

Status: Point in time view as at 01/10/2009.

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 09 June 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

^{F1}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F1 Sch. 1 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt.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)

SCHEDULE 2

Section 48.

REPORTING RESTRICTIONS: MISCELLANEOUS AMENDMENTS

VALID FROM 13/04/2015

Children and Young Persons Act 1933 (c.12)

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

PROSPECTIVE

2 (1) In section 39 (power of court in any proceedings to restrict reporting about children and young persons concerned in the proceedings), after subsection (2) insert—

“(3) In this section “proceedings” means proceedings other than criminal proceedings.”

(2) Sub-paragraph (1) shall not affect the continued operation of section 39 in relation to any criminal proceedings instituted (within the meaning given by paragraph 1(2) of Schedule 7 to this Act) before the day on which sub-paragraph (1) comes into force.

3 (1) Section 49 (restrictions on reports of proceedings in which children or young persons concerned) is amended as follows.

(2) For subsection (1) substitute—

“(1) No matter relating to any child or young person concerned in proceedings to which this section applies shall while he is under the age of 18 be included in any publication if it is likely to lead members of the public to identify him as someone concerned in the proceedings.”

(3) For subsection (3) substitute—

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“(3) In this section “publication” includes any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public (and for this purpose every relevant programme shall be taken to be so addressed), but does not include an indictment or other document prepared for use in particular legal proceedings.

(3A) The matters relating to a person in relation to which the restrictions imposed by subsection (1) above apply (if their inclusion in any publication is likely to have the result mentioned in that subsection) include in particular—

- (a) his name,
- (b) his address,
- (c) the identity of any school or other educational establishment attended by him,
- (d) the identity of any place of work, and
- (e) any still or moving picture of him.”

(4) In subsection (4), for the words from “whether as being” onwards substitute “if he is—

- (a) a person against or in respect of whom the proceedings are taken, or
- (b) a person called, or proposed to be called, to give evidence in the proceedings.”

(5) In subsection (4A), for “requirements of this section” substitute “ restrictions imposed by subsection (1) above ”.

(6) In subsection (8), after “subsection” insert “ (4A) or ”.

(7) For subsection (9) substitute—

“(9) If a publication includes any matter in contravention of subsection (1) above, the following persons shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale—

- (a) where the publication is a newspaper or periodical, any proprietor, any editor and any publisher of the newspaper or periodical;
- (b) where the publication is a relevant programme—
 - (i) any body corporate or Scottish partnership engaged in providing the programme service in which the programme is included; and
 - (ii) any person having functions in relation to the programme corresponding to those of an editor of a newspaper;
- (c) in the case of any other publication, any person publishing it.

(9A) Where a person is charged with an offence under subsection (9) above it shall be a defence to prove that at the time of the alleged offence he was not aware, and neither suspected nor had reason to suspect, that the publication included the matter in question.

(9B) If an offence under subsection (9) above committed by a body corporate is proved—

- (a) to have been committed with the consent or connivance of, or
- (b) to be attributable to any neglect on the part of,

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an officer, the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

(9C) In subsection (9B) above “officer” means a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.

(9D) If the affairs of a body corporate are managed by its members, “director” in subsection (9C) above means a member of that body.

(9E) Where an offence under subsection (9) above is committed by a Scottish partnership and is proved to have been committed with the consent or connivance of a partner, he as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.”

(8) In subsection (11), for the definition of “programme” and “programme service” substitute—

““picture” includes a likeness however produced;

“relevant programme” means a programme included in a programme service, within the meaning of the ^{M6}Broadcasting Act 1990;”.

(9) After subsection (11) insert—

“(12) This section extends to England and Wales, Scotland and Northern Ireland, but no reference in this section to any court includes a court in Scotland.

(13) In its application to Northern Ireland, this section has effect as if—

(a) in subsection (1) for the reference to the age of 18 there were substituted a reference to the age of 17;

(b) subsection (2)(c) and (d) were omitted;

(c) in subsection (4A)—

(i) in paragraph (d) for the reference to [^{F4}section 62(3) of the Powers of Criminal Courts (Sentencing) Act 2000] there were substituted a reference to Article 50(3) of the ^{M7}Criminal Justice (Children) (Northern Ireland) Order 1998; and

(ii) in paragraph (e) for the references to a detention and training order and to [^{F5}section 103(6)(b) of the Powers of Criminal Courts (Sentencing) Act 2000] there were substituted references to a juvenile justice centre order and to Article 40(2) of the ^{M8}Criminal Justice (Children) (Northern Ireland) Order 1998;

(d) in subsection (5) for references to a court (other than the reference in paragraph (b)) there were substituted references to a court or the Secretary of State;

(e) in subsection (7)—

(i) for the references to the Director of Public Prosecutions there were substituted references to the Director of Public Prosecutions for Northern Ireland; and

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- (ii) in paragraph (b) for the reference to any legal representative of the child or young person there were substituted a reference to any barrister or solicitor acting for the child or young person;
- (f) subsections (8) and (10) were omitted; and
- (g) in subsection (11)—
 - (i) the definition of “legal representative” were omitted; and
 - (ii) for the references to [^{F6}the Powers of Criminal Courts (Sentencing) Act 2000] there were substituted references to Article 2(2) of the ^{M9}Criminal Justice (Northern Ireland) Order 1996.

(14) References in this section to a young person concerned in proceedings are, where the proceedings are in a court in Northern Ireland, to a person who has attained the age of 14 but is under the age of 17.”

- (10) The amendments made by this paragraph 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 this paragraph.

Textual Amendments

- F4** Words in Sch. 2 para. 3(9) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 205(a)** (with Sch. 11 paras. 1, 2)
- F5** Words in Sch. 2 para. 3(9) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 205(b)** (with Sch. 11 paras. 1, 2)
- F6** Words in Sch. 2 para. 3(9) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 205(c)** (with Sch. 11 paras. 1, 2)

Marginal Citations

- M6** 1990 c. 42.
- M7** S.I. 1998/1504 (N.I. 9).
- M8** 1998 c. 37.
- M9** S.I. 1996/3160 (N.I. 24).

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

- 4 (1) The Sexual Offences (Amendment) Act 1976 has effect subject to the following amendments.
- (2) Omit sections 4 and 5 (which provide for the anonymity of complainants in rape etc. cases and are superseded by the amendments made by this Schedule to the ^{M10}Sexual Offences (Amendment) Act 1992).
- (3) In section 7(6) (extent), for the words after “Scotland” substitute “ or Northern Ireland. ”

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Commencement Information

- I1** Sch. 2 para. 4 in force at 7.10.2004 for E.W. by [S.I. 2004/2428](#), **art. 2(e)**
I2 Sch. 2 para. 4 in force at 8.11.2004 for N.I. by [S.R. 2004/467](#), **art. 2(c)**

Marginal Citations

- M10** [1992 c. 34.](#)

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

- 5 In the ^{M11}Sexual Offences (Northern Ireland) Order 1978, omit Articles 6 and 7 (which provide for the anonymity of complainants in rape offence cases and are superseded by the amendments made by this Schedule to the Sexual Offences (Amendment) Act 1992).

Commencement Information

- I3** Sch. 2 para. 5 in force at 8.11.2004 for N.I. by [S.R. 2004/467](#), **art. 2(c)**

Marginal Citations

- M11** [S.I. 1978/460.](#)

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

- 6 The Sexual Offences (Amendment) Act 1992 has effect subject to the following amendments.

Commencement Information

- I4** Sch. 2 para. 6 in force at 7.10.2004 for specified purposes for S. by [S.S.I. 2004/408](#), **art. 3(c)**
I5 Sch. 2 para. 6 in force at 7.10.2004 for E.W. by [S.I. 2004/2428](#), **art. 2(e)**
I6 Sch. 2 para. 6 in force at 8.11.2004 for N.I. by [S.R. 2004/467](#), **art. 2(c)**

- 7 (1) Section 1 (anonymity of victims of certain sexual offences) is amended as follows.
- (2) In subsection (1), for the words from “neither the name” to the end of paragraph (b) substitute “ no matter relating to that person shall during that person’s lifetime be included in any publication ”.
- (3) In subsection (2), for the words after “complainant’s lifetime” substitute “be included in any publication. ”
- (4) For subsection (3) substitute—
- “(3) This section—
- (a) does not apply in relation to a person by virtue of subsection (1) at any time after a person has been accused of the offence, and
- (b) in its application in relation to a person by virtue of subsection (2), has effect subject to any direction given under section 3.

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- (3A) The matters relating to a person in relation to which the restrictions imposed by subsection (1) or (2) apply (if their inclusion in any publication is likely to have the result mentioned in that subsection) include in particular—
- (a) the person’s name,
 - (b) the person’s address,
 - (c) the identity of any school or other educational establishment attended by the person,
 - (d) the identity of any place of work, and
 - (e) any still or moving picture of the person.”

- (5) In subsection (4), for “publication or inclusion in a relevant programme” substitute “inclusion in a publication”.

Commencement Information

- I7** Sch. 2 para. 7 in force at 7.10.2004 for E.W. by [S.I. 2004/2428](#), **art. 2(e)**
I8 Sch. 2 para. 7 in force at 7.10.2004 for specified purposes for S. by [S.S.I. 2004/408](#), **art. 3(c)**
I9 Sch. 2 para. 7 in force at 8.11.2004 for N.I. by [S.R. 2004/467](#), **art. 2(e)**

- 8 (1) Section 2 (offences to which Act applies) is amended as follows.
- (2) In subsection (1), after “This Act applies to the following offences” insert “against the law of England and Wales—
- (aa) rape;
 - (ab) burglary with intent to rape;”.
- (3) In subsection (1)(e), for “(a)” substitute “(aa)”.
- (4) In subsection (1), after paragraph (g) insert—
- “(h) aiding, abetting, counselling or procuring the commission of any of the offences mentioned in paragraphs (aa) to (e) and (g);”.
- (5) In subsection (2), after paragraph (m) insert—
- “(n) section 17 (abduction of woman by force).”
- (6) After subsection (2) insert—
- “(3) This Act applies to the following offences against the law of Northern Ireland—
- (a) rape;
 - (b) burglary with intent to rape;
 - (c) any offence under any of the following provisions of the ^{M12}Offences against the Person Act 1861—
 - (i) section 52 (indecent assault on a female);
 - (ii) section 53 so far as it relates to abduction of a woman against her will;
 - (iii) section 61 (buggery);
 - (iv) section 62 (attempt to commit buggery, assault with intent to commit buggery or indecent assault on a male);
 - (d) any offence under any of the following provisions of the ^{M13}Criminal Law Amendment Act 1885—

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- (i) section 3 (procuring unlawful carnal knowledge of woman by threats, false pretences or administering drugs);
- (ii) section 4 (unlawful carnal knowledge, or attempted unlawful carnal knowledge, of a girl under 14);
- (iii) section 5 (unlawful carnal knowledge of a girl under 17);
- (e) any offence under any of the following provisions of the ^{M14}Punishment of Incest Act 1908—
 - (i) section 1 (incest, attempted incest by males);
 - (ii) section 2 (incest by females over 16);
- (f) any offence under section 22 of the ^{M15}Children and Young Persons Act (Northern Ireland) 1968 (indecent conduct towards child);
- (g) any offence under Article 9 of the ^{M16}Criminal Justice (Northern Ireland) Order 1980 (inciting girl under 16 to have incestuous sexual intercourse);
- (h) any offence under any of the following provisions of the ^{M17}Mental Health (Northern Ireland) Order 1986—
 - (i) Article 122(1)(a) (unlawful sexual intercourse with a woman suffering from severe mental handicap);
 - (ii) Article 122(1)(b) (procuring a woman suffering from severe mental handicap to have unlawful sexual intercourse);
 - (iii) Article 123 (unlawful sexual intercourse by hospital staff, etc. with a person receiving treatment for mental disorder);
- (i) any attempt to commit any of the offences mentioned in paragraphs (a) to (h);
- (j) any conspiracy to commit any of those offences;
- (k) any incitement of another to commit any of those offences;
- (l) aiding, abetting, counselling or procuring the commission of any of the offences mentioned in paragraphs (a) to (i) and (k).”

Commencement Information

- I10** Sch. 2 para. 8 in force at 7.10.2004 for specified purposes for S. by [S.S.I. 2004/408](#), [art. 3\(c\)](#)
- I11** Sch. 2 para. 8 in force at 7.10.2004 for E.W. by [S.I. 2004/2428](#), [art. 2\(e\)](#)
- I12** Sch. 2 para. 8 in force at 8.11.2004 for N.I. by [S.R. 2004/467](#), [art. 2\(c\)](#)

Marginal Citations

- M12** 1861 c. 100.
- M13** 1885 c. 69.
- M14** 1908 c. 45.
- M15** 1968 c. 34(N.I.)
- M16** S.I. 1980/704 (N.I. 6).
- M17** S.I. 1986/595 (N.I. 4).

- 9 (1) Section 3 (power to displace reporting restrictions under section 1) is amended as follows.
- (2) In subsection (6)(b) (meaning of “judge”), after “Crown Court” insert “ in England and Wales. ”
- (3) After subsection (6) insert—

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- “(6A) In its application to Northern Ireland, this section has effect as if—
- (a) in subsections (1) and (2) for any reference to the judge there were substituted a reference to the court; and
 - (b) subsection (6) were omitted.”

Commencement Information

- I13** Sch. 2 para. 9 in force at 7.10.2004 for specified purposes for S. by [S.S.I. 2004/408, art. 3\(c\)](#)
I14 Sch. 2 para. 9 in force at 7.10.2004 for E.W. by [S.I. 2004/2428, art. 2\(e\)](#)
I15 Sch. 2 para. 9 in force at 8.11.2004 for N.I. by [S.R. 2004/467, art. 2\(c\)](#)

- 10 In section 4 (special rules for cases of incest or buggery), after subsection (7) insert—

- “(8) In its application to Northern Ireland, this section has effect as if—
- (a) subsection (1) were omitted;
 - (b) for references to a section 10 offence there were substituted references to an offence under section 1 of the ^{M18}Punishment of Incest Act 1908 (incest by a man) or an attempt to commit that offence;
 - (c) for references to a section 11 offence there were substituted references to an offence under section 2 of that Act (incest by a woman) or an attempt to commit that offence; and
 - (d) for references to a section 12 offence there were substituted references to an offence under section 61 of the ^{M19}Offences against the Person Act 1861 (buggery) or an attempt to commit that offence.”

Commencement Information

- I16** Sch. 2 para. 10 in force at 7.10.2004 for specified purposes for S. by [S.S.I. 2004/408, art. 3\(c\)](#)
I17 Sch. 2 para. 10 in force at 7.10.2004 for E.W. by [S.I. 2004/2428, art. 2\(e\)](#)
I18 Sch. 2 para. 10 in force at 8.11.2004 for N.I. by [S.R. 2004/467, art. 2\(c\)](#)

Marginal Citations

- M18** 1908 c. 45.
M19 1861 c. 100.

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

- (2) For subsection (1) substitute—

- “(1) If any matter is included in a publication in contravention of section 1, the following persons shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale—
- (a) where the publication is a newspaper or periodical, any proprietor, any editor and any publisher of the newspaper or periodical;
 - (b) where the publication is a relevant programme—
 - (i) any body corporate or Scottish partnership engaged in providing the programme service in which the programme is included; and

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- (ii) any person having functions in relation to the programme corresponding to those of an editor of a newspaper;
- (c) in the case of any other publication, any person publishing it.”
- (3) In subsection (2) (defence where victim consented to publication)—
- (a) for “publication of any matter or the inclusion of any matter in a relevant programme” substitute “inclusion of any matter in a publication”, and
- (b) omit “or programme”.
- (4) In subsection (3) (cases where written consent not a defence), at the end insert “, or that person was under the age of 16 at the time when it was given.”
- (5) In subsection (4) (Attorney General’s consent to prosecution), at the end insert “if the offence is alleged to have been committed in England and Wales or of the Attorney General for Northern Ireland if the offence is alleged to have been committed in Northern Ireland.”
- (6) In subsection (5) (defence for person unaware of inclusion of prohibited matter), for the words from “or programme” onwards substitute “included the matter in question.”
- (7) After subsection (5) insert—
- “(5A) Where—
- (a) a person is charged with an offence under this section, and
- (b) the offence relates to the inclusion of any matter in a publication in contravention of section 1(1),
- it shall be a defence to prove that at the time of the alleged offence he was not aware, and neither suspected nor had reason to suspect, that the allegation in question had been made.”
- (8) After subsection (7) insert—
- “(8) Where an offence under this section is committed by a Scottish partnership and is proved to have been committed with the consent or connivance of a partner, he as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.”

Commencement Information

I19 Sch. 2 para. 11 in force at 7.10.2004 for E.W. by S.I. 2004/2428, art. 2(e)

I20 Sch. 2 para. 11 in force at 7.10.2004 for specified purposes for S. by S.S.I. 2004/408, art. 3(c)

I21 Sch. 2 para. 11 in force at 8.11.2004 for N.I. by S.R. 2004/467, art. 2(c)

- 12 (1) Section 6 (interpretation) is amended as follows.
- (2) In subsection (1), omit the definition of “written publication” (and the word “and” preceding it) and after the definition of “picture” insert—
- ““publication” includes any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public (and for this purpose every relevant programme shall be taken to be so addressed), but does not include an indictment or other document prepared for use in particular legal proceedings;”.

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- (3) In subsection (2A) (victims of conspiracy etc.), for the words from “accusation that” to “committed, the” substitute “accusation—
- (a) that an offence of conspiracy or incitement of another to commit an offence mentioned in section 2(1)(aa) to (d) or (3)(a) to (h) has been committed, or
 - (b) that an offence of aiding, abetting, counselling or procuring the commission of an offence of incitement of another to commit an offence mentioned in section 2(1)(aa) to (d) or (3)(a) to (h) has been committed,
- the ”.
- (4) In subsection (3) (time when person is accused of an offence), in paragraph (a) after “is laid” insert “, or (in Northern Ireland) a complaint is made, ”.

Commencement Information

- I22** Sch. 2 para. 12 in force at 7.10.2004 for E.W. by [S.I. 2004/2428](#), [art. 2\(e\)](#)
I23 Sch. 2 para. 12 in force at 7.10.2004 for specified purposes for S. by [S.S.I. 2004/408](#), [art. 3\(c\)](#)
I24 Sch. 2 para. 12 in force at 8.11.2004 for N.I. by [S.R. 2004/467](#), [art. 2\(c\)](#)

- 13 (1) Section 7 (application of Act to courts-martial) is amended as follows.
- (2) In subsection (1) (Act to apply with modifications where in pursuance of armed forces law a person is charged with an offence to which the Act applies), after “applies” insert “ by virtue of section 2(1) ”.
- (3) In subsection (2) (modifications with which Act applies to courts-martial)—
- (a) omit paragraph (b);
 - (b) for paragraph (c) substitute—
 - “(c) in section 3(1) any reference to a judge, in relation to the person charged with the offence, shall be read as a reference to the judge advocate appointed to conduct proceedings under section 3(1) relating to the offence (whether or not also appointed to conduct other preliminary proceedings relating to the offence);”;
 - (c) in paragraph (d), for “court” substitute “ judge advocate appointed to be a member of the court-martial ”; and
 - (d) omit paragraph (e) except for the word “and” at the end.

Commencement Information

- I25** Sch. 2 para. 13 in force at 7.10.2004 for specified purposes for S. by [S.S.I. 2004/408](#), [art. 3\(c\)](#)
I26 Sch. 2 para. 13 in force at 7.10.2004 for E.W. by [S.I. 2004/2428](#), [art. 2\(e\)](#)
I27 Sch. 2 para. 13 in force at 8.11.2004 for N.I. by [S.R. 2004/467](#), [art. 2\(c\)](#)

- 14 For section 8(6) and (7) (application of Act to Scotland and to Northern Ireland) substitute—
- “(6) This Act extends to England and Wales, Scotland and Northern Ireland.

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- (7) This Act, so far as it relates to proceedings before a court-martial or the Courts-Martial Appeal Court, applies to such proceedings wherever they may take place (whether in the United Kingdom or elsewhere).”

Commencement Information

- I28** Sch. 2 para. 14 in force at 7.10.2004 for S. by [S.S.I. 2004/408](#), **art. 3(d)**
I29 Sch. 2 para. 14 in force at 7.10.2004 for E.W. by [S.I. 2004/2428](#), **art. 2(e)**
I30 Sch. 2 para. 14 in force at 8.11.2004 for N.I. by [S.R. 2004/467](#), **art. 2(c)**

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

- 15 In the ^{M20}Criminal Justice (Northern Ireland) Order 1994, omit Articles 19 to 24 (which provide for the anonymity of victims of certain sexual offences and are superseded by the amendments made by this Schedule to the ^{M21}Sexual Offences (Amendment) Act 1992).

Commencement Information

- I31** Sch. 2 para. 15 in force at 8.11.2004 for N.I. by [S.R. 2004/467](#), **art. 2(c)**

Marginal Citations

- M20** [S.I. 1994/2795](#).
M21 1992 c. 34.

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

- I32** 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,

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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.

- (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 ^{M22}Perjury Act 1911 (false statements made otherwise than on oath);
 - (c) an offence under section 44(2) of the ^{M23}Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made otherwise than on oath); or
 - (d) an offence under Article 10 of the ^{M24}Perjury (Northern Ireland) Order 1979 (false statements made otherwise than on oath).”

Commencement Information

I33 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 ^{M25}Perjury Act 1911 (false statements made otherwise than on oath);
 - (c) an offence under section 44(2) of the ^{M26}Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made otherwise than on oath); or
 - (d) an offence under Article 10 of the ^{M27}Perjury (Northern Ireland) Order 1979 (false statements made otherwise than on oath).”

Status: Point in time view as at 01/10/2009.

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 09 June 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)

Commencement Information

I34 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

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

Companies Act 1985 (c.6)

^{F7}4

Textual Amendments

F7 Sch. 3 para. 4 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)

^{F8}5

Textual Amendments

F8 Sch. 3 para. 5 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)

^{F9}6

Textual Amendments

F9 Sch. 3 para. 6 repealed (6.4.2005) by [Companies \(Audit, Investigations and Community Enterprise\) Act 2004](#) (c. 27), s. 65(1), **Sch. 8**; S.I. 2004/3322, art. 2(2), Sch. 2

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.

Status: Point in time view as at 01/10/2009.

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 09 June 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)

- (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;
 - (d) an offence under section 1, 2 or 5 of the ^{M28}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

I35 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 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—

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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 09 June 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)

- (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 ^{M29}Perjury Act 1911 (false statements made otherwise than on oath); or
 - (d) an offence under section 44(2) of the ^{M30}Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made otherwise than on oath).
- (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

I36 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.

M30 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

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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 09 June 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 Article 7 or 10 of the ^{M31}Perjury (Northern Ireland) Order 1979 (false statements made on oath otherwise than in judicial proceedings or made otherwise than on oath).”

Commencement Information

I37 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

M31 [S.I. 1979/1714 \(N.I. 19\)](#).

Financial Services Act 1986 (c.60)

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

Commencement Information

I38 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 ^{M32}Perjury Act 1911 (false statements made otherwise than on oath);
- (c) an offence under section 44(2) of the ^{M33}Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made otherwise than on oath); or
- (d) an offence under Article 10 of the ^{M34}Perjury (Northern Ireland) Order 1979 (false statements made otherwise than on oath).”

Commencement Information

I39 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](#)

Status: Point in time view as at 01/10/2009.

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 09 June 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

- M32 1911 c. 6.
- M33 1995 c. 39.
- M34 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—

- (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

- I40 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)

F10 13

Textual Amendments

- F10 Sch. 3 paras. 13-15 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)

F10 14

Textual Amendments

- F10 Sch. 3 paras. 13-15 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)

Status: Point in time view as at 01/10/2009.

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 09 June 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)

F10 15

Textual Amendments

F10 Sch. 3 paras. 13-15 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)

Banking Act 1987 (c.22)

16 The Banking Act 1987 is amended as follows.

Commencement Information

I41 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 ^{M35}Perjury Act 1911 (false statements made otherwise than on oath);
- (c) an offence under section 44(2) of ^{M36}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

I42 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

M35 1911 c. 6.

M36 1995 c. 39.

Status: Point in time view as at 01/10/2009.

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 09 June 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)

- 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 ^{M37}Perjury Act 1911 (false statements made otherwise than on oath);
 - (c) an offence under section 44(2) of the ^{M38}Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made otherwise than on oath); or
 - (d) an offence under Article 10 of the ^{M39}Perjury (Northern Ireland) Order 1979 (false statements made otherwise than on oath).”

Commencement Information

I43 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

M37 1911 c. 6.

M38 1995 c. 39.

M39 [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;
 - (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

Status: Point in time view as at 01/10/2009.

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 09 June 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)

- (d) an offence under Article 10 of the Perjury (Northern Ireland) Order 1979 (false statements made otherwise than on oath).”

Commencement Information

I44 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

I45 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 ^{M40}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 ^{M41}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 ^{M42}Perjury (Northern Ireland) Order 1979 (false statements made on oath otherwise than in judicial proceedings or made otherwise than on oath).”

Status: Point in time view as at 01/10/2009.

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 09 June 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)

Commencement Information

I46 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 \(N.I. 19\)](#).

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

F11²²

Textual Amendments

F11 Sch. 3 para. 22 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**)

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

23 (1) Article 375 of the ^{M43}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

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- (d) an offence under Article 3, 7 or 10 of the ^{M44}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

M43 [S.I. 1989/2405](#).

M44 [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—

“(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 ^{M45}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 ^{M46}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

I47 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

M45 [1911 c. 6](#).

M46 [1995 c. 39](#).

Status: Point in time view as at 01/10/2009.

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 09 June 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)

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^{M47}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”.

Marginal Citations
M47 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 ”.
- ^{F12}(5)
- (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 ”.

Status: Point in time view as at 01/10/2009.

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(7) Paragraphs (a), (e), (f) and (g) of the proviso shall be respectively numbered as subsections (1), (2), (3) and (4) of the section.

Textual Amendments

F12 Sch. 4 para. 1(5) repealed (15.12.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 5](#); [S.I. 2004/3033](#), art. 3(1)(2)(e)(i)

Commencement Information

I48 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.
- (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 ^{M48}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

M48 [1933 c. 12](#).

PROSPECTIVE

Criminal Appeal Act 1968 (c.19)

- 4 (1) The Criminal Appeal Act 1968 has effect subject to the following amendments.
- ^{F13}(2)

Status: Point in time view as at 01/10/2009.

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 09 June 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)

- (3) In section 31(1)(b) (power to give directions exercisable by single judge), for “section 4(4) of the ^{M49}Sexual Offences (Amendment) Act 1976” substitute “section 3(4) of the ^{M50}Sexual Offences (Amendment) Act 1992”.

Textual Amendments

F13 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

M49 1976 c. 82.

M50 1992 c. 34.

Children and Young Persons Act 1969 (c.54)

^{F145}

Textual Amendments

F14 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

Status: Point in time view as at 01/10/2009.

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 09 June 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)

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 F15

Textual Amendments
 F15 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

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 ^{M51}Children and Young Persons Act 1969 or section 58 of the ^{M52}Criminal Justice Act 1991,

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

Marginal Citations
 M51 1969 c. 54.
 M52 1991 c. 53.

Status: Point in time view as at 01/10/2009.

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 09 June 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)

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—

(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.”

Status: Point in time view as at 01/10/2009.

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 09 June 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)

Criminal Justice Act 1988 (c.33)

15 The Criminal Justice Act 1988 has effect subject to the following amendments.

F16 16

Textual Amendments

F16 Sch. 4 para. 16 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 37 Pt. 6**; [S.I. 2005/950](#), art. 2(1), **Sch. 1 para. 44(3)** (with **Sch. 2**) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(1))

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)

F17F18 18

Textual Amendments

F17 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)

F18 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 ^{M53}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

M53 [S.I. 1989/2405](#).

Status: Point in time view as at 01/10/2009.

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 09 June 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)

Criminal Justice Act 1991 (c.53)

F19 20

Textual Amendments

F19 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”),
- (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—

Status: Point in time view as at 01/10/2009.

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- (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 ^{M54}Children and Young Persons Act 1969 shall be treated as, and as always having been, an entry relating to section 57(4) of the ^{M55}Children and Young Persons Act 1963.

Marginal Citations

- M54 1969 c. 54.
- M55 1963 c. 37.

Crime and Disorder Act 1998 (c.37)

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

F20 26

Textual Amendments

- F20 Sch. 4 para. 26 repealed (15.12.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 12](#); [S.I. 2004/3033](#), art. 3(1)(2)(e)(ii)(dd)

F21 27

Textual Amendments

- F21 Sch. 4 para. 27 repealed (15.12.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 12](#); [S.I. 2004/3033](#), art. 3(1)(2)(e)(ii)(dd)

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

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

F22 29

Textual Amendments

F22 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)

F23 30

Textual Amendments

F23 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)

F24 SCHEDULE 5

Textual Amendments

F24 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)

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

I49 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)**

I50 Sch. 6 in force at 7.10.2004 for specified purposes for E.W. by S.I. 2004/2428, **art. 2(f)**

I51 Sch. 6 in force at 7.10.2004 for specified purposes for S. by S.S.I. 2004/408, **art. 3(e)**

I52 Sch. 6 in force at 8.11.2004 for specified purposes for N.I. by S.R. 2004/467, **art. 2(e)**

I53 Sch. 6 in force at 6.12.2006 for specified purposes by S.I. 2006/2885, **art. 2(b)**

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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.
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

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		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. 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.

Status: Point in time view as at 01/10/2009.

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 09 June 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)

1990 c. 42.	Broadcasting Act 1990.	In Schedule 20, paragraphs 26 and 27.
1991 c. 53.	Criminal Justice Act 1991.	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.
1992 c. 34.	Sexual Offences (Amendment) Act 1992.	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).
1994 c. 9.	Finance Act 1994.	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”.
1994 c. 23.	Value Added Tax Act 1994.	In Schedule 11, in paragraph 6(6)(b), the words “sections 69 and 70 of the Police and 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

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		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).

SCHEDULE 7

Section 67.

TRANSITIONAL PROVISIONS AND SAVINGS

Interpretation

1 (1) In this Schedule—

“the 1988 Act” means the ^{M56}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—

Status: Point in time view as at 01/10/2009.

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- (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 ^{M57}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 ^{M58}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.

Commencement Information

I54 Sch. 7 para. 1 in force at 7.10.2004 for specified purposes for S. by [S.S.I. 2004/408, art. 3\(f\)](#)

Marginal Citations

M56 1988 c. 33.

M57 1985 c. 23.

M58 1995 c. 35.

Referral orders under Part I

F252

Textual Amendments

F25 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—
- (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;

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- (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 ^{M59}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

M59 1976 c. 82.

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)—

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- (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 ^{M60}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 ^{M61}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 ^{M62}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 [^{F26}the prosecuting authority prefers a charge in respect of the offence under section 83B(4) of the ^{M63}Army Act 1955, section 83B(4) of the ^{M64}Air Force Act 1955 or section 52I(4) of the ^{M65}Naval Discipline Act 1957; and][^{F26}the charge is brought under section 122 of the Armed Forces Act 2006;]
 - [^{F27}(b) proceedings on appeal are to be taken to be instituted—
 - (i) in the case of an appeal under the Court Martial Appeals Act 1968, when the application for leave to appeal is lodged in accordance with section 9 of that Act;
 - (ii) in the case of an appeal under section 285 of the Armed Forces Act 2006 (except one for which leave is required), when the notice of appeal is given;
 - (iii) in the case of an appeal under that section for which leave is required, when the application for leave to appeal is lodged;
 - (iv) in the case of a reference under section 34 of the Court Martial Appeals Act 1968 or section 12A or 12B of the Criminal Appeal Act 1995, when the reference is made.]

Textual Amendments

- F26** Words in Sch. 7 para. 6(6)(a) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 161\(a\)](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4
- F27** Sch. 7 para. 6(6)(b) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 161\(b\)](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

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Modifications etc. (not altering text)

- C1** Sch. 7 para. 6(3) modified (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), [art. 1\(3\)](#), [Sch. 1 para. 44\(2\)](#)

Commencement Information

- I55** Sch. 7 para. 6 in force at 7.10.2004 for specified purposes for S. by [S.S.I. 2004/408](#), [art. 3\(f\)](#)
I56 Sch. 7 para. 6 in force at 7.10.2004 for specified purposes for E.W. by [S.I. 2004/2428](#), [art. 2\(g\)](#)
I57 Sch. 7 para. 6 in force at 8.11.2004 for specified purposes for N.I. by [S.R. 2004/467](#), [art. 2\(f\)](#)

Marginal Citations

- M60** [S.I. 1981/1675 \(N.I. 26\)](#).
M61 [1969 c. 15 \(N.I.\)](#).
M62 [1995 c. 35](#).
M63 [1955 c. 18](#).
M64 [1955 c. 19](#).
M65 [1957 c. 53](#).
M66 [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.

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.

Commencement Information

- I58** Sch. 7 para. 8 in force at 1.4.2003 by [S.I. 2003/707](#), [art. 2\(c\)](#)

Status:

Point in time view as at 01/10/2009.

Changes to legislation:

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