
STATUTORY INSTRUMENTS

2015 No. 1490

The Criminal Procedure Rules 2015

PART 18

MEASURES TO ASSIST A WITNESS OR DEFENDANT TO GIVE EVIDENCE

SPECIAL MEASURES DIRECTIONS

Special measures direction for a young witness

18.9.—(1) This rule applies where, under section 21 or section 22 of the Youth Justice and Criminal Evidence Act 1999(1), the primary rule requires the court to give a direction for a special measure to assist a child witness or a qualifying witness—

- (a) on an application, if one is made; or
- (b) on the court's own initiative, in any other case.

(2) A party who wants to introduce the evidence of such a witness must as soon as reasonably practicable—

- (a) notify the court that the witness is eligible for assistance;
- (b) provide the court with any information that the court may need to assess the witness' views, if the witness does not want the primary rule to apply; and
- (c) serve any video recorded evidence on—
 - (i) the court officer, and
 - (ii) each other party.

[Note. Under sections 21 and 22 of the Youth Justice and Criminal Evidence Act 1999, a 'child witness' is one who is under 18, and a 'qualifying witness' is one who was a child witness when interviewed.

Under those sections, the 'primary rule' requires the court to give a direction—

- (a) *for the evidence of a child witness or of a qualifying witness to be admitted—*
 - (i) *by means of a video recording of an interview with the witness, in the place of examination-in-chief, and*
 - (ii) *after that, by live link; or*
- (b) *if one or both of those measures is not taken, for the witness while giving evidence to be screened from seeing the defendant.*

The primary rule always applies unless—

- (a) *the witness does not want it to apply, and the court is satisfied that to omit a measure usually required by that rule would not diminish the quality of the witness' evidence; or*

(1) 1999 c. 23; sections 21 and 22 were amended by sections 98, 100 and 178 of, and Part 3 of Schedule 23 to, the Coroners and Justice Act 2009 (c. 25).

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- (b) *the court is satisfied that to direct one of the measures usually required by that rule would not be likely to maximise, so far as practicable, the quality of the witness' evidence.]*