
STATUTORY INSTRUMENTS

2006 No. 2890

The Criminal Justice Act 1988 (Application to Service Courts) (Evidence) Order 2006

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Criminal Justice Act 1988 (Application to Service Courts) (Evidence) Order 2006 and shall come into force on 6th December 2006.

(2) In this Order—

“the Act” means the Criminal Justice Act 1988;

“the 1996 Order” means the Criminal Justice Act 1988 (Application to Service Courts) (Evidence) Order 1996(1);

“continuing proceedings” means proceedings instituted before the date on which this Order comes into force;

“existing special measures power” means any existing power of the court to make an order or give leave 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;

“Service courts” has the meaning given in paragraph 1 of Schedule 13 to the Act;

“special measures direction” means a direction under section 19 of the Youth Justice and Criminal Evidence Act 1999(2).

Revocation and transitional provisions

2.—(1) The 1996 Order is revoked.

(2) The revocation of the 1996 Order shall not affect the continued operation in relation to a witness in continuing proceedings before Service courts of—

(a) section 32 (evidence through television links) or section 32A (video recordings of testimony of child witnesses) of the Act where leave was given in connection with those proceedings by virtue of section 32(1)(b) or section 32A, as the case may be, or

(b) any order made or leave given under any existing special measures power exercised by the court,

before the date this Order comes into force.

Application of section 32 of the Act

3. Section 32(1)(a) and (3) of the Act(3) shall continue to have effect in relation to proceedings before Service courts subject to the modifications for which paragraph 8(2) of Schedule 13 to the Act provides, and to the further modifications specified in the Schedule to this Order.

(1) [S.I. 1996/2592](#).

(2) [1999 c. 23](#).

(3) Section 32 was amended by the Criminal Justice Act 1991 ([c. 53](#)), section 55. The repeal of section 32(1)(b), (2), (3A) to (3E) and (6) was commenced (except in so far as applied to proceedings before Service courts by the 1996 Order) by the Youth Justice and Criminal Evidence Act 1999 (Commencement No. 7) Order 2002 ([S.I. 2002/1739](#)).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

30th October 2006

Derek Twigg
Parliamentary Under Secretary of State
Ministry of Defence