

House of Lords Confirms Age of Criminal Responsibility is Ten

The House of Lords has ruled that changes in the Crime and Disorder Act 1998 mean that lawyers who are defending children aged ten years or over who are charged with a crime cannot use the defence that children are incapable of committing a crime.

The ruling means that only children below the age of ten will be assumed by the court to be unable to exercise the criminal intent necessary to commit a crime. Older children will be assumed to be able to show criminal intent unless it can be argued otherwise (e.g. on mental illness grounds).

Young offenders are dealt with differently from adults by the courts, but the only avenue now open to make a case that a defendant child aged ten or over, who is charged with committing a criminal offence, is unfit to plead will be if a psychiatrist can testify to that effect.

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