

These notes refer to the Youth Justice and Criminal Evidence Act 1999 (c.23) which received Royal Assent on 27 July 1999

YOUTH JUSTICE AND CRIMINAL EVIDENCE ACT 1999

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part II: Giving of evidence or information for purposes of criminal proceedings

Chapter VII: General provisions

Section 61: Application of Part II to service courts

203. This section makes provision for Part II to apply to proceedings before courts-martial, Standing Civilian Courts and the Courts-Martial Appeal Court. *Subsection (1)* gives the Secretary of State power to make an order so that Chapters I, II, III and V apply to such proceedings (with any modifications he specifies). *Subsection (2)* means that Chapter IV will apply to such proceedings, subject to any modifications which the Secretary of State may specify. For example, where a provision of Part II only applies if a certain offence is involved, the modifications could include specifying the corresponding offences under armed forces law. *Subsection (3)* ensures that it will be possible for the existing power under section 39 of the Criminal Justice and Public Order Act 1994 to apply the rules about inferences from silence, as amended by section 58, to service court proceedings.