
EXPLANATORY NOTE

(This note is not part of the Order)

Section 28 of the Youth Justice and Criminal Evidence Act 1999 (c. 23) (“the Act”) provides that where a video recorded interview of a witness 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 11th July 2022 for the purposes of proceedings before the Crown Court sitting at Caernarfon, Cardiff, Merthyr Tydfil, Mold, Newport, Preston (Sessions House), and Swansea, where a witness is eligible for assistance 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). Article 3 of this Order makes provision for the coming into force of section 28 of the Act on 18th July 2022 for the purposes of proceedings before the Crown Court sitting at Birmingham, Coventry, Derby, and Wolverhampton, where a witness is eligible for assistance 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](#) brought section 28 into force in relation to proceedings before the Crown Court sitting at Kingston-upon-Thames, Leeds, and Liverpool, where the witness is eligible for special measures under section 17(4) of the Act.

[S.I. 2021/1036](#) brought section 28 into force in relation to proceedings before the Crown Court sitting at Durham, Harrow, Isleworth, and Wood Green, where the witness is eligible for special measures under section 17(4) of the Act.

[S.I. 2022/456](#) brought section 28 into force in relation to proceedings before the Crown Court sitting at Great Grimsby Combined Court, Bradford, Teesside, Kingston-upon-Hull Combined Court Centre, and York, where the witness is eligible for special measures under section 17(4) of the Act.

[S.I. 2022/536](#) brought section 28 into force in relation to proceedings before the Crown Court sitting at Sheffield, Newcastle-upon-Tyne, Doncaster, Portsmouth, Southampton, Winchester, Truro, Bristol, Plymouth, Isle of Wight, Gloucester, Bournemouth, Exeter, and Salisbury, where the witness is eligible for special measures under section 17(4) of the Act.

[S.I. 2022/623](#) brought section 28 into force in relation to proceedings before the Crown Court sitting at Stafford, Stoke-on-Trent, Shrewsbury, Hereford, Worcester, Warwick, Nottingham, Lincoln, Leicester, Northampton, and Taunton, where the witness is eligible for special measures under section 17(4) of the Act.

[S.I. 2022/713](#) brought section 28 into force in relation to proceedings before the Crown Court sitting at Bolton, Burnley, Preston, Carlisle, Lancaster, Chester, Swindon, Warrington, and Manchester.

This Order expands the availability of section 28 directions to proceedings before the Crown Court in 11 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.