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STATUTORY INSTRUMENTS

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**2020 No. 1159 (C. 32)**

**CRIMINAL PROCEDURE,  
ENGLAND AND WALES**

**The Youth Justice and Criminal Evidence Act  
1999 (Commencement No. 19) Order 2020**

*Made - - - - 21st October 2020*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 64(4) and 68(3) of the Youth Justice and Criminal Evidence Act 1999<sup>(1)</sup>.

**Citation and interpretation**

1.—(1) This Order may be cited as the Youth Justice and Criminal Evidence Act 1999 (Commencement No. 19) Order 2020.

(2) In this Order, “the Act” means the Youth Justice and Criminal Evidence Act 1999.

**Provision coming into force on 26th October 2020**

2.—(1) Section 28 of the Act<sup>(2)</sup> (video recorded cross-examination or re-examination) comes into force on 26th October 2020 in relation to relevant proceedings.

(2) Proceedings are relevant for the purposes of paragraph (1) if—

(a) they take place before the Crown Court sitting at—

- (i) Amersham Law Courts;
- (ii) Bolton;
- (iii) Burnley Combined Court Centre;
- (iv) Caernarfon Justice Centre;
- (v) Cardiff;
- (vi) Doncaster Justice Centre South;
- (vii) Exeter Law Courts;
- (viii) Gloucester;

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<sup>(1)</sup> 1999 c. 23; section 64(4) was amended by paragraph 1 of Part I of Schedule 12 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6).

<sup>(2)</sup> Amended by paragraph 384(c) of Schedule 8 to the Courts Act 2003 (c. 39).

- (ix) Ipswich;
  - (x) King's Lynn;
  - (xi) Lancaster;
  - (xii) Manchester (Crown Square);
  - (xiii) Manchester (Minshull Street);
  - (xiv) Merthyr Tydfil Combined Court Centre;
  - (xv) Newcastle Moot Hall;
  - (xvi) Newport (South Wales);
  - (xvii) Norwich Combined Court Centre;
  - (xviii) Plymouth Combined Court;
  - (xix) Preston Crown Court and Family Court (Sessions House);
  - (xx) Salisbury Law Courts;
  - (xxi) Southampton Combined Court Centre;
  - (xxii) St. Albans;
  - (xxiii) Swindon Combined Court;
  - (xxiv) Teesside Combined Court Centre;
  - (xxv) Warrington;
  - (xxvi) Winchester Combined Court Centre;
  - (xxvii) Worcester Combined Court, or
  - (xxviii) York, and
- (b) the witness is eligible for assistance by virtue of section 16 of the Act<sup>(3)</sup> (witnesses eligible for assistance on grounds of age or incapacity).

21st October 2020

*Chris Philp*  
Parliamentary Under Secretary of State  
Ministry of Justice

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(3) Amended by section 98(2) of the Coroners and Justice Act 2009 (c. 25).

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Section 28 of the Youth Justice and Criminal Evidence Act 1999 (“the Act”) provides that where a witness’s video recorded interview has been admitted as their evidence in chief under section 27 of the Act, the court may also direct that any cross-examination and re-examination of the witness be video recorded and that recording admitted as evidence.

A witness in criminal proceedings can be eligible for a direction under section 28 by virtue of section 16(1)(a) of the Act (the witness is under 18 at the time of the hearing), section 16(1)(b) of the Act (eligibility on the grounds of incapacity), and/or section 17 of the Act (eligibility on the grounds of fear or distress about testifying).

Article 2 of this Order makes provision for the coming into force of section 28 of the Act on 26th October 2020 for the purposes of proceedings before the Crown Court sitting at Amersham Law Courts, Bolton, Burnley Combined Court Centre, Caernarfon Justice Centre, Cardiff, Doncaster Justice Centre South, Exeter Law Courts, Gloucester, Ipswich, King’s Lynn, Lancaster, Manchester (Crown Square), Manchester (Minshull Street), Merthyr Tydfil Combined Court Centre, Newcastle Moot Hall, Newport (South Wales), Norwich Combined Court Centre, Plymouth Combined Court, Preston Crown Court and Family Court (Sessions House), Salisbury Law Courts, Southampton Combined Court Centre, St. Albans, Swindon Combined Court, Teesside Combined Court Centre, Warrington, Winchester Combined Court Centre, Worcester Combined Court, or York, where the witness is eligible for assistance by virtue of section 16 of the Act.

Section 28 was partially brought into force by [S.I 2013/3236](#) in relation to proceedings before the Crown Court sitting at Kingston Upon-Thames, Leeds or Liverpool, where the witness is eligible by virtue of section 16(1)(a) and is under the age of 16 at the time of the hearing, or is eligible by virtue of section 16(1)(b) of the Act. Section 28 was subsequently brought into force in relation to proceedings in the Crown Court sitting at those three locations where the witness is eligible by virtue of section 16(1)(a) and is aged 16 or 17 at the time of the hearing ([S.I. 2016/1201](#)), and where the witness is eligible by virtue of section 17(4) of the Act (complainants in respect of a sexual offence or modern slavery offence who are witnesses in proceedings relating to that offence, or that offence and any other offences) ([S.I. 2019/947](#)).

[S.I 2019/947](#) brought section 28 into force in relation to proceedings before the Crown Court sitting at Bradford, Carlisle, Chester, Durham, Mold or Sheffield and, [S.I 2020/155](#) brought section 28 into force in relation to proceedings before the Crown Court sitting at Aylesbury, Bristol, Leicester, Northampton, Oxford, Portsmouth, Reading, Swansea or Wolverhampton, in each case where the witness is eligible for assistance by virtue of section 16 of the Act. [S.I. 2020/888](#) also brought section 28 into force in relation to proceedings before the Crown Court sitting at Basildon, Canterbury, the Central Criminal Court, Chelmsford, Croydon, Guildford, Harrow, the Inner London Sessions House, Isleworth, Lewes, Maidstone, Snaresbrook, Southwark, Stafford, Wood Green or Woolwich under similar eligibility criteria.

This Order expands the availability of section 28 directions to proceedings before the Crown Court in twenty-eight further locations, where the witness is eligible for assistance by virtue of section 16 of the Act.

An impact assessment has not been produced for this instrument as no significant impact on the private, voluntary or public sectors is foreseen.

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

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Youth Justice and Criminal Evidence Act 1999 have been brought into force in England and Wales by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1 to 15 (remainder) and Schedule 1	26.06.2000	<a href="#">2000/1587</a>
Sections 16 to 27	24.07.2002	<a href="#">2002/1739</a>
Section 28 (partially)	30.12.2013	<a href="#">2013/3236</a>
	02.01.2017	<a href="#">2016/1201</a>
	03.06.2019	<a href="#">2019/947</a>
	24.02.2020	<a href="#">2020/155</a>
	24.08.2020	<a href="#">2020/888</a>
Section 29	23.02.2004	<a href="#">2004/299</a>
Sections 30 to 33	24.07.2002	<a href="#">2002/1739</a>
Sections 34 and 35	04.09.2000	<a href="#">2000/2091</a>
Sections 36 and 37	24.07.2002	<a href="#">2002/1739</a>
Sections 38 and 39	04.09.2000	<a href="#">2000/2091</a>
Section 40 (remainder)	04.09.2000	<a href="#">2000/2091</a>
Sections 41 to 43	04.12.2000	<a href="#">2000/3075</a>
Section 45 (partially)	13.04.2015	<a href="#">2015/818</a>
Section 46	07.10.2004	<a href="#">2004/2428</a>
Section 47	24.07.2002	<a href="#">2002/1739</a>
Section 48 (partially)	07.10.2004	<a href="#">2004/2428</a>
	13.04.2015	<a href="#">2015/818</a>
Section 49 (partially)	07.10.2004	<a href="#">2004/2428</a>
	13.04.2015	<a href="#">2015/818</a>
Sections 50 to 52 (partially)	13.04.2015	<a href="#">2015/818</a>
	07.10.2004	<a href="#">2004/2428</a>
Sections 53 to 57	24.07.2002	<a href="#">2002/1739</a>
Section 58 (remainder)	01.04.2003	<a href="#">2003/707</a>
Sections 59 and 60	14.04.2000	<a href="#">2000/1034</a>
Section 61(2) (remainder)	06.12.2006	<a href="#">2006/2885</a>
Section 67(1) (partially) and Schedule 4 (partially)	14.04.2000	<a href="#">2000/1034</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
	26.06.2000	2000/1587
	24.07.2002	2002/1739
Section 67(2) and Schedule 5	01.01.2000	1999/3427
Section 67(3) (partially)	01.04.2000	1999/3427
	14.04.2000	2000/1034
	24.07.2002	2002/1739
	07.10.2004	2004/2428
	06.12.2006	2006/2885
Section 67(4) (partially) and Schedule 7 (partially)	04.12.2000	2000/3075
	24.07.2002	2002/1739
	01.04.2003	2003/707
	07.10.2004	2004/2428
Schedule 2 (partially)	07.10.2004	2004/2428
	13.04.2015	2015/818
Schedule 6 (partially)	14.04.2000	2000/1034
	04.12.2000	2000/3075
	04.09.2000	2000/2091
	07.10.2004	2004/2428
Schedule 7 (partially)	26.06.2000	2000/1587
	04.09.2000	2000/2091
	07.10.2004	2004/2428
	13.04.2015	2015/818