
STATUTORY INSTRUMENTS

2021 No. 1036 (C. 57)

**CRIMINAL PROCEDURE,
ENGLAND AND WALES**

**The Youth Justice and Criminal Evidence Act
1999 (Commencement No. 22) Order 2021**

Made - - - - 13th September 2021

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⁽¹⁾.

Citation, interpretation and extent

1.—(1) This Order may be cited as the Youth Justice and Criminal Evidence Act 1999 (Commencement No. 22) Order 2021.

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

(3) This Order extends to England and Wales.

Provision coming into force on 30th September 2021

2.—(1) Section 28 of the Act⁽²⁾ (video recorded cross-examination or re-examination) comes into force on 30th September 2021 in relation to relevant proceedings.

(2) Proceedings are relevant for the purposes of paragraph (1) if paragraph (3) applies.

(3) This paragraph applies if—

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

(i) Durham;

(ii) Harrow;

(iii) Isleworth; or

(iv) Wood Green; and

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

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

Status: This is the original version (as it was originally made).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

- (b) the witness is eligible for assistance by virtue of section 17(4) of the Act⁽³⁾ (complainants in respect of a sexual offence or a modern slavery offence who are witnesses in proceedings relating to that offence, or that offence and any other offences).

13th September 2021

Alex Chalk
Parliamentary Under Secretary of State
Ministry of Justice

⁽³⁾ Amended by section 46(2) of the Modern Slavery Act 2015 (c.30).

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.

Article 2 of this Order makes provision for the coming into force of section 28 of the Act on 30th September 2021 for the purposes of proceedings before the Crown Court sitting at Durham, Harrow, Isleworth or Wood Green, where the witness is eligible for special measures under section 17(4) 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 for assistance 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](#) also brought section 28 into force in relation to proceedings before the Crown Court sitting at Bradford, Carlisle, Chester, Durham, Mold or Sheffield. [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.

[S.I. 2020/1159](#) brought section 28 into force in relation to 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.

[S.I. 2020/1331](#) brought section 28 into force in relation to proceedings before the Crown Court sitting at Birmingham, Bournemouth Combined Court, Cambridge, Coventry Combined Court Centre, Derby Combined Court Centre, Great Grimsby Combined Court Centre, Hereford, Hove Trial Centre, Isle of Wight Combined Court, Kingston-Upon-Hull Combined Court Centre, Lincoln, Luton, Newcastle-upon-Tyne Combined Court Centre, Nottingham, Peterborough Combined Court Centre, Shrewsbury, Southend, Stoke-on-Trent Combined Court, Taunton Crown, County and Family Court, Truro Combined Court, or Warwick Combined Court, where the witness is eligible for assistance by virtue of section 16 of the Act.

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[S.I 2021/244](#) brought section 28 into force in relation to proceedings before the Crown Court sitting at Preston Combined Court Centre, where the witness is eligible for assistance by virtue of section 16 of the Act.

This Order expands the availability of section 28 directions to proceedings before the Crown Court in four further locations, where the witness is eligible for assistance by virtue of section 17(4) 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.

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 | 2000/1587 |
| Sections 16 to 27 | 24.07.2002 | 2002/1739 |
| Section 28 (partially) | 30.12.2013 | 2013/3236 |
| | 02.01.2017 | 2016/1201 |
| | 03.06.2019 | 2019/947 |
| | 24.02.2020 | 2020/155 |
| | 24.08.2020 | 2020/888 |
| | 26.10.2020 | 2020/1159 |
| | 23.11.2020 | 2020/1331 |
| | 02.03.2021 | 2021/244 |
| Section 29 | 23.02.2004 | 2004/299 |
| Sections 30 to 33 | 24.07.2002 | 2002/1739 |
| Sections 34 and 35 | 04.09.2000 | 2000/2091 |
| Sections 36 and 37 | 24.07.2002 | 2002/1739 |
| Sections 38 and 39 | 04.09.2000 | 2000/2091 |
| Section 40 (remainder) | 04.09.2000 | 2000/2091 |
| Sections 41 to 43 | 04.12.2000 | 2000/3075 |
| Section 45 (partially) | 13.04.2015 | 2015/818 |
| Section 46 | 07.10.2004 | 2004/2428 |
| Section 47 | 24.07.2002 | 2002/1739 |
| Section 48 (partially) | 07.10.2004 | 2004/2428 |
| | 13.04.2015 | 2015/818 |
| Section 49 (partially) | 07.10.2004 | 2004/2428 |

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|--|-----------------------------|-----------------|
| | 13.04.2015 | 2015/818 |
| Sections 50 to 52 (partially) | 13.04.2015 | 2015/818 |
| | 07.10.2004 | 2004/2428 |
| Sections 53 to 57 | 24.07.2002 | 2002/1739 |
| Section 58 (remainder) | 01.04.2003 | 2003/707 |
| Sections 59 and 60 | 14.04.2000 | 2000/1034 |
| Section 61(2) (remainder) | 06.12.2006 | 2006/2885 |
| Section 67(1) (partially) and Schedule 4 (partially) | 14.04.2000 | 2000/1034 |
| | 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 |