
EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes the Criminal Justice Act 1988 (Application to Service Courts) (Evidence) Order 1996 (S.I. 1996/2592) (“the 1996 Order”) which applied the provisions of sections 32(1) to (3), 32A and 34A of the Criminal Justice Act 1988 (c. 33) (“the 1988 Act”), with modifications, to proceedings before Service courts. The provisions related to the giving of evidence by witnesses other than the accused through a live television link and by video recording of an interview with a child witness, and prohibited the cross-examination of a child witness by the accused in person.

The repeal of section 32(1)(b), (2), (3A) to (3E) and (6) and section 32A of the 1988 Act was commenced by the Youth Justice and Criminal Evidence Act 1999 (Commencement No. 7) Order 2002 (S.I. 2002/1739) except in so far as applied to proceedings before Service courts by the 1996 Order. Those savings are now revoked with the 1996 Order but section 32(1)(a) and (3), which allows a witness who is not in the country where the court is sitting to give evidence by live television link, is saved for Service courts with modifications. The repeal of section 34A of the 1988 Act was commenced by the Youth Justice and Criminal Evidence Act 1999 (Commencement No. 4) Order 2000 (S.I.2000/2091).

Article 2(2) contains transitional provisions in respect of continuing proceedings.