
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 1st February 2023, in so far as it is not already in force with regard to witnesses eligible under section 16 or 17(4) of the Act in relation to proceedings before the Crown Court sitting at any location in England or Wales.

A sequence of commencement orders from [S.I. 2013/3236](#) to [S.I. 2022/992](#) brought section 28 into force in relation to proceedings before the Crown Court sitting in particular locations in relation to witnesses eligible for assistance by virtue of sections 16 and 17(4) of the Act. In addition, [S.I. 2022/992](#) brought section 28 into force in relation to proceedings before the Leeds 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.