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STATUTORY INSTRUMENTS

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**2019 No. 947 (C. 26)**

**CRIMINAL PROCEDURE,  
ENGLAND AND WALES**

**The Youth Justice and Criminal Evidence Act  
1999 (Commencement No. 16) Order 2019**

*Made* - - - - *9th May 2019*

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. 16) Order 2019.

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

**Provision coming into force on 3rd June 2019**

2.—(1) Section 28 of the Act<sup>(2)</sup> (video recorded cross-examination or re-examination) comes into force on 3rd June 2019 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) Kingston-upon-Thames;

(ii) Leeds; or

(iii) Liverpool; and

(b) the witness is eligible for assistance by virtue of section 17(4) of the Act<sup>(3)</sup> (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).

(4) This paragraph applies if—

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<sup>(1)</sup> 1999 c. 23; section 64(4) was amended by Part 1 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).

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

- (a) the proceedings take place before the Crown Court sitting at—
  - (i) Bradford;
  - (ii) Carlisle;
  - (iii) Chester;
  - (iv) Durham;
  - (v) Mold; or
  - (vi) Sheffield; and
- (b) the witness is eligible for assistance by virtue of section 16 of the Act<sup>(4)</sup> (witnesses eligible for assistance on grounds of age or incapacity).

9th May 2019

*Edward Argar*  
Parliamentary Under Secretary of State  
Ministry of Justice

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<sup>(4)</sup> 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 (c. 23) (“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 that witness may be video recorded and that recording may be admitted as evidence.

Article 2 of this Order makes provision for the coming into force of section 28 of the Act on 3rd June 2019 for the purposes of proceedings before the Crown Court sitting at Kingston-upon-Thames, Leeds or Liverpool, 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 those locations, where the witness was eligible by virtue of section 16(1)(a) and was under the age of 16 at the time of the hearing, or by virtue of section 16(1)(b) of the Act, owing to an incapacity.

[S.I. 2016/1201](#) expanded the availability of section 28 directions in the Crown Court sitting at those locations, so that they could also be made in relation to witnesses who are aged 16 or 17 at the time of the hearing.

This Order further expands the availability of such directions in the Crown Court sitting at those locations, so that they may be made in relation to 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 2 also makes provision for the coming into force of section 28 on 3rd June 2019 for the purposes of proceedings before the Crown Court sitting at Bradford, Carlisle, Chester, Durham, Mold and Sheffield, where the witness is eligible for special measures made under section 16 of the Act.

## 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>
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>

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

<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
Sections 36 and 37	24.07.2002	2002/1739
Sections 38 to 40	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
Sections 49 to 52 (partially)	07.10.2004	2004/2428
Section 49 (partially)	13.04.2015	2015/818
Section 50 (partially)	13.04.2015	2015/818
Sections 51 and 52 (partially)	13.04.2015	2015/818
Sections 53 to 57	24.07.2002	2002/1739
Section 58	01.04.2003	2003/707
Sections 59 (partially) and 60	14.04.2000	2000/1034
Section 61(2)	06.12.2006	2006/2885
Section 67(1) 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) and Schedule 6 (partially)	01.04.2000	1999/3427
	14.04.2000	2000/1034
	04.09.2000	2000/2091
	04.12.2000	2000/3075
	24.07.2002	2002/1739
	07.10.2004	2004/2428
	06.12.2006	2006/2885
Section 67(4) 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

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<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
	13.04.2015	<a href="#">2015/818</a>
Schedule 7 (partially)	26.06.2000	<a href="#">2000/1587</a>
	04.09.2000	<a href="#">2000/2091</a>
	13.04.2015	<a href="#">2015/818</a>