) This section does not apply in relation to any proceedings to which section 49 of the ^{M1}Children and Young Persons Act 1933 applies.
- (3) The court may direct that no matter relating to any person concerned in the proceedings 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 concerned in the proceedings.
- (4) The court or an appellate court may by direction (“an excepting direction”) dispense, to any extent specified in the excepting direction, with the restrictions imposed by a direction under subsection (3) if it is satisfied that it is necessary in the interests of justice to do so.

Changes to legislation: Youth Justice and Criminal Evidence Act 1999, Section 45 is up to date with all changes known to be in force on or before 22 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

- (5) The court or an appellate court may also by direction (“an excepting direction”) dispense, to any extent specified in the excepting direction, with the restrictions imposed by a direction under subsection (3) if it is satisfied—
- (a) that their effect is to impose a substantial and unreasonable restriction on the reporting of the proceedings, and
 - (b) that it is in the public interest to remove or relax that restriction;
- but no excepting direction shall be given under this subsection by reason only of the fact that the proceedings have been determined in any way or have been abandoned.
- (6) When deciding whether to make—
- (a) a direction under subsection (3) in relation to a person, or
 - (b) an excepting direction under subsection (4) or (5) by virtue of which the restrictions imposed by a direction under subsection (3) would be dispensed with (to any extent) in relation to a person,
- the court or (as the case may be) the appellate court shall have regard to the welfare of that person.
- (7) For the purposes of subsection (3) any reference to a person concerned in the proceedings is to a person—
- (a) against or in respect of whom the proceedings are taken, or
 - (b) who is a witness in the proceedings.
- (8) The matters relating to a person in relation to which the restrictions imposed by a direction under subsection (3) 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.
- (9) A direction under subsection (3) may be revoked by the court or an appellate court.
- (10) An excepting direction—
- (a) may be given at the time the direction under subsection (3) is given or subsequently; and
 - (b) may be varied or revoked by the court or an appellate court.
- (11) In this section “appellate court”, in relation to any proceedings in a court, means a court dealing with an appeal (including an appeal by way of case stated) arising out of the proceedings or with any further appeal.

Modifications etc. (not altering text)

- C1** S. 45 applied (E.W.) (31.8.2009 for specified purposes, 1.4.2010 for specified purposes, 1.11.2010 for specified purposes) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), **ss. 11(8)(b)**, 66(2); S.I. 2009/1840, art. 3(c); S.I. 2010/469, arts. 3(c), 4, **Schs.**; S.I. 2010/2541, arts. 3(c), 4, **Schs.**
- C2** S. 45 applied (E.W.) (20.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 30(5)(b)**, 185(1) (with **ss. 21, 33, 42, 58, 75, 93**); S.I. 2014/2590, art. 3(a)
- C3** S. 45 applied (E.W.) (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), **ss. 339(5)(b)**, 416(1) (with **ss. 2, 398(1), 406, Sch. 27**); S.I. 2020/1236, reg. 2

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Commencement Information

I1 Pt. II Chs. 1-4 (ss. 16-52) in force for certain purposes at Royal Assent, see s. 68(4)

I2 S. 45 in force at 13.4.2015 for E.W. in so far as not already in force by [S.I. 2015/818](#), [art. 2\(a\)](#)

Marginal Citations

M1 1933 c. 12.

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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\(1\)](#)