Status: Point in time view as at 25/08/2000. This version of this schedule contains provisions that are not valid for this point in time. Changes to legislation: Youth Justice and Criminal Evidence Act 1999, SCHEDULE 4 is up to date with all changes known to be in force on or before 04 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

SCHEDULE 4 E+W

Section 67.

MINOR AND CONSEQUENTIAL AMENDMENTS

VALID FROM 24/07/2002 Criminal Evidence Act 1898 (c.36) (1) Section 1 of the Criminal Evidence Act 1898 (competence of accused as witness 1 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 for "so charged" substitute " charged in criminal proceedings "; and (a) for "in pursuance of this Act" substitute " in the proceedings ". (b) (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 for "the offence charged" substitute " any offence with which he is charged (b) in the proceedings ". (5) In paragraph (f) of the proviso for "and called as a witness in pursuance of this Act" substitute "in criminal (a) proceedings who is called as a witness in the proceedings "; (b) for "that wherewith" substitute " one with which "; and in sub-paragraph (i), for "the offence wherewith" substitute " an offence (c) with which ". (6) In paragraph (g) of the proviso, for "called as a witness in pursuance of this Act" substitute " charged 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** I1 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)

2

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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.
 - (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 ^{M1}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 M1 1933 c. 12.

PROSPECTIVE

Criminal Appeal Act 1968 (c.19)

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

(3) In section 31(1)(b) (power to give directions exercisable by single judge), for "section 4(4) of the ^{M2}Sexual Offences (Amendment) Act 1976" substitute " section 3(4) of the ^{M3}Sexual Offences (Amendment) Act 1992 ".

Textual Amendments

F1 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

M2 1976 c. 82.

M3 1992 c. 34.

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Children and Young Persons Act 1969 (c.54)

^{F2}5

F2 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)

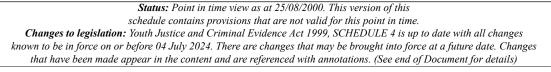
- 6 (1) Section 5 of the Rehabilitation of Offenders Act 1974 is amended as follows.
 - (2) In Table A in subsection (2), in the entry relating to fines or other sentences subject to rehabilitation under that Act, for ", (4A) to (8)" substitute " to (8) ".
 - (3) After subsection (4A) insert—

8

- "(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.
 - In section 125(4)(c) (warrants which constable may execute when not in his possession), after sub-paragraph (iv) insert "and



- (v) paragraph 3(2) of Schedule 1 to the Youth Justice and Criminal Evidence Act 1999 (offender referred to court by youth offender panel)."
- 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)."

VALID FROM 24/07/2002

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 ^{M4}Children and Young Persons Act 1969 or section 58 of the ^{M5}Criminal Justice Act 1991,

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

Marginal Citations

M4 1969 c. 54.

M5 1991 c. 53.

VALID FROM 24/07/2002

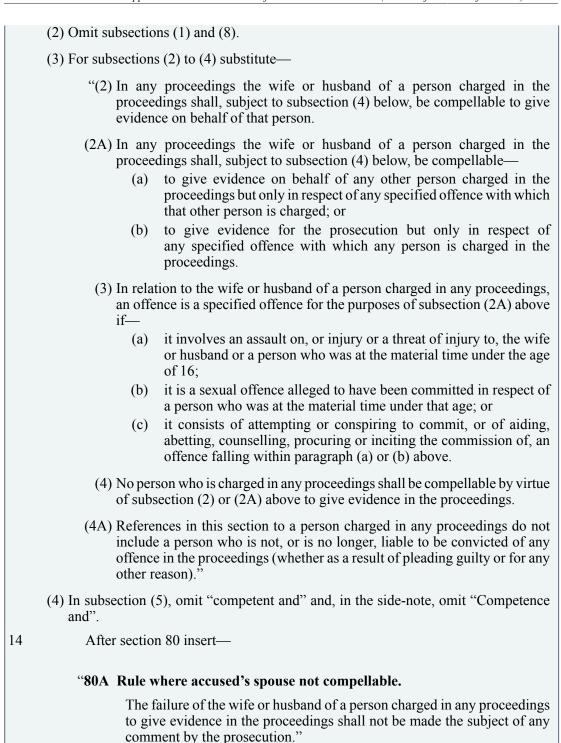
Police and Criminal Evidence Act 1984 (c.33)

- 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.

9

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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 ".

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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)

^{F3F4}18

Textual Amendments

- **F3** 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)
- F4 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 ^{M6}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 M6 S.I. 1989/2405.

Criminal Justice Act 1991 (c.53)

^{F5}20

Textual Amendments

F5 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)

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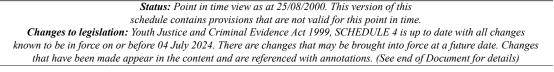
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Criminal Justice and Public Order Act 1994 (c.33)

PROSPECTIVE	
The Criminal Justice and Public Order Act 1994 has effect subject to the following amendments.	21
(1) Section 51 (intimidation etc. of witnesses, jurors and others) is amended as follows.	22
(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"), (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 ^{M7}Children and Young Persons Act 1969 shall be treated as, and as always having been, an entry relating to section 57(4) of the ^{M8}Children and Young Persons Act 1963.

Marginal Citations M7 1969 c. 54. M8 1963 c. 37.

Crime and Disorder Act 1998 (c.37)

Textual Amendments		
^{F6} 29		
	"(k) the implementation of referral orders within the meaning of Part I of 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—	
	"(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."	
27	In section 9, after subsection (1) (duty to make parenting order where person under 16 convicted of offence) insert—	
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".	
25	The Crime and Disorder Act 1998 has effect subject to the following amendments.	

F6 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)

^{F7}30

Textual Amendments

F7 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)

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