

2022 No. 992 (C. 76)

CRIMINAL PROCEDURE, ENGLAND AND WALES

**The Youth Justice and Criminal Evidence Act 1999
(Commencement No. 29) Order 2022**

Made - - - - *22nd September 2022*

The Secretary of State, in exercise of the powers conferred by sections 64(4) and 68(3) of the Youth Justice and Criminal Evidence Act 1999^(a), makes the following Order:

Citation, interpretation and extent

1.—(1) This Order may be cited as the Youth Justice and Criminal Evidence Act 1999 (Commencement No. 29) Order 2022.

(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 26th September 2022

2.—(1) Section 28 of the Act^(b) (video recorded cross-examination or re-examination) comes into force on 26th September 2022 in relation to relevant proceedings.

(2) Proceedings are relevant for the purposes of paragraph (1) if either paragraph (3) or (4) applies.

(3) This paragraph applies if—

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

(i) the Amersham Law Courts;

(ii) Aylesbury;

(iii) the Basildon Combined Court;

(iv) Cambridge;

(v) the Canterbury Combined Court Centre;

(vi) the Central Criminal Court;

(vii) Chelmsford;

(viii) Croydon;

(ix) Guildford;

(x) the Hove Trial Centre;

(xi) the Inner London Sessions House;

^(a) 1999 c. 23; section 64(4) was amended by section 165(4) and paragraph 1 of Part 1 of schedule 12 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6).

^(b) Section 28 was amended by paragraph 384(c) of Schedule 8 to the Courts Act 2003 (c. 39).

- (xii) King’s Lynn;
 - (xiii) the Lewes Combined Court Centre;
 - (xiv) the Norwich Combined Court Centre;
 - (xv) the Peterborough Combined Court Centre;
 - (xvi) Reading;
 - (xvii) Snaresbrook;
 - (xviii) Southend;
 - (xix) Southwark; or
 - (xx) Woolwich; and
- (b) the witness is eligible for assistance by virtue of section 17(4) of the Act^(a) (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).
- (4) This paragraph applies if—
- (a) the proceedings take place before the youth court sitting at Leeds Magistrates’ Court; and
 - (b) the witness is eligible for assistance by virtue of section 16 of the Act^(b) (witnesses eligible for assistance on grounds of age or incapacity).

22nd September 2022

Rachael Maclean
Parliamentary Under Secretary of State
Ministry of Justice

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(3) of this Order makes provision for the coming into force of section 28 of the Act on 26th September 2022 for the purposes of proceedings before the Crown Court sitting at Amersham, Aylesbury, Basildon, Cambridge, Canterbury, the Central Criminal Court, Chelmsford, Croydon, Guildford, Hove, the Inner London Sessions House, King’s Lynn, Lewes, Norwich, Peterborough, Reading, Snaresbrook, Southend, Southwark and Woolwich, where a witness is eligible for assistance by virtue of section 17(4) of the Act providing for special measures for witnesses or complainants in cases concerning sexual offences or modern slavery offences.

Article 2(4) of this Order makes provision for the coming into force of section 28 of the Act on 26th September 2022 for the purposes of proceedings before the youth court sitting at Leeds Magistrates’ Court, where a witness or complainant is eligible for special measures by virtue of section 16 of the Act being a witnesses or complainant eligible on the grounds of age or incapacity.

(a) Section 17(4) was amended by section 46(2) of the Modern Slavery Act 2015 (c. 30).
(b) Section 16 was amended by section 98(2) of the Coroners and Justice Act 2009 (c. 25).

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, where the witness is eligible for special measures under section 17(4) of the Act.

S.I. 2022/773 brought section 28 into force in relation to proceedings before the Crown Court sitting at Caernarfon, Cardiff, Merthyr Tydfil, Mold, Newport, Preston, Swansea, Birmingham, Coventry, Derby and Wolverhampton where the witness is eligible for special measures under section 17(4) of the Act.

S.I. 2022/951 brought section 28 into force in relation to proceedings before the Crown Court sitting at Ipswich, Luton, Maidstone, Oxford and St Albans where the witness is eligible for special measures under section 17(4) of the Act.

This Order expands the availability of section 28 directions to proceedings before the Crown Court in 20 further locations, where the witness is eligible for assistance by virtue of section 17(4) of the Act and in one further location of the youth court sitting at Leeds Magistrates' Court 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.

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) | 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 |
| | 04.03.2021 | 2021/244 |
| | 30.09.2021 | 2021/1036 |
| | 31.03.2022 | 2022/456 |
| | 12.05.2022 | 2022/536 |
| | 08.06.2022 | 2022/623 |
| | 29.06.2022 | 2022/713 |
| | 11.07.2022 | 2022/773 |
| | 09.09.2022 | 2022/951 |
| Section 29 | 23.02.2004 | 2004/299 |
| Schedule 1 | 26.06.2000 | 2000/1587 |
| 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 |
| | 13.04.2015 | 2015/818 |
| Sections 50 to 52 (partially) | 07.10.2004 | 2004/2428 |
| | 13.04.2015 | 2015/818 |
| 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 |
| Schedule 4 (partially) | 14.04.2000 | 2000/1034 |
| | 26.06.2000 | 2000/1587 |
| | 24.07.2002 | 2002/1739 |
| Section 67(1) (partially) | 14.04.2000 | 2000/1034 |
| | 26.06.2000 | 2000/1587 |
| | 24.07.2002 | 2002/1739 |
| Schedule 5 | 01.01.2000 | 1999/3427 |
| Section 67(2) | 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 |

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|---------------------------|------------|-----------|
| Section 67(4) (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) | 01.04.2000 | 1999/3427 |
| | 14.04.2000 | 2000/1034 |
| | 04.12.2000 | 2000/3075 |
| | 04.09.2000 | 2000/2091 |
| | 24.07.2002 | 2002/1739 |
| | 07.10.2004 | 2004/2428 |
| | 06.12.2006 | 2006/2885 |
| Schedule 7 (partially) | 26.06.2000 | 2000/1587 |
| | 04.09.2000 | 2000/2091 |
| | 04.12.2000 | 2000/3075 |
| | 24.07.2002 | 2002/1739 |
| | 01.04.2003 | 2003/707 |
| | 07.10.2004 | 2004/2428 |
| | 13.04.2015 | 2015/818 |

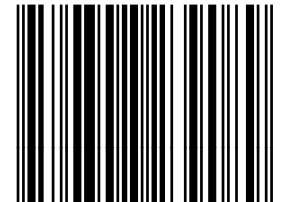
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