



# Youth Justice and Criminal Evidence Act 1999

## CHAPTER 23

### YOUTH JUSTICE AND CRIMINAL EVIDENCE ACT 1999

#### PART I

##### REFERRALS TO YOUTH OFFENDER PANELS

###### *Referral orders*

- 1 Referral of young offenders to youth offender panels.
- 2 The referral conditions.
- 3 Making of referral orders: general.
- 4 Making of referral orders: effect on court's other sentencing powers.
- 5 Making of referral orders: attendance of parents etc.

###### *Youth offender panels*

- 6 Establishment of panels.
- 7 Attendance at panel meetings.

###### *Youth offender contracts*

- 8 First meeting: agreement of contract with offender.
- 9 First meeting: duration of contract.
- 10 First meeting: failure to agree contract.
- 11 Progress meetings.
- 12 Final meeting.

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### *Further court proceedings*

- 13 Offender referred back to court or convicted while subject to referral order.

### *Supplementary*

- 14 Functions of youth offending teams.  
15 Interpretation of Part I.

## **PART II**

### GIVING OF EVIDENCE OR INFORMATION FOR PURPOSES OF CRIMINAL PROCEEDINGS

#### **CHAPTER I**

#### SPECIAL MEASURES DIRECTIONS IN CASE OF VULNERABLE AND INTIMIDATED WITNESSES

##### *Preliminary*

- 16 Witnesses eligible for assistance on grounds of age or incapacity.  
17 Witnesses eligible for assistance on grounds of fear or distress about testifying.  
18 Special measures available to eligible witnesses.

##### *Special measures directions*

- 19 Special measures direction relating to eligible witness.  
20 Further provisions about directions: general.  
21 Special provisions relating to child witnesses.  
22 Extension of provisions of section 21 to certain witnesses over 18.  
22A Special provisions relating to sexual offences

##### *Special measures*

- 23 Screening witness from accused.  
24 Evidence by live link.  
25 Evidence given in private.  
26 Removal of wigs and gowns.  
27 Video recorded evidence in chief.  
28 Video recorded cross-examination or re-examination.  
29 Examination of witness through intermediary.  
30 Aids to communication.

##### *Supplementary*

- 31 Status of evidence given under Chapter I.  
32 Warning to jury.  
33 Interpretation etc. of Chapter I.

#### **CHAPTER 1A**

#### USE OF LIVE LINK FOR EVIDENCE OF CERTAIN ACCUSED PERSONS

- 33A Live link directions  
33B Section 33A: meaning of “live link”  
33C Saving

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## CHAPTER II

### PROTECTION OF WITNESSES FROM CROSS-EXAMINATION BY ACCUSED IN PERSON

#### *General prohibitions*

- 34 Complainants in proceedings for sexual offences.
- 35 Child complainants and other child witnesses.

#### *Prohibition imposed by court*

- 36 Direction prohibiting accused from cross-examining particular witness.
- 37 Further provisions about directions under section 36.

#### *Cross-examination on behalf of accused*

- 38 Defence representation for purposes of cross-examination.
- 39 Warning to jury.
- 40 Funding of defence representation.

## CHAPTER III

### PROTECTION OF COMPLAINANTS IN PROCEEDINGS FOR SEXUAL OFFENCES

- 41 Restriction on evidence or questions about complainant's sexual history.
- 42 Interpretation and application of section 41.
- 43 Procedure on applications under section 41.

## CHAPTER IV

### REPORTING RESTRICTIONS

#### *Reports relating to persons under 18*

- 44 Restrictions on reporting alleged offences involving persons under 18.
- 45 Power to restrict reporting of criminal proceedings involving persons under 18.
- 45A Power to restrict reporting of criminal proceedings for lifetime of witnesses and victims under 18

#### *Reports relating to adult witnesses*

- 46 Power to restrict reports about certain adult witnesses in criminal proceedings.

#### *Reports relating to directions under Chapter 1, 1A or 2*

- 47 Restrictions on reporting directions under Chapter 1, 1A or 2.

#### *Other restrictions*

- 48 Amendments relating to other reporting restrictions.

#### *Offences*

- 49 Offences under Chapter IV.
- 50 Defences.

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- 51 Offences committed by bodies corporate or Scottish partnerships.

*Supplementary*

- 52 Decisions as to public interest for purposes of Chapter IV.

**CHAPTER V**

COMPETENCE OF WITNESSES AND CAPACITY TO BE SWORN

*Competence of witnesses*

- 53 Competence of witnesses to give evidence.  
54 Determining competence of witnesses.

*Giving of sworn or unsworn evidence*

- 55 Determining whether witness to be sworn.  
56 Reception of unsworn evidence.  
57 Penalty for giving false unsworn evidence.

**CHAPTER VI**

RESTRICTIONS ON USE OF EVIDENCE

*Additional restrictions*

- 58 Inferences from silence not permissible where no prior access to legal advice.  
59 Restriction on use of answers etc. obtained under compulsion.

*Removal of restriction*

- 60 Removal of restriction on use of evidence from computer records.

**CHAPTER VII**

GENERAL

- 61 Application of Part II to service courts.  
62 Meaning of “sexual offence” and other references to offences.  
63 General interpretation etc. of Part II.

**PART III**

FINAL PROVISIONS

- 64 Regulations and orders.  
65 General supplementary provisions.  
66 Corresponding provisions for Northern Ireland.  
67 Minor, consequential and pre-consolidation amendments, repeals and transitional provisions.  
68 Short title, commencement and extent.

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## SCHEDULES

### SCHEDULE 1 —

#### Part I — REFERRAL BACK TO APPROPRIATE COURT

##### *Introductory*

1

##### *Mode of referral back to court*

2

##### *Bringing the offender before the court*

3

##### *Detention and remand of arrested offender*

4

##### *Power of court where it upholds panel's decision*

5

##### *Appeal*

6

##### *Court not revoking referral order or orders*

7

##### *Exception where court satisfied as to completion of contract*

8

##### *Discharge of extension orders*

9

#### Part II — FURTHER CONVICTIONS DURING REFERRAL

##### *Extension of referral for further offences*

10

##### *Extension where further offences committed pre-referral*

11

##### *Extension where further offence committed after referral*

12

##### *Provisions supplementary to paragraphs 11 and 12*

13

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*Further convictions which lead to revocation of referral*

14

*Interpretation*

15

SCHEDULE 1A — Relevant offences for the purposes of section 17

*Murder and manslaughter*

- 1 Murder in a case where it is alleged that a...
- 2 Manslaughter in a case where it is alleged that a...
- 3 Murder or manslaughter in a case (other than a case...

*Offences against the Person Act 1861 (c. 100)*

- 4 An offence under section 18 of the Offences against the...
- 5 An offence under section 20 of that Act (malicious wounding)...
- 6 An offence under section 38 of that Act (assault with...
- 7 An offence under section 47 of the Offences against the...
- 8 An offence under section 18, 20, 38 or 47 of...

*Prevention of Crime Act 1953 (c. 14)*

- 9 An offence under section 1 of the Prevention of Crime...
- 9A An offence under section 1A of that Act (threatening with...

*Firearms Act 1968 (c. 27)*

- 10 An offence under section 1 of the Firearms Act 1968...
- 11 An offence under section 2(1) of that Act (possession etc...
- 12 An offence under section 3 of that Act (business and...
- 13 An offence under section 4 of that Act (conversion of...
- 14 An offence under section 5(1) of that Act (weapons subject...
- 15 An offence under section 5(1A) of that Act (ammunition subject...
- 16 An offence under section 16 of that Act (possession with...
- 17 An offence under section 16A of that Act (possession with...
- 18 An offence under section 17 of that Act (use of...
- 19 An offence under section 18 of that Act (carrying firearm...
- 20 An offence under section 19 of that Act (carrying firearm...
- 21 An offence under section 20 of that Act (trespassing with...
- 22 An offence under section 21 of that Act (possession of...
- 23 An offence under section 21A of that Act (firing an...
- 24 An offence under section 24A of that Act (supplying imitation...

*Criminal Justice Act 1988 (c. 33)*

- 25 An offence under section 139 of the Criminal Justice Act...
- 26 An offence under section 139A of that Act (having article...
- 26A An offence under section 139AA of that Act (threatening with...

*Violent Crime Reduction Act 2006 (c. 38)*

- 27 An offence under section 28 of the Violent Crime Reduction...
- 28 An offence under section 32 of that Act (sales of...

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29 An offence under section 36 of that Act (manufacture, import...

*General*

30 A reference in any of paragraphs 1 to 8 to...

31 A reference in any of paragraphs 9 to 29 to...

*Interpretation*

32 In this Schedule— “firearm” has the meaning given by section...

SCHEDULE 2 — Reporting restrictions: miscellaneous amendments

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

1 The Children and Young Persons Act 1933 has effect subject...

2 (1) In section 39 (power of court in any proceedings...

3 (1) Section 49 (restrictions on reports of proceedings in which...

*Sexual Offences (Amendment) Act 1976 (c.82)*

4 (1) The Sexual Offences (Amendment) Act 1976 has effect subject...

*Sexual Offences (Northern Ireland) Order 1978 (N.I.15)*

5 In the Sexual Offences (Northern Ireland) Order 1978, omit Articles...

*Sexual Offences (Amendment) Act 1992 (c.34)*

6 The Sexual Offences (Amendment) Act 1992 has effect subject to...

7 (1) Section 1 (anonymity of victims of certain sexual offences)...

8 (1) Section 2 (offences to which Act applies) is amended...

9 (1) Section 3 (power to displace reporting restrictions under section...

10 In section 4 (special rules for cases of incest or...

11 (1) Section 5 (offences) is amended as follows.

12 (1) Section 6 (interpretation) is amended as follows.

13 (1) Section 7 (application of Act to courts-martial) is amended...

14 For section 8(6) and (7) (application of Act to Scotland...

*Criminal Justice (Northern Ireland) Order 1994 (N.I.15)*

15 In the Criminal Justice (Northern Ireland) Order 1994, omit Articles...

SCHEDULE 2A — Restriction of reporting of criminal proceedings for lifetime of witnesses and victims under 18: providers of information society services

*Domestic service providers: extension of liability*

1 (1) This paragraph applies where a service provider is established...

*Non-UK service providers: restriction on institution of proceedings*

2 (1) This paragraph applies where a service provider is established...

*Exceptions for mere conduits*

3 (1) A service provider is not capable of being guilty...

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*Exception for caching*

- 4 (1) This paragraph applies where an information society service consists...

*Exception for hosting*

- 5 (1) A service provider is not capable of being guilty...

*Interpretation*

- 6 (1) This paragraph applies for the purposes of this Schedule....

SCHEDULE 3 — 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.  
 2 In section 43A (general investigations into insurance companies), after subsection...  
 3 In section 44 (obtaining information and documents from companies), after...

*Companies Act 1985 (c.6)*

- 4 .....  
 5 .....  
 6 .....

*Insolvency Act 1986 (c.45)*

- 7 (1) Section 433 of the Insolvency Act 1986 (admissibility in...

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

- 8 (1) Section 20 of the Company Directors Disqualification Act 1986...

*Building Societies Act 1986 (c.53)*

- 9 In section 57 of the Building Societies Act 1986 (use...

*Financial Services Act 1986 (c.60)*

- 10 The Financial Services Act 1986 is amended as follows.  
 11 In section 105 (powers of Secretary of State to investigate...  
 12 In section 177 (investigations into insider dealing), after subsection (6)...

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

- 13 .....  
 14 .....  
 15 .....

*Banking Act 1987 (c.22)*

- 16 The Banking Act 1987 is amended as follows.  
 17 In section 39 (power of Financial Services Authority to obtain...



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18 In section 41 (investigations into authorised institutions by Financial Services...

19 In section 42 (investigations by Financial Services Authority into suspected...

*Criminal Justice Act 1987 (c.38)*

20 After subsection (8) of section 2 of the Criminal Justice...

*Companies Act 1989 (c.40)*

21 In section 83 (powers exercisable for purposes of assisting an...

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

22 .....

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

23 (1) Article 375 of the Insolvency (Northern Ireland) Order 1989...

*Friendly Societies Act 1992 (c.40)*

24 In section 67 of the Friendly Societies Act 1992 (supplementary...

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

25 After subsection (5) of section 28 of the Criminal Law...

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

26

SCHEDULE 4 — Minor and consequential amendments

*Criminal Evidence Act 1898 (c.36)*

1 (1) Section 1 of the Criminal Evidence Act 1898 (competence...

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

2 (1) The Children and Young Persons Act 1933 has effect...

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

3 In section 57(3) of the Children and Young Persons Act...

*Criminal Appeal Act 1968 (c.19)*

4 (1) The Criminal Appeal Act 1968 has effect subject to...

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

5 .....

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

6 (1) Section 5 of the Rehabilitation of Offenders Act 1974...

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*Magistrates' Courts Act 1980 (c.43)*

- 7 The Magistrates' Courts Act 1980 has effect subject to the...
- 8 In section 125(4)(c) (warrants which constable may execute when not...
- 9 In section 126 (execution of warrants in Channel Islands and...

*Criminal Justice Act 1982 (c.48)*

- 10 In section 72(1) of the Criminal Justice Act 1982 (accused...

*Mental Health Act 1983 (c.20)*

- 11 In section 37(8) of the Mental Health Act 1983 (combining...

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

- 12 The Police and Criminal Evidence Act 1984 has effect subject...
- 13 (1) Section 80 (competence and compellability of accused's spouse) is...
- 14 After section 80 insert— Rule where accused's spouse not  
compellable....

*Criminal Justice Act 1988 (c.33)*

- 15 The Criminal Justice Act 1988 has effect subject to the...
- 16 In subsection (1) of each of sections 23 and 24...
- 17 In section 34(3) (unsworn evidence may corroborate other evidence),  
for...

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

- 18 In Article 3(1) of the Companies (Northern Ireland) Order 1989...

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

- 19 In Article 2(2) of the Insolvency (Northern Ireland) Order 1989...

*Criminal Justice Act 1991 (c.53)*

- 20 .....

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

- 21 The Criminal Justice and Public Order Act 1994 has effect...
- 22 (1) Section 51 (intimidation etc. of witnesses, jurors and others)...
- 23 In section 136 (cross-border execution of arrest warrants), after  
subsection...
- 24 In Schedule 11 (repeals), the entry relating to section 57(4)...

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

- 25 The Crime and Disorder Act 1998 has effect subject to...
- 26 .....
- 27 .....
- 28 In section 38(4) (definition of "youth justice services"), after  
paragraph...
- 29 .....
- 30 .....

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SCHEDULE 5 —

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

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

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SCHEDULE 6 — Repeals

SCHEDULE 7 — Transitional provisions and savings

*Interpretation*

1 (1) In this Schedule— “the 1988 Act” means the Criminal...

*Referral orders under Part I*

2 .....

*Special measures under Chapter I of Part II*

3 (1) A special measures direction may be given in relation...

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

4 Nothing in Chapter II of Part II applies in relation...

*Protection of complainants in proceedings for sexual offences*

5 (1) Nothing in Chapter III of Part II applies in...

*Reporting restrictions*

6 (1) Section 44 applies in relation to an alleged offence...

*Competence of witnesses and capacity to be sworn*

7 Nothing in Chapter V of Part II applies in relation...

*Inferences from silence*

8 The amendments made by section 58— (a) apply only to...

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