

*Status: Point in time view as at 24/07/2002.*

*Changes to legislation: Youth Justice and Criminal Evidence Act 1999 is up to date with all changes known to be in force on or before 20 July 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)*

## SCHEDULES

### <sup>F1</sup>SCHEDULE 1

#### Textual Amendments

**F1** Sch. 1 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

VALID FROM 07/10/2004

### SCHEDULE 2

Section 48.

#### REPORTING RESTRICTIONS: MISCELLANEOUS AMENDMENTS

### SCHEDULE 3

Section 59.

#### RESTRICTION ON USE OF ANSWERS ETC. OBTAINED UNDER COMPULSION

#### *Insurance Companies Act 1982 (c.50)*

1 The Insurance Companies Act 1982 is amended as follows.

#### Commencement Information

**II** Sch. 3 wholly in force at 14.12.2000; Sch. 3 not in force at Royal Assent see s. 68(3); Sch. 3 in force at 14.4.2000 in relation to England and Wales and Northern Ireland by [S.I. 2000/1034](#), **arts. 2(a), 3**; Sch. 3 in force at 1.1.2001 in relation to Scotland by [S.S.I. 2000/445](#), **art. 2**

2 In section 43A (general investigations into insurance companies), after subsection (5) (use of statements made under the section) add—

“(6) However, in criminal proceedings in which that person is charged with an offence to which this subsection applies—

- (a) no evidence relating to the statement may be adduced, and
- (b) no question relating to it may be asked,

by or on behalf of the prosecution, unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person.

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- (7) Subsection (6) above applies to any offence other than—
- (a) an offence under section 71(1)(b) or (3) below;
  - (b) an offence under section 5 of the <sup>M22</sup>Perjury Act 1911 (false statements made otherwise than on oath);
  - (c) an offence under section 44(2) of the <sup>M23</sup>Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made otherwise than on oath); or
  - (d) an offence under Article 10 of the <sup>M24</sup>Perjury (Northern Ireland) Order 1979 (false statements made otherwise than on oath)."

#### Commencement Information

**I2** Sch. 3 wholly in force at 14.12.2000; Sch. 3 not in force at Royal Assent see s. 68(3); Sch. 3 in force at 14.4.2000 in relation to England and Wales and Northern Ireland by [S.I. 2000/1034](#), [arts. 2\(a\), 3](#); Sch. 3 in force at 1.1.2001 in relation to Scotland by [S.S.I. 2000/445](#), [art. 2](#)

#### Marginal Citations

**M22** 1911 c. 6.  
**M23** 1995 c. 39.  
**M24** [S.I. 1979/1714 \(N.I. 19\)](#).

- 3 In section 44 (obtaining information and documents from companies), after subsection (5) (use of statements made under the section) insert—

“(5A) However, in criminal proceedings in which that person is charged with an offence to which this subsection applies—

- (a) no evidence relating to the statement may be adduced, and
- (b) no question relating to it may be asked,

by or on behalf of the prosecution, unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person.

- (5B) Subsection (5A) above applies to any offence other than—
- (a) an offence under section 71(1)(b), (3) or (4) below;
  - (b) an offence under section 5 of the <sup>M25</sup>Perjury Act 1911 (false statements made otherwise than on oath);
  - (c) an offence under section 44(2) of the <sup>M26</sup>Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made otherwise than on oath); or
  - (d) an offence under Article 10 of the <sup>M27</sup>Perjury (Northern Ireland) Order 1979 (false statements made otherwise than on oath)."

#### Commencement Information

**I3** Sch. 3 wholly in force at 14.12.2000; Sch. 3 not in force at Royal Assent see s. 68(3); Sch. 3 in force at 14.4.2000 in relation to England and Wales and Northern Ireland by [S.I. 2000/1034](#), [arts. 2\(a\), 3](#); Sch. 3 in force at 1.1.2001 in relation to Scotland by [S.S.I. 2000/445](#), [art. 2](#)

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#### Marginal Citations

- M25** 1911 c. 6.  
**M26** 1995 c. 39.  
**M27** S.I. 1979/1714 (N.I. 19).

#### *Companies Act 1985 (c.6)*

4 The Companies Act 1985 is amended as follows.

#### Commencement Information

- I4** Sch. 3 wholly in force at 14.12.2000; Sch. 3 not in force at Royal Assent see s. 68(3); Sch. 3 in force at 14.4.2000 in relation to England and Wales by [S.I. 2000/1034](#), [arts. 2\(a\), 3](#); Sch. 3 in force at 1.1.2001 in relation to Scotland by [S.S.I. 2000/445](#), [art. 2](#)

5 In section 434 (production of documents and evidence to inspectors conducting investigations into companies), after subsection (5) (use of answers given to inspectors) insert—

“(5A) However, in criminal proceedings in which that person is charged with an offence to which this subsection applies—

- (a) no evidence relating to the answer may be adduced, and
- (b) no question relating to it may be asked,

by or on behalf of the prosecution, unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person.

(5B) Subsection (5A) applies to any offence other than—

- (a) an offence under section 2 or 5 of the Perjury Act 1911 (false statements made on oath otherwise than in judicial proceedings or made otherwise than on oath); or
- (b) an offence under section 44(1) or (2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made on oath or otherwise than on oath).”

#### Commencement Information

- I5** Sch. 3 wholly in force at 14.12.2000; Sch. 3 not in force at Royal Assent see s. 68(3); Sch. 3 in force at 14.4.2000 in relation to England and Wales by [S.I. 2000/1034](#), [arts. 2\(a\), 3](#); Sch. 3 in force at 1.1.2001 in relation to Scotland by [S.S.I. 2000/445](#), [art. 2](#)

6 In section 447 (production of company documents to Secretary of State), after subsection (8) (use of statements made under the section) insert—

“(8A) However, in criminal proceedings in which that person is charged with an offence to which this subsection applies—

- (a) no evidence relating to the statement may be adduced, and
- (b) no question relating to it may be asked,

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by or on behalf of the prosecution, unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person.

- (8B) Subsection (8A) applies to any offence other than—
- (a) an offence under subsection (6) or section 451;
  - (b) an offence under section 5 of the Perjury Act 1911 (false statements made otherwise than on oath); or
  - (c) an offence under section 44(2) of the <sup>M28</sup>Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made otherwise than on oath)."

#### Commencement Information

**I6** Sch. 3 wholly in force at 14.12.2000; Sch. 3 not in force at Royal Assent see s. 68(3); Sch. 3 in force at 14.4.2000 in relation to England and Wales by [S.I. 2000/1034](#), [arts. 2\(a\), 3](#); Sch. 3 in force at 1.1.2001 in relation to Scotland by [S.S.I. 2000/445](#), [art. 2](#)

#### Marginal Citations

**M28** 1995 c. 39.

#### *Insolvency Act 1986 (c.45)*

- 7 (1) Section 433 of the Insolvency Act 1986 (admissibility in evidence of statements of affairs etc.) is amended as follows.
- (2) That section is renumbered as subsection (1) of that section.
- (3) After that subsection insert—
- “(2) However, in criminal proceedings in which any such person is charged with an offence to which this subsection applies—
- (a) no evidence relating to the statement may be adduced, and
  - (b) no question relating to it may be asked,
- by or on behalf of the prosecution, unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person.
- (3) Subsection (2) applies to any offence other than—
- (a) an offence under section 22(6), 47(6), 48(8), 66(6), 67(8), 95(8), 98(6), 99(3)(a), 131(7), 192(2), 208(1)(a) or (d) or (2), 210, 235(5), 353(1), 354(1)(b) or (3) or 356(1) or (2)(a) or (b) or paragraph 4(3) (a) of Schedule 7;
  - (b) an offence which is—
    - (i) created by rules made under this Act, and
    - (ii) designated for the purposes of this subsection by such rules or by regulations made by the Secretary of State;
  - (c) an offence which is—
    - (i) created by regulations made under any such rules, and
    - (ii) designated for the purposes of this subsection by such regulations;

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- (d) an offence under section 1, 2 or 5 of the <sup>M29</sup>Perjury Act 1911 (false statements made on oath or made otherwise than on oath); or
  - (e) an offence under section 44(1) or (2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made on oath or otherwise than on oath).
- (4) Regulations under subsection (3)(b)(ii) shall be made by statutory instrument and, after being made, shall be laid before each House of Parliament.”

#### Commencement Information

**I7** Sch. 3 wholly in force at 14.12.2000; Sch. 3 not in force at Royal Assent see s. 68(3); Sch. 3 in force at 14.4.2000 in relation to England and Wales by [S.I. 2000/1034](#), [arts. 2\(a\), 3](#); Sch. 3 in force at 1.1.2001 in relation to Scotland by [S.S.I. 2000/445](#), [art. 2](#)

#### Marginal Citations

**M29** 1911 c. 6.

#### *Company Directors Disqualification Act 1986 (c.46)*

- 8 (1) Section 20 of the Company Directors Disqualification Act 1986 (admissibility in evidence of statements) is amended as follows.
- (2) That section is renumbered as subsection (1) of that section.
- (3) After that subsection insert—
- “(2) However, in criminal proceedings in which any such person is charged with an offence to which this subsection applies—
- (a) no evidence relating to the statement may be adduced, and
  - (b) no question relating to it may be asked,
- by or on behalf of the prosecution, unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person.
- (3) Subsection (2) applies to any offence other than—
- (a) an offence which is—
    - (i) created by rules made for the purposes of this Act under the Insolvency Act, and
    - (ii) designated for the purposes of this subsection by such rules or by regulations made by the Secretary of State;
  - (b) an offence which is—
    - (i) created by regulations made under any such rules, and
    - (ii) designated for the purposes of this subsection by such regulations;
  - (c) an offence under section 5 of the <sup>M30</sup>Perjury Act 1911 (false statements made otherwise than on oath); or
  - (d) an offence under section 44(2) of the <sup>M31</sup>Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made otherwise than on oath).

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- (4) Regulations under subsection (3)(a)(ii) shall be made by statutory instrument and, after being made, shall be laid before each House of Parliament.”

**Commencement Information**

**I8** Sch. 3 wholly in force at 14.12.2000; Sch. 3 not in force at Royal Assent see s. 68(3); Sch. 3 in force at 14.4.2000 in relation to England and Wales by [S.I. 2000/1034](#), [arts. 2\(a\), 3](#); Sch. 3 in force at 1.1.2001 in relation to Scotland by [S.S.I. 2000/445](#), [art. 2](#)

**Marginal Citations**

**M30** 1911 c. 6.

**M31** 1995 c. 39.

*Building Societies Act 1986 (c.53)*

- 9 In section 57 of the Building Societies Act 1986 (use of answers given to inspectors conducting investigations into building societies), after subsection (5) (use of answers given to inspectors) insert—

“(5A) However, in criminal proceedings in which that person is charged with an offence to which this subsection applies—

- (a) no evidence relating to the answer may be adduced, and
- (b) no question relating to it may be asked,

by or on behalf of the prosecution, unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person.

(5B) Subsection (5A) above applies to any offence other than—

- (a) an offence under section 2 or 5 of the Perjury Act 1911 (false statements made on oath otherwise than in judicial proceedings or made otherwise than on oath);
- (b) an offence under section 44(1) or (2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made on oath or otherwise than on oath); or
- (c) an offence under Article 7 or 10 of the <sup>M32</sup>Perjury (Northern Ireland) Order 1979 (false statements made on oath otherwise than in judicial proceedings or made otherwise than on oath).”

**Commencement Information**

**I9** Sch. 3 wholly in force at 14.12.2000; Sch. 3 not in force at Royal Assent see s. 68(3); Sch. 3 in force at 14.4.2000 in relation to England and Wales and Northern Ireland by [S.I. 2000/1034](#), [arts. 2\(a\), 3](#); Sch. 3 in force at 1.1.2001 in relation to Scotland by [S.S.I. 2000/445](#), [art. 2](#)

**Marginal Citations**

**M32** [S.I. 1979/1714 \(N.I. 19\)](#).

*Financial Services Act 1986 (c.60)*

- 10 The Financial Services Act 1986 is amended as follows.

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#### Commencement Information

**I10** Sch. 3 wholly in force at 14.12.2000; Sch. 3 not in force at Royal Assent see s. 68(3); Sch. 3 in force at 14.4.2000 in relation to England and Wales and Northern Ireland by [S.I. 2000/1034](#), [arts. 2\(a\), 3](#); Sch. 3 in force at 1.1.2001 in relation to Scotland by [S.S.I. 2000/445](#), [art. 2](#)

11 In section 105 (powers of Secretary of State to investigate affairs of person carrying on investment business), after subsection (5) (use of statements made under the section) insert—

“(5A) However, in criminal proceedings in which that person is charged with an offence to which this subsection applies—

- (a) no evidence relating to the statement may be adduced, and
- (b) no question relating to it may be asked,

by or on behalf of the prosecution, unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person.

(5B) Subsection (5A) above applies to any offence other than—

- (a) an offence under subsection (10) or section 200(1) below;
- (b) an offence under section 5 of the <sup>M33</sup>Perjury Act 1911 (false statements made otherwise than on oath);
- (c) an offence under section 44(2) of the <sup>M34</sup>Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made otherwise than on oath); or
- (d) an offence under Article 10 of the <sup>M35</sup>Perjury (Northern Ireland) Order 1979 (false statements made otherwise than on oath).”

#### Commencement Information

**I11** Sch. 3 wholly in force at 14.12.2000; Sch. 3 not in force at Royal Assent see s. 68(3); Sch. 3 in force at 14.4.2000 in relation to England and Wales and Northern Ireland by [S.I. 2000/1034](#), [arts. 2\(a\), 3](#); Sch. 3 in force at 1.1.2001 in relation to Scotland by [S.S.I. 2000/445](#), [art. 2](#)

#### Marginal Citations

**M33** 1911 c. 6.

**M34** 1995 c. 39.

**M35** [S.I. 1979/1714 \(N.I. 19\)](#).

12 In section 177 (investigations into insider dealing), after subsection (6) (use of statements made under the section) insert—

“(6A) However, in criminal proceedings in which that person is charged with an offence to which this subsection applies—

- (a) no evidence relating to the statement may be adduced, and
- (b) no question relating to it may be asked,

by or on behalf of the prosecution, unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person.

(6B) Subsection (6A) above applies to any offence other than—



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- (a) an offence under section 200(1) below;
- (b) an offence under section 2 or 5 of the Perjury Act 1911 (false statements made on oath otherwise than in judicial proceedings or made otherwise than on oath);
- (c) an offence under section 44(1) or (2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made on oath or otherwise than on oath); or
- (d) an offence under Article 7 or 10 of the Perjury (Northern Ireland) Order 1979 (false statements made on oath otherwise than in judicial proceedings or made otherwise than on oath).”

#### Commencement Information

**I12** Sch. 3 wholly in force at 14.12.2000; Sch. 3 not in force at Royal Assent see s. 68(3); Sch. 3 in force at 14.4.2000 in relation to England and Wales and Northern Ireland by [S.I. 2000/1034](#), **arts. 2(a), 3**; Sch. 3 in force at 1.1.2001 in relation to Scotland by [S.S.I. 2000/445](#), **art. 2**

#### *Companies (Northern Ireland) Order 1986 (N.I.6)*

- 13 The <sup>M36</sup>Companies (Northern Ireland) Order 1986 is amended as follows.

#### Marginal Citations

**M36** [S.I. 1986/1032](#).

- 14 In Article 427 (production of documents and evidence to inspectors conducting investigations into companies), after paragraph (5) (use of answers given to inspectors) insert—
- “(5A) However, in criminal proceedings in which that person is charged with an offence to which this paragraph applies—
- (a) no evidence relating to the answer may be adduced, and
  - (b) no question relating to it may be asked,
- by or on behalf of the prosecution, unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person.
- (5B) Paragraph (5A) applies to any offence other than an offence under Article 7 or 10 of the Perjury (Northern Ireland) Order 1979 (false statements made on oath otherwise than in judicial proceedings or made otherwise than on oath).”
- 15 In Article 440 (production of company documents to Department), after paragraph (8) (use of statements made under the Article) insert—
- “(8A) However, in criminal proceedings in which that person is charged with an offence to which this paragraph applies—
- (a) no evidence relating to the statement may be adduced, and
  - (b) no question relating to it may be asked,



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by or on behalf of the prosecution, unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person.

(8B) Paragraph (8A) applies to any offence other than—

- (a) an offence under paragraph (6) or Article 444; or
- (b) an offence under Article 10 of the <sup>M37</sup>Perjury (Northern Ireland) Order 1979 (false statements made otherwise than on oath)."

**Marginal Citations**

**M37** [S.I. 1979/1714 \(N.I. 19\)](#).

*Banking Act 1987 (c.22)*

16 The Banking Act 1987 is amended as follows.

**Commencement Information**

**I13** Sch. 3 wholly in force at 14.12.2000; Sch. 3 not in force at Royal Assent see s. 68(3); Sch. 3 in force at 14.4.2000 in relation to England and Wales and Northern Ireland by [S.I. 2000/1034](#), [arts. 2\(a\)](#), [3](#); Sch. 3 in force at 1.1.2001 in relation to Scotland by [S.S.I. 2000/445](#), [art. 2](#)

17 In section 39 (power of Financial Services Authority to obtain information etc. from authorised institutions), after subsection (12) (use of statements made under the section) insert—

“(12A) However, in criminal proceedings in which that person is charged with an offence to which this subsection applies—

- (a) no evidence relating to the statement may be adduced, and
- (b) no question relating to it may be asked,

by or on behalf of the prosecution, unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person.

(12B) Subsection (12A) above applies to any offence other than—

- (a) an offence under subsection (11) above or section 94(1)(a) below;
- (b) an offence under section 5 of the <sup>M38</sup>Perjury Act 1911 (false statements made otherwise than on oath);
- (c) an offence under section 44(2) of <sup>M39</sup>the Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made otherwise than on oath); or
- (d) an offence under Article 10 of the Perjury (Northern Ireland) Order 1979 (false statements made otherwise than on oath)."

**Commencement Information**

**I14** Sch. 3 wholly in force at 14.12.2000; Sch. 3 not in force at Royal Assent see s. 68(3); Sch. 3 in force at 14.4.2000 in relation to England and Wales and Northern Ireland by [S.I. 2000/1034](#), [arts. 2\(a\)](#), [3](#); Sch. 3 in force at 1.1.2001 in relation to Scotland by [S.S.I. 2000/445](#), [art. 2](#)

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#### Marginal Citations

**M38** 1911 c. 6.

**M39** 1995 c. 39.

18 In section 41 (investigations into authorised institutions by Financial Services Authority), after subsection (10) (use of statements made under the section) insert—

“(10A) However, in criminal proceedings in which that person is charged with an offence to which this subsection applies—

- (a) no evidence relating to the statement may be adduced, and
- (b) no question relating to it may be asked,

by or on behalf of the prosecution, unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person.

(10B) Subsection (10A) above applies to any offence other than—

- (a) an offence under subsection (9)(c) above or section 94(4) below;
- (b) an offence under section 5 of the <sup>M40</sup>Perjury Act 1911 (false statements made otherwise than on oath);
- (c) an offence under section 44(2) of the <sup>M41</sup>Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made otherwise than on oath); or
- (d) an offence under Article 10 of the <sup>M42</sup>Perjury (Northern Ireland) Order 1979 (false statements made otherwise than on oath).”

#### Commencement Information

**I15** Sch. 3 wholly in force at 14.12.2000; Sch. 3 not in force at Royal Assent see s. 68(3); Sch. 3 in force at 14.4.2000 in relation to England and Wales and Northern Ireland by [S.I. 2000/1034](#), [arts. 2\(a\), 3](#); Sch. 3 in force at 1.1.2001 in relation to Scotland by [S.S.I. 2000/445](#), [art. 2](#)

#### Marginal Citations

**M40** 1911 c. 6.

**M41** 1995 c. 39.

**M42** [S.I. 1979/1714 \(N.I. 19\)](#).

19 In section 42 (investigations by Financial Services Authority into suspected contraventions of sections 3 and 35), after subsection (5) (use of statements made under the section) insert—

“(5A) However, in criminal proceedings in which that person is charged with an offence to which this subsection applies—

- (a) no evidence relating to the statement may be adduced, and
- (b) no question relating to it may be asked,

by or on behalf of the prosecution, unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person.

(5B) Subsection (5A) above applies to any offence other than—

- (a) an offence under subsection (4) above or section 94(1)(a) below;

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- (b) an offence under section 5 of the Perjury Act 1911 (false statements made otherwise than on oath);
- (c) an offence under section 44(2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made otherwise than on oath);  
or
- (d) an offence under Article 10 of the Perjury (Northern Ireland) Order 1979 (false statements made otherwise than on oath).”

**Commencement Information**

**I16** Sch. 3 wholly in force at 14.12.2000; Sch. 3 not in force at Royal Assent see s. 68(3); Sch. 3 in force at 14.4.2000 in relation to England and Wales and Northern Ireland by [S.I. 2000/1034](#), [arts. 2\(a\), 3](#); Sch. 3 in force at 1.1.2001 in relation to Scotland by [S.S.I. 2000/445](#), [art. 2](#)

*Criminal Justice Act 1987 (c.38)*

20 After subsection (8) of section 2 of the Criminal Justice Act 1987 (use of statements made in response to requirements imposed by the Director of the Serious Fraud Office) insert—

“(8AA) However, the statement may not be used against that person by virtue of paragraph (b) of subsection (8) unless evidence relating to it is adduced, or a question relating to it is asked, by or on behalf of that person in the proceedings arising out of the prosecution.”

**Commencement Information**

**I17** Sch. 3 wholly in force at 14.12.2000; Sch. 3 not in force at Royal Assent see s. 68(3); Sch. 3 in force at 14.4.2000 in relation to England and Wales and Northern Ireland by [S.I. 2000/1034](#), [arts. 2\(a\), 3](#); Sch. 3 in force at 1.1.2001 in relation to Scotland by [S.S.I. 2000/445](#), [art. 2](#)

*Companies Act 1989 (c.40)*

21 In section 83 (powers exercisable for purposes of assisting an overseas regulatory authority), after subsection (6) (use of statements made under the section) insert—

“(6A) However, in criminal proceedings in which that person is charged with an offence to which this subsection applies—

- (a) no evidence relating to the statement may be adduced, and
- (b) no question relating to it may be asked,

by or on behalf of the prosecution, unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person.

(6B) Subsection (6A) applies to any offence other than—

- (a) an offence under section 85;
- (b) an offence under section 2 or 5 of the <sup>M43</sup>Perjury Act 1911 (false statements made on oath otherwise than in judicial proceedings or made otherwise than on oath);

*Status: Point in time view as at 24/07/2002.*

*Changes to legislation: Youth Justice and Criminal Evidence Act 1999 is up to date with all changes known to be in force on or before 20 July 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)*

- (c) an offence under section 44(1) or (2) of the <sup>M44</sup>Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made on oath or otherwise than on oath); or
- (d) an offence under Article 7 or 10 of the <sup>M45</sup>Perjury (Northern Ireland) Order 1979 (false statements made on oath otherwise than in judicial proceedings or made otherwise than on oath).”

#### Commencement Information

**I18** Sch. 3 wholly in force at 14.12.2000; Sch. 3 not in force at Royal Assent see s. 68(3); Sch. 3 in force at 14.4.2000 in relation to England and Wales and Northern Ireland by [S.I. 2000/1034](#), **arts. 2(a), 3**; Sch. 3 in force at 1.1.2001 in relation to Scotland by [S.S.I. 2000/445](#), **art. 2**

#### Marginal Citations

**M43** [1911 c. 6](#).

**M44** [1995 c. 39](#).

**M45** [S.I. 1979/1714 \(N.I. 19\)](#).

#### *Companies (Northern Ireland) Order 1989 (N.I.18)*

- 22 (1) Article 23 of the <sup>M46</sup>Companies (Northern Ireland) Order 1989 (admissibility in evidence of statements) is amended as follows.
- (2) That Article is renumbered as paragraph (1) of that Article.
- (3) After that paragraph insert—
- “(2) However, in criminal proceedings in which any such person is charged with an offence to which this paragraph applies—
- (a) no evidence relating to the statement may be adduced, and
  - (b) no question relating to it may be asked,
- by or on behalf of the prosecution, unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person.
- (3) Paragraph (2) applies to any offence other than—
- (a) an offence which is—
    - (i) created by rules made for the purposes of this Order under the Insolvency Order, and
    - (ii) designated for the purposes of this paragraph by such rules or by regulations;
  - (b) an offence which is—
    - (i) created by regulations made under any such rules, and
    - (ii) designated for the purposes of this paragraph by such regulations; or
  - (c) an offence under Article 10 of the Perjury (Northern Ireland) Order 1979 (false statements made otherwise than on oath).
- (4) Regulations under paragraph (3)(a)(ii) shall after being made be laid before the Assembly.”

*Status: Point in time view as at 24/07/2002.*

*Changes to legislation: Youth Justice and Criminal Evidence Act 1999 is up to date with all changes known to be in force on or before 20 July 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)*

**Marginal Citations**

**M46** [S.I. 1989/2404.](#)

*Insolvency (Northern Ireland) Order 1989 (N.I.19)*

- 23 (1) Article 375 of the <sup>M47</sup>Insolvency (Northern Ireland) Order 1989 (admissibility in evidence of statements of affairs etc.) is amended as follows.
- (2) That Article is renumbered as paragraph (1) of that Article.
- (3) After that paragraph insert—
- “(2) However, in criminal proceedings in which any such person is charged with an offence to which this paragraph applies—
- (a) no evidence relating to the statement may be adduced, and
- (b) no question relating to it may be asked,
- by or on behalf of the prosecution, unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person.
- (3) Paragraph (2) applies to any offence other than—
- (a) an offence under Article 34(6), 57(6), 58(8), 81(7), 84(5), 85(3)(a), 111(7), 162(2), 172(1)(a) or (d) or (2), 174, 199(5), 324(1), 325(1)(b) or (5) or 327(1) or (3)(a) or (b);
- (b) an offence which is—
- (i) created by rules made under this Order, and
- (ii) designated for the purposes of this paragraph by such rules or by regulations;
- (c) an offence which is—
- (i) created by regulations made under any such rules, and
- (ii) designated for the purposes of this paragraph by such regulations; or
- (d) an offence under Article 3, 7 or 10 of the <sup>M48</sup>Perjury (Northern Ireland) Order 1979 (false statements made on oath or made otherwise than on oath).
- (4) Regulations under paragraph (3)(b)(ii) shall after being made be laid before the Assembly.”

**Marginal Citations**

**M47** [S.I. 1989/2405.](#)

**M48** [S.I. 1979/1714 \(N.I. 19\).](#)

*Friendly Societies Act 1992 (c.40)*

- 24 In section 67 of the Friendly Societies Act 1992 (supplementary provisions about inspections carried out at the behest of the Friendly Societies Commission), after subsection (5) (use of statements made under the section) insert—

*Status: Point in time view as at 24/07/2002.*

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- “(5A) However, in criminal proceedings in which that person is charged with an offence to which this subsection applies—
- (a) no evidence relating to the statement may be adduced, and
  - (b) no question relating to it may be asked,
- by or on behalf of the prosecution, unless evidence relating to it is adduced, or a question relating to it is asked, in the proceedings by or on behalf of that person.
- (5B) Subsection (5A) above applies to any offence other than—
- (a) an offence under section 2 or 5 of the <sup>M49</sup>Perjury Act 1911 (false statements made on oath otherwise than in judicial proceedings or made otherwise than on oath);
  - (b) an offence under section 44(1) or (2) of the <sup>M50</sup>Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made on oath or otherwise than on oath); or
  - (c) an offence under Article 7 or 10 of the Perjury (Northern Ireland) Order 1979 (false statements made on oath otherwise than in judicial proceedings or made otherwise than on oath).”

#### Commencement Information

**I19** Sch. 3 wholly in force at 14.12.2000; Sch. 3 not in force at Royal Assent see s. 68(3); Sch. 3 in force at 14.4.2000 in relation to England and Wales and Northern Ireland by [S.I. 2000/1034](#), [arts. 2\(a\), 3](#); Sch. 3 in force at 1.1.2001 in relation to Scotland by [S.S.I. 2000/445](#), [art. 2](#)

#### Marginal Citations

**M49** 1911 c. 6.

**M50** 1995 c. 39.

#### *Criminal Law (Consolidation) (Scotland) Act 1995 (c.39)*

- 25 After subsection (5) of section 28 of the Criminal Law (Consolidation) (Scotland) Act 1995 (use of statements made in response to requirements imposed by a nominated officer) insert—

“(5A) However, the statement may not be used against that person by virtue of paragraph (b) of subsection (5) unless evidence relating to it is adduced, or a question relating to it is asked, by or on behalf of that person in the proceedings arising out of the prosecution.”

#### *Proceeds of Crime (Northern Ireland) Order 1996 (N.I.9)*

- 26 In paragraph 6 of Schedule 2 to the <sup>M51</sup>Proceeds of Crime (Northern Ireland) Order 1996 (admissibility of evidence), for sub-paragraph (b) substitute—

“(b) on his prosecution for some other offence where evidence relating to any such answer or information is adduced, or a question relating to it is asked, by or on behalf of that person; or”.

*Status: Point in time view as at 24/07/2002.*

*Changes to legislation: Youth Justice and Criminal Evidence Act 1999 is up to date with all changes known to be in force on or before 20 July 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)*

**Marginal Citations**

**M51** S.I. 1996/1299.

SCHEDULE 4

Section 67.

MINOR AND CONSEQUENTIAL AMENDMENTS

*Criminal Evidence Act 1898 (c.36)*

- 1 (1) Section 1 of the Criminal Evidence Act 1898 (competence of accused as witness for the defence) is amended as follows.
- (2) Omit the words from the beginning to “Provided as follows:—”.
- (3) In paragraph (a) of the proviso—
- (a) for “so charged” substitute “charged in criminal proceedings”; and
  - (b) for “in pursuance of this Act” substitute “in the proceedings”.
- (4) In paragraph (e) of the proviso—
- (a) for “and being a witness in pursuance of this Act” substitute “in criminal proceedings who is called as a witness in the proceedings”; and
  - (b) for “the offence charged” substitute “any offence with which he is charged in the proceedings”.
- (5) In paragraph (f) of the proviso—
- (a) for “and called as a witness in pursuance of this Act” substitute “in criminal proceedings who is called as a witness in the proceedings”;
  - (b) for “that wherewith” substitute “one with which”; and
  - (c) in sub-paragraph (i), for “the offence wherewith” substitute “an offence with which”.
- (6) In paragraph (g) of the proviso, for “called as a witness in pursuance of this Act” substitute “called in criminal proceedings who is called as a witness in the proceedings”.
- (7) Paragraphs (a), (e), (f) and (g) of the proviso shall be respectively numbered as subsections (1), (2), (3) and (4) of the section.

**Commencement Information**

**I20** Sch. 4 para. 1 wholly in force in so far as not already in force at 24.7.2002 see S.I. 2002/1739, {art. 2(f)}

PROSPECTIVE

*Children and Young Persons Act 1933 (c.12)*

- 2 (1) The Children and Young Persons Act 1933 has effect subject to the following amendments.



*Status: Point in time view as at 24/07/2002.*

*Changes to legislation: Youth Justice and Criminal Evidence Act 1999 is up to date with all changes known to be in force on or before 20 July 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)*

- (2) In section 37(1) (power to clear court, where child or young person giving evidence, of persons other than bona fide representatives of newspapers or news agencies), for “newspaper or news agency” substitute “ news gathering or reporting organisation ”.
- (3) In section 47(2)(c) (bona fide representatives of newspapers or news agencies entitled to be present at sitting of youth court), for “newspapers or news agencies” substitute “ news gathering or reporting organisations ”.

PROSPECTIVE

*Children and Young Persons Act 1963 (c.37)*

- 3 In section 57(3) of the <sup>M52</sup>Children and Young Persons Act 1963 (which provides for sections 39 and 49 of the Children and Young Persons Act 1933 to extend to Scotland), for “sections 39 and 49”, in both places, substitute “ section 39 ”.

**Marginal Citations**  
M52 1933 c. 12.

PROSPECTIVE

*Criminal Appeal Act 1968 (c.19)*

- 4 (1) The Criminal Appeal Act 1968 has effect subject to the following amendments.
- <sup>F8</sup>(2) .....
- (3) In section 31(1)(b) (power to give directions exercisable by single judge), for “section 4(4) of the <sup>M53</sup>Sexual Offences (Amendment) Act 1976” substitute “ section 3(4) of the <sup>M54</sup>Sexual Offences (Amendment) Act 1992 ”.

**Textual Amendments**  
F8 Sch. 4 para. 4(2) repealed (1.4.2000) by 1999 c. 23, s. 67(3), Sch. 6 (with Sch. 7 paras. 3(3), 5(2)); S.I. 1999/3427, art. 3(a)(b)

**Marginal Citations**  
M53 1976 c. 82.  
M54 1992 c. 34.

*Children and Young Persons Act 1969 (c.54)*

- <sup>F95</sup> .....

*Status: Point in time view as at 24/07/2002.*

*Changes to legislation: Youth Justice and Criminal Evidence Act 1999 is up to date with all changes known to be in force on or before 20 July 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)*

**Textual Amendments**

**F9** Sch. 4 para. 5 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

*Rehabilitation of Offenders Act 1974 (c.53)*

- 6 (1) Section 5 of the Rehabilitation of Offenders Act 1974 is amended as follows.
- (2) In Table A in subsection (2), in the entry relating to fines or other sentences subject to rehabilitation under that Act, for “, (4A) to (8)” substitute “ to (8) ”.
- (3) After subsection (4A) insert—
- “(4B) Where in respect of a conviction a referral order (within the meaning of Part I of the Youth Justice and Criminal Evidence Act 1999) is made in respect of the person convicted, the rehabilitation period applicable to the sentence shall be—
- (a) if a youth offender contract takes effect under section 8 of that Act between him and a youth offender panel, the period beginning with the date of conviction and ending on the date when (in accordance with section 9 of that Act) the contract ceases to have effect;
  - (b) if no such contract so takes effect, the period beginning with the date of conviction and having the same length as the period for which such a contract would (ignoring any order under paragraph 11 or 12 of Schedule 1 to that Act) have had effect had one so taken effect.
- (4C) Where in respect of a conviction an order is made in respect of the person convicted under paragraph 11 or 12 of Schedule 1 to the Youth Justice and Criminal Evidence Act 1999 (extension of period for which youth offender contract has effect), the rehabilitation period applicable to the sentence shall be—
- (a) if a youth offender contract takes effect under section 8 of that Act between the offender and a youth offender panel, the period beginning with the date of conviction and ending on the date when (in accordance with section 9 of that Act) the contract ceases to have effect;
  - (b) if no such contract so takes effect, the period beginning with the date of conviction and having the same length as the period for which, in accordance with the order, such a contract would have had effect had one so taken effect.”

*Magistrates’ Courts Act 1980 (c.43)*

7 The Magistrates’ Courts Act 1980 has effect subject to the following amendments.

8 **F10** .....

**Textual Amendments**

**F10** Sch. 4 para. 8 repealed (19.2.2001) by 1999 c. 22, ss. 106, 108(1), **Sch. 15 Pt. V(8)**(with Sch. 14 para. 7(2), 36(9)); S.I. 2001/168, **art. 2**

*Status: Point in time view as at 24/07/2002.*

*Changes to legislation: Youth Justice and Criminal Evidence Act 1999 is up to date with all changes known to be in force on or before 20 July 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)*

- 9 In section 126 (execution of warrants in Channel Islands and Isle of Man under section 13 of the Indictable Offences Act 1848), after paragraph (e) insert “and  
 (f) warrants of arrest issued under paragraph 3(2) of Schedule 1 to the Youth Justice and Criminal Evidence Act 1999 (offender referred to court by youth offender panel).”

*Criminal Justice Act 1982 (c.48)*

- 10 In section 72(1) of the Criminal Justice Act 1982 (accused to give evidence on oath), after “if he gives evidence, he shall do so” insert “ (subject to sections 55 and 56 of the Youth Justice and Criminal Evidence Act 1999) ”.

*Mental Health Act 1983 (c.20)*

- 11 In section 37(8) of the Mental Health Act 1983 (combining hospital and guardianship orders with other orders), for the words from “shall not” to “which the court” substitute “shall not—  
 (a) pass sentence of imprisonment or impose a fine or make a probation order in respect of the offence,  
 (b) if the order under this section is a hospital order, make a referral order (within the meaning of Part I of the Youth Justice and Criminal Evidence Act 1999) in respect of the offence, or  
 (c) make in respect of the offender any such order as is mentioned in section 7(7)(b) of the <sup>M55</sup>Children and Young Persons Act 1969 or section 58 of the <sup>M56</sup>Criminal Justice Act 1991,

but the court may make any other order which it ”.

**Marginal Citations**

**M55** 1969 c. 54.

**M56** 1991 c. 53.

*Police and Criminal Evidence Act 1984 (c.33)*

- 12 The Police and Criminal Evidence Act 1984 has effect subject to the following amendments.
- 13 (1) Section 80 (competence and compellability of accused’s spouse) is amended as follows.
- (2) Omit subsections (1) and (8).
- (3) For subsections (2) to (4) substitute—
- “(2) In any proceedings the wife or husband of a person charged in the proceedings shall, subject to subsection (4) below, be compellable to give evidence on behalf of that person.
- (2A) In any proceedings the wife or husband of a person charged in the proceedings shall, subject to subsection (4) below, be compellable—

*Status: Point in time view as at 24/07/2002.*

*Changes to legislation: Youth Justice and Criminal Evidence Act 1999 is up to date with all changes known to be in force on or before 20 July 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)*

- (a) to give evidence on behalf of any other person charged in the proceedings but only in respect of any specified offence with which that other person is charged; or
  - (b) to give evidence for the prosecution but only in respect of any specified offence with which any person is charged in the proceedings.
- (3) In relation to the wife or husband of a person charged in any proceedings, an offence is a specified offence for the purposes of subsection (2A) above if—
- (a) it involves an assault on, or injury or a threat of injury to, the wife or husband or a person who was at the material time under the age of 16;
  - (b) it is a sexual offence alleged to have been committed in respect of a person who was at the material time under that age; or
  - (c) it consists of attempting or conspiring to commit, or of aiding, abetting, counselling, procuring or inciting the commission of, an offence falling within paragraph (a) or (b) above.
- (4) No person who is charged in any proceedings shall be compellable by virtue of subsection (2) or (2A) above to give evidence in the proceedings.
- (4A) References in this section to a person charged in any proceedings do not include a person who is not, or is no longer, liable to be convicted of any offence in the proceedings (whether as a result of pleading guilty or for any other reason).”
- (4) In subsection (5), omit “competent and” and, in the side-note, omit “Competence and”.

14 After section 80 insert—

**“80A Rule where accused’s spouse not compellable.**

The failure of the wife or husband of a person charged in any proceedings to give evidence in the proceedings shall not be made the subject of any comment by the prosecution.”

*Criminal Justice Act 1988 (c.33)*

- 15 The Criminal Justice Act 1988 has effect subject to the following amendments.
- 16 In subsection (1) of each of sections 23 and 24 (first-hand hearsay; business etc. documents), at the end of paragraph (a) insert “ and ”.
- 17 In section 34(3) (unsworn evidence may corroborate other evidence), for “section 52 of the Criminal Justice Act 1991” substitute “ section 56 of the Youth Justice and Criminal Evidence Act 1999 ”.

PROSPECTIVE

*Companies (Northern Ireland) Order 1989 (N.I.18)*

*Status: Point in time view as at 24/07/2002.*

*Changes to legislation: Youth Justice and Criminal Evidence Act 1999 is up to date with all changes known to be in force on or before 20 July 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)*

### Textual Amendments

- F11** Sch. 4 para. 18 repealed (N.I.) (5.9.2003) by [The Company Directors Disqualification \(Northern Ireland\) Order 2002 \(S.I. 2002/3150\)](#), art. 1(2), **Sch. 4** (with Sch. 2); S.R. 2003/345, art. 3(2) (subject to S.R. 2003/346, arts. 3-6)
- F12** Sch. 4 para. 18 repealed (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 2** (with art. 10) and Sch. 4 para. 18 repealed (1.10.2009) by [Companies Act 2006 \(c. 46\)](#), s. 1300(2), **Sch. 16**; S.I. 2008/2860, art. 4, **Sch. 1 Pt. 2** (with arts. 7, 8, Sch. 2) (which transitional provisions in Sch. 2 are amended (1.10.2009) by S.I. 2009/2476, arts. 1(3), 2(3)(4) and by S.I. 2009/1802, arts. 1, 18, Sch.)

PROSPECTIVE

### *Insolvency (Northern Ireland) Order 1989 (N.I.19)*

- 19 In Article 2(2) of the<sup>M57</sup> *Insolvency (Northern Ireland) Order 1989* (interpretation), in the definition of “regulations” for “Article 359(5)” substitute “ Articles 359(5) and 375(3)(b)(ii) ”.

### Marginal Citations

**M57** [S.I. 1989/2405](#).

### *Criminal Justice Act 1991 (c.53)*

- F13**<sup>20</sup> .....

### Textual Amendments

- F13** Sch. 4 para. 20 repealed (25.8.2000) by [2000 c. 6](#), ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

### *Criminal Justice and Public Order Act 1994 (c.33)*

PROSPECTIVE

- 21 The Criminal Justice and Public Order Act 1994 has effect subject to the following amendments.
- 22 (1) Section 51 (intimidation etc. of witnesses, jurors and others) is amended as follows.
- (2) For subsections (1) to (3) (offences of intimidating, and of doing or threatening harm to, witnesses etc.) substitute—
- “(1) A person commits an offence if—
- (a) he does an act which intimidates, and is intended to intimidate, another person (“the victim”),

*Status: Point in time view as at 24/07/2002.*

*Changes to legislation: Youth Justice and Criminal Evidence Act 1999 is up to date with all changes known to be in force on or before 20 July 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)*

- (b) he does the act knowing or believing that the victim is assisting in the investigation of an offence or is a witness or potential witness or a juror or potential juror in proceedings for an offence, and
  - (c) he does it intending thereby to cause the investigation or the course of justice to be obstructed, perverted or interfered with.
- (2) A person commits an offence if—
- (a) he does an act which harms, and is intended to harm, another person or, intending to cause another person to fear harm, he threatens to do an act which would harm that other person,
  - (b) he does or threatens to do the act knowing or believing that the person harmed or threatened to be harmed (“the victim”), or some other person, has assisted in an investigation into an offence or has given evidence or particular evidence in proceedings for an offence, or has acted as a juror or concurred in a particular verdict in proceedings for an offence, and
  - (c) he does or threatens to do it because of that knowledge or belief.
- (3) For the purposes of subsections (1) and (2) it is immaterial that the act is or would be done, or that the threat is made—
- (a) otherwise than in the presence of the victim, or
  - (b) to a person other than the victim.”
- (3) In subsection (8) (presumption in proceedings for offence under subsection (2))—
- (a) for “he did or threatened to do an act falling within paragraph (a) within the relevant period” substitute “within the relevant period—
    - (a) he did an act which harmed, and was intended to harm, another person, or
    - (b) intending to cause another person fear of harm, he threatened to do an act which would harm that other person,and that he did the act, or (as the case may be) threatened to do the act, ”; and
  - (b) after “to have done the act” insert “ or (as the case may be) threatened to do the act ”.
- 23 In section 136 (cross-border execution of arrest warrants), after subsection (7) insert—
- “(7A) This section applies as respects a warrant issued under paragraph 3(2) of Schedule 1 to the Youth Justice and Criminal Evidence Act 1999 (warrant for arrest of offender referred back to court by youth offender panel) as it applies to a warrant issued in England or Wales for the arrest of a person charged with an offence.”

PROSPECTIVE

- 24 In Schedule 11 (repeals), the entry relating to section 57(4) of the <sup>M58</sup>Children and Young Persons Act 1969 shall be treated as, and as always having been, an entry relating to section 57(4) of the <sup>M59</sup>Children and Young Persons Act 1963.

*Status: Point in time view as at 24/07/2002.*

*Changes to legislation: Youth Justice and Criminal Evidence Act 1999 is up to date with all changes known to be in force on or before 20 July 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)*

**Marginal Citations**

**M58** 1969 c. 54.

**M59** 1963 c. 37.

*Crime and Disorder Act 1998 (c.37)*

25 The Crime and Disorder Act 1998 has effect subject to the following amendments.

26 In section 8(2) (power to make parenting orders), after “Subject to subsection (3) and section 9(1) below” insert “ and to section 4(5) of, and paragraph 13(5) of Schedule 1 to, the Youth Justice and Criminal Evidence Act 1999 ”.

27 In section 9, after subsection (1) (duty to make parenting order where person under 16 convicted of offence) insert—

“(1A) Subsection (1) above has effect subject to section 4(5) of, and paragraph 13(5) of Schedule 1 to, the Youth Justice and Criminal Evidence Act 1999.”

28 In section 38(4) (definition of “youth justice services”), after paragraph (j) there shall be inserted—

“(k) the implementation of referral orders within the meaning of Part I of the Youth Justice and Criminal Evidence Act 1999.”

F14 29 .....

**Textual Amendments**

**F14** Sch. 4 para. 29 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F15 30 .....

**Textual Amendments**

**F15** Sch. 4 para. 30 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F16 SCHEDULE 5

**Textual Amendments**

**F16** Sch. 5 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)



*Status: Point in time view as at 24/07/2002.*

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## SCHEDULE 6

Section 67.

### REPEALS

#### Extent Information

- E1** The extent of repeals and revocations is coextensive with the enactments they affect except that the repeal of s. 62 of the Criminal Procedure and Investigations Act 1996 does not extend to Northern Ireland, see s. 68(9)

#### Commencement Information

- I21** Sch. 6 partly in force; Sch. 6 not in force at Royal Assent, see s. 68(3); Sch. 6 in force for certain purposes at 1.4.2000 by [S.I. 1999/3427, art. 3\(b\)](#); Sch. 6 in force for certain further purposes for E.W. at 14.4.2000 by [S.I. 2000/1034, arts. 2\(c\), 3\(1\)](#); Sch. 6 in force for certain further purposes at 4.9.2000 by [S.I. 2000/2091, art. 2\(f\)](#) (with [art. 3](#)); Sch. 6 in force for certain further purposes at 4.12.2000 by [S.I. 2000/3075, art. 2\(c\)](#) (with [art. 3](#)); Sch. 6 in force for certain further purposes for E.W. at 24.7.2002 by [S.I. 2002/1739, art. 2\(g\)](#)

Reference	Short title or title	Extent of repeal or revocation
61 & 62 Vict. c. 36.	Criminal Evidence Act 1898.	In section 1, the words from the beginning to “Provided as follows:—”.
23 & 24 Geo. 5 c. 12.	Children and Young Persons Act 1933.	Section 38.
12, 13 & 14 Geo. 6 c. 88.	Registered Designs Act 1949.	Section 17(11).
1955 c. 18.	Army Act 1955.	Section 93(1B) and (2).
1955 c. 19.	Air Force Act 1955.	Section 93(1B) and (2).
1957 c. 53.	Naval Discipline Act 1957.	Section 60(2) and (3).
1963 c. 37.	Children and Young Persons Act 1963.	Section 57(2) and (4).
1968 c. 19.	Criminal Appeal Act 1968.	In section 10(2)(b), the words “, a referral order within the meaning of Part I of the Youth Justice and Criminal Evidence Act 1999 (referral to youth offender panel)”.
1968 c. 20.	Courts-Martial (Appeals) Act 1968.	In section 36(1), the words “section 4(4) of the Sexual Offences (Amendment) Act 1976 as adapted by section 5(1)(d) of that Act or”.
1968 c. 60.	Theft Act 1968.	In section 30(2), the words from “and a person bringing” onwards.

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1969 c. 54.	Children and Young Persons Act 1969.	Section 16(3B) and (3C).
1976 c. 52.	Armed Forces Act 1976.	In Schedule 3, in paragraph 3(2), the words from “or direct that” onwards.
1976 c. 82.	Sexual Offences (Amendment) Act 1976.	Sections 2 to 5. In section 7(4), the words from “except that” onwards. Section 7(5).
1977 c. 37.	Patents Act 1977.	Section 32(12).
S.I. 1978/460 (N.I. 5).	Sexual Offences (Northern Ireland) Order 1978.	In Article 1(2), the words from “and Articles 6 and 8” onwards. Articles 6 and 7.
1978 c. 23.	Judicature (Northern Ireland) Act 1978.	In Part II of Schedule 5, the amendment of the Sexual Offences (Northern Ireland) Order 1978.
1979 c. 2.	Customs and Excise Management Act 1979.	Section 75A(6)(b). In section 118A(6)(b), the words “sections 69 and 70 of the Police and Criminal Evidence Act 1984 and”.
1980 c. 43.	Magistrates’ Courts Act 1980.	In section 125(4)(c)(iii), the “and” at the end. In section 126(d), the “and” at the end. In Schedule 7, paragraph 148.
1981 c. 55.	Armed Forces Act 1981.	In Schedule 2, paragraph 9.
1984 c. 60.	Police and Criminal Evidence Act 1984.	Sections 69 and 70. Section 80(1). In section 80(5), the words “competent and”. Section 80(8). In section 82(1), in the definition of “proceedings”, in paragraph (a) the words after “court-martial” and, in paragraph (b)(i), the words “so constituted”. Schedule 3.
1985 c. 9.	Companies Act 1985.	In section 709(3), the words from “In England and Wales” onwards.
1988 c. 33.	Criminal Justice Act 1988.	In section 23(1), paragraph (c) and the “and” preceding it.

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		<p>In section 24(1), paragraph (c) and the “and” preceding it. In section 32(1), paragraph (b) and the “or” preceding it. Section 32(2), (3A) to (3E) and (6). Section 32A. Section 33A. Section 34A. Section 158(2) to (4). In Schedule 13, in paragraph 8, sub-paragraph (2)(b) and the “and” preceding it and, in sub-paragraph (3), “, (2)”. In Schedule 15, paragraph 53.</p>
1990 c. 42.	Broadcasting Act 1990.	<p>In Schedule 20, paragraphs 26 and 27.</p>
1991 c. 53.	Criminal Justice Act 1991.	<p>Section 52. Section 54. Section 55(2)(b), (4), (6) and (7). In Schedule 9, paragraphs 3 and 7. In Schedule 11, paragraph 1 and, in paragraph 37, the words from “and, in subsection (3)” onwards.</p>
1992 c. 34.	Sexual Offences (Amendment) Act 1992.	<p>In section 5(2), the words “or programme”. In section 6(1), the definition of “written publication” and the “and” preceding it. In section 7(2), paragraph (b) and paragraph (e) except for the “and” at the end. Section 7(3).</p>
1994 c. 9.	Finance Act 1994.	<p>In section 22(2)(b), the words “sections 69 and 70 of the Police and Criminal Evidence Act 1984 and”. In Schedule 7, in paragraph 1(6)(b), the words “sections 69 and 70 of the Police and Criminal Evidence Act 1984 and”.</p>
1994 c. 23.	Value Added Tax Act 1994.	<p>In Schedule 11, in paragraph 6(6)(b), the words “sections 69 and 70 of the Police and</p>

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		Criminal Evidence Act 1984 and”.
1994 c. 33.	Criminal Justice and Public Order Act 1994.	Section 50. In Schedule 9, paragraphs 11(1)(a), 13 and 33. In Schedule 10, paragraphs 32, 35(3) and 36.
S.I. 1994/2795 (N.I. 15).	Criminal Justice (Northern Ireland) Order 1994.	Article 2(3). Article 18(3). Articles 19 to 24.
1995 c. 35.	Criminal Appeal Act 1995.	In Schedule 2, paragraph 16(2)(b) and (3).
1995 c. 38.	Civil Evidence Act 1995.	In Schedule 1, paragraph 10.
1996 c. 8.	Finance Act 1996.	In Schedule 5, in paragraph 2(6)(a), the words “sections 69 and 70 of the Police and Criminal Evidence Act 1984 and”.
1996 c. 25.	Criminal Procedure and Investigations Act 1996.	Section 62. In Schedule 1, paragraphs 23, 27 and 33.
1996 c. 46.	Armed Forces Act 1996.	In Schedule 1, paragraph 107(a).
1998 c. 37.	Crime and Disorder Act 1998.	In section 74(8), the words “this section or”. In Schedule 5, paragraphs 3(3), 4(6) and 5(6).
S.I. 1998/1504 (N.I. 9).	Criminal Justice (Children) (Northern Ireland) Order 1998.	Article 22.
1999 c. 23.	Youth Justice and Criminal Evidence Act 1999.	Section 4(7)(d) except for the “or” at the end. In section 15(1), in the definition of “custodial sentence”, the words from “a sentence of detention in” to “1994.”. In Schedule 1, paragraphs 5(7) and 14(5). In Schedule 4, paragraph 4(2).

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## SCHEDULE 7

Section 67.

### TRANSITIONAL PROVISIONS AND SAVINGS

#### *Interpretation*

1 (1) In this Schedule—

“the 1988 Act” means the <sup>M60</sup>Criminal Justice Act 1988;

“commencement date”, in relation to any provisions of this Act and proceedings of any description, means the date on which those provisions come into force in relation to such proceedings;

“continuing proceedings” (except in paragraph 3) means proceedings instituted before the commencement date;

“existing special measures power” means any power of the court to make an order or give leave, in the exercise of its inherent jurisdiction, for the taking of measures in relation to a witness which are similar to those which could be provided for by a special measures direction.

(2) For the purposes of this Schedule—

(a) proceedings other than proceedings on appeal are to be taken to be instituted at the time when they would be taken to be instituted for the purposes of Part I of the <sup>M61</sup>Prosecution of Offences Act 1985 in accordance with section 15(2) of that Act; and

(b) proceedings on appeal are to be taken to be instituted at the time when the notice of appeal is given or (as the case may be) the reference under section 9 or 11 of the <sup>M62</sup>Criminal Appeal Act 1995 is made.

(3) Expressions used in this Schedule which are also used in Part II of this Act have the same meaning in this Schedule as in that Part.

#### **Marginal Citations**

**M60** 1988 c. 33.

**M61** 1985 c. 23.

**M62** 1995 c. 35.

#### *Referral orders under Part I*

F172 .....

#### **Textual Amendments**

**F17** Sch. 7 para. 2 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

#### *Special measures under Chapter I of Part II*

3 (1) A special measures direction may be given in relation to a witness in continuing proceedings unless the court has before the specified date—

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- (a) given leave in relation to the witness in connection with those proceedings under section 32 (evidence through television links) or section 32A (video recordings of testimony of child witnesses) of the 1988 Act, or
  - (b) exercised any existing special measures power in relation to the witness in connection with those proceedings.
- (2) The repeals made by this Act shall not affect the continued operation in relation to a witness in continuing proceedings of section 32 or 32A of the 1988 Act where before the specified date leave was given in relation to the witness in connection with those proceedings by virtue of section 32(1)(b) or section 32A, as the case may be.
- (3) Nothing in this Act affects the continued operation in relation to a witness in continuing proceedings of any order made or leave given under any existing special measures power exercised by the court before the specified date in relation to the witness in connection with those proceedings.
- (4) In this paragraph—
- (a) “continuing proceedings” means proceedings instituted before the specified date;
  - (b) “the specified date”, in relation to a witness in any proceedings, means such date as may be specified by the Secretary of State in a notice given to the court in question under section 18(2), where the date is expressed to apply—
    - (i) for the purposes of this paragraph, and
    - (ii) in relation to any description of witnesses and proceedings within which the witness and the proceedings fall.

*Protection of witnesses from cross-examination by accused in person*

- 4 Nothing in Chapter II of Part II applies in relation to proceedings instituted before the commencement date for that Chapter.

*Protection of complainants in proceedings for sexual offences*

- 5 (1) Nothing in Chapter III of Part II applies in relation to continuing proceedings in which leave has been given before the commencement date for that Chapter—
- (a) under section 2 of the <sup>M63</sup>Sexual Offences (Amendment) Act 1976, or
  - (b) (in the case of proceedings to which section 2 does not apply) in the exercise of any similar power of the court exercisable by virtue of its inherent jurisdiction.
- (2) Nothing in this Act affects the continued operation of any leave so given in relation to any such proceedings.

**Marginal Citations**

**M63** 1976 c. 82.

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VALID FROM 07/10/2004

*Reporting restrictions*

- 6 (1) Section 44 applies in relation to an alleged offence whether the criminal investigation into it is begun before or after the coming into force of that section.
- (2) The restrictions imposed by subsection (2) of section 44 do not apply to the inclusion of matter in a publication if—
- (a) where the publication is a relevant programme, it is transmitted, or
  - (b) in the case of any other publication, it is published,
- before the coming into force of that section.
- (3) Nothing in section 45 or 46 applies in relation to proceedings instituted before the commencement date for that section.
- (4) In sub-paragraph (3) the reference to the institution of proceedings shall be construed—
- (a) in the case of proceedings in England in Wales (other than proceedings before a service court), in accordance with paragraph 1(2);
  - (b) in the case of proceedings in Northern Ireland (other than proceedings before a service court), in accordance with sub-paragraph (5);
  - (c) in the case of proceedings before a service court (wherever held) in accordance with sub-paragraph (6).
- (5) In the case of proceedings falling within sub-paragraph (4)(b)—
- (a) proceedings other than proceedings on appeal are to be taken to be instituted—
    - (i) where a justice of the peace issues a summons under Article 20 of the <sup>M64</sup>Magistrates' Courts (Northern Ireland) Order 1981, when the complaint for the offence is made;
    - (ii) where a justice of the peace issues a warrant for the arrest of any person under that Article, when the complaint for the offence is made;
    - (iii) where a person is charged with the offence after being taken into custody without a warrant, when he is informed of the particulars of the charge;
    - (iv) where an indictment is presented under the authority of section 2(2) (c), (d), (e) or (f) of the <sup>M65</sup>Grand Jury (Abolition) Act (Northern Ireland) 1969, when the indictment is presented to the court;and where the application of this paragraph would result in there being more than one time for the institution of the proceedings, they shall be taken to have been instituted at the earliest of those times; and
  - (b) proceedings on appeal are to be taken to be instituted at the time when the notice of appeal is given or (as the case may be) the reference under section 10 or 12 of the <sup>M66</sup>Criminal Appeal Act 1995 is made.
- (6) In the case of proceedings falling within sub-paragraph (4)(c)—
- (a) proceedings other than proceedings on appeal are to be taken to be instituted when the prosecuting authority prefers a charge in respect of the



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offence under section 83B(4) of the <sup>M67</sup>Army Act 1955, section 83B(4) of the <sup>M68</sup>Air Force Act 1955 or section 52I(4) of the <sup>M69</sup>Naval Discipline Act 1957; and

- (b) proceedings on appeal are to be taken to be instituted when the application for leave to appeal is lodged in accordance with section 9 of the <sup>M70</sup>Courts-Martial (Appeals) Act 1968 or (as the case may be) the reference under section 34 of that Act is made.

#### Marginal Citations

**M64** S.I. 1981/1675 (N.I. 26).

**M65** 1969 c. 15 (N.I.).

**M66** 1995 c. 35.

**M67** 1955 c. 18.

**M68** 1955 c. 19.

**M69** 1957 c. 53.

**M70** 1968 c. 20.

#### *Competence of witnesses and capacity to be sworn*

- 7 Nothing in Chapter V of Part II applies in relation to proceedings instituted before the commencement date for that Chapter.

VALID FROM 01/04/2003

#### *Inferences from silence*

- 8 The amendments made by section 58—
- (a) apply only to proceedings instituted on or after the commencement date for that section; but
- (b) so apply whether the relevant failure or refusal on the part of the accused took place before or after that date.

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**Changes to legislation:**

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