

The abolition of *Doli Incapax* and its partial compatibility with juvenile justice in England and Wales

Xiaohan Yan

Chengdu Foreign Language School, Chengdu, China

13982159194@163.com

Abstract. This essay examines whether the abolition of *Doli Incapax* in England and Wales is compatible with the developmental logic of juvenile justice. Before 1998, *Doli Incapax* functioned as a legal safeguard and required the prosecution to prove that a child aged between ten and fourteen understood that their actions were seriously wrong, rather than only naughty. This reflected a developmental approach that recognised children's limited cognitive capacity. The essay argues that the abolition of the doctrine in 1998 marked a significant shift towards a more punitive, simplified system, in which criminal responsibility is determined primarily by age rather than individual understanding. By analysing legal cases, academic commentary, and policy debates, the essay demonstrates that this change was influenced by political pressure and societal concerns about youth crime rather than developments in child psychology. The findings suggest that the current system risks holding children criminally responsible at an age when their decision-making abilities are still developing. While procedural safeguards and sentencing adjustments remain, they do not fully compensate for the loss of a substantive defense such as *Doli Incapax*. Overall, the essay concludes that the abolition is only partially compatible with the developmental principles of juvenile justice and raises important questions about fairness, responsibility, and the purpose of the youth justice system.

Keywords: *Doli Incapax*, juvenile criminal responsibility, developmental justice, youth justice, developmental psychology

1. Introduction

Imagine a young child standing in a criminal court. His feet do not reach the floor, yet he is subject to formal legal procedures, complex language, and adversarial argument. The court must determine whether he should be held criminally responsible. In such cases, a fundamental tension emerges. On the one hand, the law seeks to protect the public and hold offenders accountable. On the other hand, the law must recognize that children may lack the cognitive and moral capacity to understand the wrongfulness of their actions fully, and that, in such cases, education and rehabilitation may be more appropriate than punishment.

For many years, English law attempted to answer this question through the legal provision of *Doli Incapax*. This rule indicates that children aged 10 to 14 were presumed unable to form criminal intent unless the prosecution could prove they understood their actions were seriously wrong, not just naughty or careless. Nevertheless, the presumption was abolished in 1998 under the Crime and Disorder Act. This change raises a

new and important question about how the law balances between children's development and criminal responsibility.

This debate is closely linked to two approaches to justice: retributive and rehabilitative. If we want to research the question, we initially should examine these two concepts. Retributive justice argues that punishment is justified because the offender deserves it. In contrast, rehabilitative justice focuses on helping offenders change their behaviour and reducing future crime. These two approaches reflect different ways of understanding responsibility.

In England and Wales, the age of criminal responsibility is set at 10, which is relatively low compared to many other countries. Traditionally, the youth justice system followed a welfare- based approach, which focuses on protecting children. The doctrine of *Doli Incapax* reflected this by considering whether a child had enough understanding before holding them criminally responsible [1].

The abolition of *Doli Incapax* happened for several reasons. One important reason was that the government wanted to make it easier to hold children accountable and respond more strongly to youth crime, especially after high-profile cases such as the James Bulger case. Some scholars have argued that the reform was also influenced by political pressure, as the government sought to adopt a tougher approach to crime [2]. The regulation faced criticism for complicating the prosecution of minors, as it necessitated evidence of a child's moral comprehension [3].

This creates a clear tension. Children may not have fully developed moral and cognitive abilities, but the legal system still treats them as responsible from the age of 10. This essay holds that although the abolition of *Doli Incapax* makes the legal system simpler and more consistent, it is not fully compatible with the developmental logic of juvenile justice, which emphasizes children 's reduced capacity, welfare, and individualized assessment.

Firstly, this essay will examine the function of *Doli Incapax* before 1998 and explain why it was important in protecting children. It will show that criminal responsibility was not based solely on what the child did, but also on whether the child understood that their actions were seriously wrong. The essay will then explore the reasons for the rule's abolition, including political pressure, concerns about youth crime, and the government's emphasis on increasing accountability. It will also analyze how this reform shifted the legal framework from a focus on individual understanding to a more rigid, age-based standard. Finally, the essay will evaluate whether the current system aligns with children's developmental capacities, considering whether responsibility is imposed too early and whether existing procedural and sentencing protections are sufficient.

2. Literature review

Research in developmental psychology suggests that children's understanding of right and wrong develops gradually over time [4]. Moral reasoning is not a fixed ability that emerges at a specific age, but rather a process shaped by cognitive development, emotional growth, and social experience. As a result, children's moral judgments may be unstable and inconsistent. Similarly, Piaget's theory of moral development argues that younger children tend to follow rules without fully understanding intentions or fairness. This indicates that children may comply with rules without comprehending the moral significance of their actions. These findings raise important questions about whether children can be held fully responsible in a legal context.

This issue is closely connected to broader theories of punishment. Retributive justice argues that offenders should be punished because they deserve it [5]. It is based on the principle of moral desert and does not depend on social outcomes such as deterrence. However, it raises significant concerns, particularly regarding whether individuals possess sufficient free will and how to determine proportional punishment. In contrast,

utilitarianism evaluates punishment based on its consequences [6]. It holds that punishment is justified if it maximizes overall social welfare, for example, by deterring crime or preventing future harm. While this approach offers practical advantages, it has been criticized for potentially justifying morally problematic actions, such as punishing individuals for the greater good, and for overlooking individual rights. When applied to children, this approach may prioritize social control over fairness to the individual child.

These theoretical debates become more complex in the context of juvenile justice. Developmental psychology research suggests that adolescents differ significantly from adults in ways that are directly relevant to criminal responsibility. Due to their developmental immaturity, young offenders are generally considered less culpable and therefore deserving of less severe punishment [7]. This supports the idea that responsibility should be assessed differently for children.

In response, many legal systems have adopted a welfare-based approach to juvenile justice. This model sees children as developing individuals who require protection and rehabilitation rather than punishment. It emphasizes reduced culpability, individualized assessment, and the importance of supporting long-term development. Empirical research also suggests that harsh punishment is not always effective in reducing juvenile crime and may lead to negative social and economic consequences [8]. Many young offenders engage in delinquent behaviour during adolescence and stop as they grow up, indicating that punitive responses may be disproportionate [9].

These perspectives raise a key legal question on what constitutes full criminal responsibility. In law, responsibility depends on an individual's cognitive and volitional capacities, including the ability to understand and control one's actions. Some scholars, therefore, support a capacity-based approach, which focuses on whether the individual had the necessary mental abilities at the time of the offence [10]. The doctrine of *Doli Incapax* can be seen as an attempt to reflect this principle within the legal system. However, the doctrine of *Doli Incapax* has been widely debated. Some studies argue that children develop at different rates, meaning that fixed age thresholds cannot accurately capture individual capacity [11]. In their view, the doctrine provides an important safeguard by ensuring that children are only held responsible when they genuinely understand the wrongfulness of their actions. It also reduces the risk of wrongful conviction. In contrast, other scholars argue that the doctrine creates practical difficulties. Sixsmith suggests that the requirement to prove that a child understood their actions were "seriously wrong" introduces uncertainty and inconsistency into the legal process [12]. From this perspective, the abolition of *Doli Incapax* is seen as part of a broader shift towards a more consistent and accountability-focused system.

Despite these debates, there is no clear consensus on how to determine children's criminal responsibility. While developmental psychology emphasises variability and gradual development, the legal system often relies on fixed thresholds for clarity and consistency. This tension highlights a gap in the literature, which is the lack of agreement on whether legal frameworks should prioritise developmental accuracy or procedural certainty. Therefore, this essay addresses this gap by examining whether the abolition of *Doli Incapax* aligns with the developmental logic of juvenile justice.

3. Methodology

This essay adopts a doctrinal legal approach, analyzing statutes, case law, and academic literature rather than collecting empirical data. It first examines the legal framework before 1998, focusing on how *Doli Incapax* operated in practice. It then analyses the changes introduced by the Crime and Disorder Act 1998 and their impact on the concept of criminal responsibility. The analysis integrates legal theory with insights from developmental psychology. Legal theory provides a framework for understanding responsibility, while

psychology offers evidence on children's cognitive and moral development. The essay also compares welfare-based and accountability- focused approaches within juvenile justice.

While this method contains a detailed analysis of legal principles, it has limitations. It does not include empirical data on children's actual behavior and focuses solely on England and Wales, limiting broader generalization.

4. Finding

The findings of this essay show that the abolition of *Doli Incapax* created a clear structural shift in the way criminal responsibility is understood for children in England and Wales. Before 1998, the law adopted a capacity-based model for children aged 10 to 13. Under this model, criminal liability did not depend only on whether the child had committed the prohibited act, but also on whether the child had sufficient moral understanding to be held responsible. After the Crime and Disorder Act 1998, however, this approach was replaced by a more rigid age-based framework. In the current system, once a child has reached the age of criminal responsibility, liability is generally presumed, and developmental concerns are addressed later through procedural and sentencing measures rather than at the stage of guilt determination.

4.1. Pre-1998: a capacity-based model of criminal responsibility

Before the abolition of *Doli Incapax*, the common law treated children aged 10 to 13 as a special category. They were not automatically considered fully criminally responsible simply because they had reached the minimum age of criminal responsibility [13]. Instead, the prosecution had to rebut the presumption of *Doli Incapax* by proving that the child understood that what they had done was seriously wrong, rather than merely naughty, mischievous, or childish. This point is important because it shows that the pre-1998 system did not treat criminal responsibility as purely age-based. Age was relevant, but it was not decisive on its own. The doctrine of *Doli Incapax* operated as a substantive safeguard, requiring an additional inquiry into the child's moral understanding. In this sense, the doctrine reflected a developmental logic: it recognized that children may differ significantly in their ability to understand the seriousness of their conduct.

This approach is clearly evident in the case law. In *R v Gorrie* (1918), which involved a child aged 10-13 who was charged with a criminal offense [14]. The court rejected the idea that the seriousness of the offense itself could automatically establish criminal responsibility. The fact that a child had committed a serious act was not enough to prove that the child understood its moral wrongfulness. This demonstrates an important feature of the older system: courts resisted shortcuts. They did not assume that a serious outcome necessarily meant a mature understanding. Instead, the law required specific evidence of capacity.

Similarly, in *C (A Minor) v DPP* (1996) [15], the court made clear that the prosecution had to do more than prove the physical act and the ordinary legal elements of the offense [15]. It also had to show that the child appreciated that the conduct was seriously wrong. Since this had not been established, the conviction could not stand. The significance of this case lies in its confirmation that criminal liability for children is not identical to that of adults. Children were not simply "small adults" under the law. Their developmental status affected whether criminal guilt could be attributed at all.

These cases reveal three key findings about the pre-abolition framework. First, liability depended not only on actus reus and mens rea, but also on proof of moral understanding. Secondly, the burden of proof lay firmly on the prosecution. It was not for the child to prove immaturity, and instead, it was for the state to prove sufficient capacity. Thirdly, the courts refused to equate the seriousness of the offence with proof of

responsibility. Together, these features show that *Doli Incapax* acted as an important legal mechanism for linking criminal liability to developmental capacity.

4.2. The 1998 reform: a sudden legislative intervention

This position changed sharply with the enactment of section 34 of the Crime and Disorder Act 1998, which abolished the common law presumption of *Doli Incapax* for children aged 10 to 13. This reform removed the requirement that the prosecution prove that the child understood the serious moral wrongfulness of their actions. As a result, children above the age of criminal responsibility could now be held criminally liable without any separate inquiry into developmental capacity. The importance of this reform lies not only in its legal effect but also in the change it brings. This was not the result of a gradual judicial evolution in which courts slowly narrowed the doctrine over time. Rather, it was a clear legislative intervention that directly removed a long-standing common law protection. This supports the view that the abolition was not merely technical. It marked a fundamental change in the logic of the youth justice system.

The reform replaced a capacity-based model with an age-based one. Before 1998, the central question was effectively whether this child could be held responsible. After 1998, the question became whether this child had reached the age threshold, so responsibility was presumed unless another defense applied. This shift is significant because it changes the role that development plays in the legal structure. Developmental capacity is no longer a condition for guilt. Instead, age acts as the main legal standard.

The findings, therefore, suggest that the 1998 reform shifted the point at which the law engages with child development. Under the older model, development was part of the criminal question. liability itself. Under the newer model, development does not stop liability from arising; it only becomes relevant after guilt has already been established.

4.3. Post-1998: displacement of developmental concerns

The post-abolition case law does not show that courts have stopped recognizing children's immaturity. However, it does show that developmental concerns have been displaced from the determination of liability to other parts of the criminal process.

This can be seen in *R v T* (2009) [16]. In these cases, the courts accepted that children may not fully understand legal procedures and may have difficulty participating effectively in the trial process. The emphasis was therefore on procedural fairness, ensuring that the child could understand the proceedings, instruct lawyers, and engage meaningfully with the case.

These decisions are important because they show that the courts continue to recognize developmental immaturity. However, they also show the limits of that recognition. The courts do not use developmental immaturity to question whether the child should be criminally liable in the first place. Instead, immaturity becomes relevant only in relation to how the child is tried and, later, how the child is sentenced. In other words, developmental capacity is no longer a threshold issue for liability. It has become a secondary consideration.

This pattern is illustrated further by *R (HC) v Secretary of State for the Home Department* (2013) [17], in which the court made clear that broader questions about the age of criminal responsibility and the protection of children were matters for Parliament rather than the judiciary. The court did not attempt to reintroduce *Doli Incapax* or create an equivalent safeguard through judicial reasoning. Instead, it deferred to the legislature. This shows that the judiciary has accepted the post-1998 structure rather than trying to restore the older capacity-based approach.

The findings from the post-1998 cases, therefore, show a 'relocation' of developmental logic. Developmental concerns have not disappeared, but they no longer operate at the stage of substantive criminal law. They have been moved into procedural rights and sentencing discretion. This is a major change in the legal framework, because it means that the child's development affects the consequences of guilt, but not the existence of guilt itself.

4.4. Overall pattern from individualized assessment to presumed responsibility

Taken together, the evidence shows a clear systemic shift. Before 1998, the system was more strongly capacity-based. It required individualised assessment. Courts asked whether this child had sufficient understanding to be held criminally responsible. Development, therefore, directly affected liability. After 1998, the system became more clearly age-based. Responsibility is presumed once the child reaches the age of criminal responsibility. Development does not prevent criminal guilt from being attributed; rather, it influences how the child is treated within the process and how severely they are punished.

This is the core finding of the section: the abolition of *Doli Incapax* did not eliminate developmental considerations but repositioned them away from the question of guilt. That relocation matters because it changes the legal meaning of childhood within criminal law. Under the pre-1998 model, developmental immaturity could prevent liability from arising. Under the current model, developmental immaturity is acknowledged, but only after liability has already been imposed.

The findings, therefore, support the conclusion that the abolition of *Doli Incapax* was not simply the removal of one doctrine. It represented a deeper transformation in the logic of juvenile criminal responsibility in England and Wales. The system moved from asking whether a child was capable of being responsible to assuming responsibility based on age and dealing with immaturity only at later stages. That shift provides the foundation for the discussion section, where the compatibility of this framework with the developmental logic of juvenile justice can be evaluated.

5. Discussion

This section evaluates whether the abolition of *Doli Incapax* is compatible with the developmental logic of juvenile justice. The essay argues that the abolition is fundamentally incompatible with this logic, as it removes capacity from the determination of criminal liability and replaces it with a rigid age-based framework.

5.1. Removal of capacity from criminal liability

A central feature of the developmental logic of juvenile justice is that responsibility should reflect an individual's level of cognitive and moral development. However, the findings demonstrate a clear shift in how responsibility is determined. Before 1998, criminal liability depended on capacity. Courts required proof that the current legal framework assumes a fixed threshold of responsibility at the age of 10. However, the developmental psycho child understood that their actions were seriously wrong. In contrast, after the abolition of *Doli Incapax*, capacity no longer determines liability; it is considered only at the stage of sentencing or procedural fairness. This creates a significant normative problem. Criminal responsibility should be grounded in culpability, meaning that liability should only arise where an individual has the capacity to understand and control their actions. By removing capacity from the determination of liability, the legal system risks attributing responsibility to individuals who may not possess the necessary level of understanding. As a result, developmental immaturity is recognised too late in the legal process. The system acknowledges that children

are different from adults, but only after guilt has already been established. This weakens the link between responsibility and culpability, which is a fundamental principle of criminal law.

5.2. Developmental mismatch created by age-based responsibility

Tlody strongly challenges this assumption. Research suggests that there is no clear or uniform point at which children acquire full moral reasoning, impulse control, or understanding of consequences [18]. These capacities develop gradually and vary significantly between individuals. As a result, the law simplifies a complex developmental process into a rigid numerical rule. Children who have just reached the age of criminal responsibility are treated as fully responsible, even though their level of development may not differ significantly from those just below the threshold.

This creates a clear mismatch between law and developmental reality. The legal system attributes adult-like responsibility to individuals who are still developing, which undermines the developmental logic of juvenile justice.

5.3. Erosion of the welfare model of juvenile justice

The abolition of *Doli Incapax* also reflects a broader shift in the underlying philosophy of juvenile justice. Before 1998, the system was largely welfare-based. Children were viewed as developing individuals, and the focus was on rehabilitation, protection, and individualised assessment. The doctrine of *Doli Incapax* supported this approach by ensuring that responsibility depended on the child's actual understanding. After the reform, however, there is a stronger emphasis on accountability and control. Children are more readily treated as responsible once they reach a certain age, and the system prioritizes responding to offending behavior rather than understanding the child's development. This represents a shift away from a welfare-based logic towards a more punitive framework. Although the system still recognises that children are different from adults, this difference is no longer essential to the determination of liability.

As a result, the current framework is less consistent with the developmental logic of juvenile justice, which requires that children be treated as individuals whose responsibility should reflect their stage of development.

5.4. Procedural protection as an inadequate substitute

Following the abolition of *Doli Incapax*, the legal system continues to provide certain protections for children, particularly in relation to fair trial rights and effective participation. Courts recognize that children may struggle to understand legal procedures and therefore make adjustments to ensure procedural fairness [19]. However, these protections operate at a different stage of the legal process. They address how children are treated during proceedings, rather than whether they should be held criminally responsible in the first place. This is a crucial distinction, because procedural fairness cannot compensate for a disproportionate assessment of liability. Even if a child receives a fair trial, the underlying issue remains, which is that the child may not have had the capacity required for criminal responsibility. Therefore, procedural safeguards function as a form of correction after responsibility has already been assigned, rather than addressing the root cause. This limits their ability to resolve the inconsistency between the legal framework and the developmental logic of juvenile justice.

One of the main arguments in favour of abolishing *Doli Incapax* is that it improves legal certainty and consistency. Under the previous system, courts were required to determine whether a child understood that their actions were 'seriously wrong', which was often difficult to assess and could lead to inconsistent outcomes [20]. Removing this requirement creates a clearer and more predictable legal framework. However, while greater consistency may improve the efficiency of the legal system, it does not necessarily result in

substantive justice. Children's moral understanding is inherently variable and context-dependent, meaning that a uniform rule based solely on age risks producing outcomes that are formally consistent but fundamentally unfair.

A related argument is that the abolition aligns the law more closely with the minimum age of criminal responsibility, thereby resolving a potential inconsistency within the legal framework. By removing the presumption, the system now applies a single, clear threshold at the age of 10 [21]). Nevertheless, this argument overlooks the important role that *Doli Incapax* previously played as a safeguard. The doctrine acted as a mechanism to soften the rigidity of a low age threshold by allowing for individualised assessment of a child's understanding. Without this safeguard, the law now applies the same standard to all children above the age of criminal responsibility, regardless of their developmental differences, which may reinforce rather than resolve concerns about fairness.

It is also argued that the reform facilitates earlier intervention and strengthens public protection by enabling the legal system to respond more firmly to youth offending. While this may appear beneficial, it risks conflating criminalisation with effective intervention. Bringing children into the criminal justice system does not necessarily address the underlying causes of offending behaviour and may instead contribute to over-criminalisation. Early exposure to the criminal justice system can lead to labelling effects and long-term negative consequences, potentially increasing rather than reducing the likelihood of reoffending. In this sense, criminalisation may undermine the rehabilitative aims that are central to juvenile justice.

Finally, the abolition is often justified in light of public concern about youth crime, particularly following high-profile cases such as the James Bulger case. This suggests that the reform was, at least in part, a response to societal pressure for a tougher approach to crime. However, this raises concerns about whether the reform was driven by principled legal reasoning or by political considerations. If the change was influenced by public sentiment rather than a careful understanding of children's developmental capacities, it may lack a strong normative foundation. This further supports the view that the abolition of *Doli Incapax* was not fully aligned with the developmental logic of juvenile justice.

6. Conclusion

In conclusion, the abolition of *Doli Incapax* is only partially consistent with the development of youth justice.

On the one hand, the reform brings some clear advantages. It makes the legal system more consistent and easier to apply. Before 1998, courts had to decide whether a child truly understood that their action was seriously wrong. This was often difficult and could lead to different results in similar cases. By removing this presumption, the law now relies more on age as a clear standard. This improves legal certainty and makes the system more predictable. However, this improvement also comes with an important cost. The abolition weakens the connection between responsibility and individual capacity. Under *Doli Incapax*, the key question was whether the child had the moral understanding to be held responsible. In other words, responsibility was linked to the child's actual mental development. After the reform, this link is much weaker. A child can now be held criminally responsible mainly because of their age, even if their understanding is still limited. This means the law focuses less on what the child can actually understand, and more on a fixed rule. More importantly, the current system shows a deeper tension. On the one hand, courts still recognise that children are different from adults. This can be seen at the sentencing stage, where judges take into account the child's development and maturity. On the other hand, this difference is largely ignored when deciding guilt. In other words, the system accepts that development matters, but does not allow it to affect whether the child is responsible in the first place. This creates a contradiction inside the legal system. Because of this, the reform

cannot be seen as fully aligned with the developmental logic of youth justice. Youth justice, in theory, should pay close attention to children's capacity and growth. But the current system only does this partially, and only at a later stage.

Therefore, the abolition of *Doli Incapax* reflects a trade-off. It improves efficiency and consistency, but reduces attention to individual capacity. In this sense, it represents a balance between fairness and practicality, rather than a complete commitment to either. Overall, it is best understood as only partially consistent with the development of youth justice.

References

- [1] Fitz-Gibbon, K. (2016). Protections for children before the law: An empirical analysis of the age of criminal responsibility, the abolition of *Doli Incapax* and the merits of a developmental immaturity defence in England and Wales. *Criminology & Criminal Justice*, 16(4), 391–409.
- [2] Whitehead, P., & Arthur, R. (2011). "Let no one despise your youth": A sociological approach to youth justice under New Labour 1997–2010. *International Journal of Sociology and Social Policy*, 31(7/8), 469–485. <https://doi.org/10.1108/01443331111149897>.
- [3] Lennings, N. J., & Lennings, C. J. (2014). Assessing serious harm under the doctrine of *Doli Incapax*: A case study. *Psychiatry, Psychology and Law*, 21(5), 791–800. <https://doi.org/10.1080/13218719.2014.894902>
- [4] Kohlberg, L. (1963). The development of children's orientations toward a moral order I: Sequence in the development of moral thought. *Vita Humana*, 11, 11–33.
- [5] Walen, A. (2014). Retributive justice. In E. N. Zalta (Ed.), *The Stanford Encyclopedia of Philosophy* (Summer 2014 ed.). Metaphysics Research Lab, Stanford University. <https://plato.stanford.edu/archives/sum2014/entries/justice-retributive/>
- [6] Binder, G., & Smith, N. J. (2000). Framed: Utilitarianism and punishment of the innocent. *Rutgers LJ*, 32, 115.
- [7] Scott, E. S., & Steinberg, L. (2002). Blaming youth. *Tex. L. Rev.*, 81, 799.
- [8] Fagan, J. (2008). Juvenile crime and criminal justice: Resolving border disputes. *The future of children*, 81–118.
- [9] Steinberg, L. (2009). Adolescent development and juvenile justice. *Annual review of clinical psychology*, 5, 459–485.
- [10] Hollingsworth, K. (2013). Theorising children's rights in youth justice: The significance of autonomy and foundational rights. *The Modern Law Review*, 76(6), 1046–1069.
- [11] Buss, E. (2009). What the law should (and should not) learn from child development research. *Hofstra L. Rev.*, 38, 13.
- [12] Sixsmith, A. (2025). *Capacity, culpability and children: Rethinking the presumption embodied in Section 50 of the Children and Young Persons Act 1933* (Doctoral dissertation, The University of Sunderland).
- [13] GOV.UK. (n.d.). Age of criminal responsibility. *GOV.UK*. <https://www.gov.uk/age-of-criminal-responsibility>
- [14] Johnston, M. (2009). *Doli incapax - The criminal responsibility of children*. https://criminalcpd.net.au/wp-content/uploads/2016/09/Doli_Incapax_The_Criminal_Capacity_of_Children.pdf
- [15] BAILII. (1995). House of lords opinions of the lords of appeal for judgment in the cause. *United Kingdom House of Lords Decisions*. <https://www.casemine.com/judgement/uk/5a8ff70060d03e7f57ea582d>
- [16] Hamer, D. (2012). Discussion paper: The R v T controversy: Forensic evidence, law and logic. *Law, Probability and Risk*, 11(4), 331–345.
- [17] Judiciary of England and Wales. (2013). The queen on the application of HC (a child, by his litigation friend CC) -v secretary of state for the home dept and commissioner of police of the metropolis high court (administrative court). <https://www.judiciary.uk/wp-content/uploads/JCO/Documents/Judgments/c-v-sshd-and-met-police-summary.pdf>

- [18] Moshman, D. (2005). *Adolescent psychological development: Rationality, morality, and identity*. Psychology Press.
- [19] <https://www.legislation.gov.uk/asp/2011/1/contents>
- [20] Haydon, D., & Scraton, P. (2000). "Condemn a little more, understand a little less": The political context and rights' implications of the domestic and European rulings in the Venables-Thompson case. *Journal of Law and Society*, 27(3), 416–448.
- [21] UK Parliament. (1933). Children and young persons act 1933, c.12, s.50, "Age of criminal responsibility". Available at: <https://www.legislation.gov.uk/ukpga/1933/12/section/50>