

2004 No. 408 (C. 29)

CRIMINAL LAW

**The Youth Justice and Criminal Evidence Act 1999
(Commencement No. 11) (Scotland) Order 2004**

Made - - - - *21st September 2004*

The Scottish Ministers, in exercise of the powers conferred by section 68(3) of the Youth Justice and Criminal Evidence Act 1999(a), hereby make the following Order:

Citation and extent

1.—(1) This Order may be cited as the Youth Justice and Criminal Evidence Act 1999 (Commencement No. 11) (Scotland) Order 2004.

(2) This Order extends to Scotland only.

Interpretation

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

Appointed day

3. 7th October 2004 is the day appointed for the coming into force of the following provisions of the 1999 Act:—

- (a) sections 46 (reports relating to adult witnesses) and 47 (reports relating to directions under Chapter I or II), in so far as is necessary for the purposes of the prosecution in Scotland of an offence under section 49 of the 1999 Act;
- (b) sections 49(1) to (5) (offences), 50 (defences), 51 (offences committed by bodies corporate or Scottish partnerships) and 52 (decisions as to public interest for purposes of Chapter IV), in so far as they have effect for the purposes of sections 46 and 47 of the 1999 Act;
- (c) paragraphs 6 to 13 of Schedule 2 (reporting restrictions: miscellaneous amendments) in so far as is necessary for the purposes of the prosecution in Scotland of an offence under section 5 of the Sexual Offences (Amendment) Act 1992(b) and section 48(d) of the 1999 Act in so far as it relates to those paragraphs;
- (d) paragraph 14 of Schedule 2 and section 48(d) in so far as it relates to that paragraph;

(a) 1999 c.23 (“the 1999 Act”). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 68(2) of the 1999 Act and section 53 of the Scotland Act 1998 (c.46).

(b) 1992 c.34.

- (e) in Schedule 6 (repeals), the entry in relation to the Sexual Offences (Amendment) Act 1992 in so far as is necessary for the purposes of the prosecution in Scotland of an offence under section 5 of that Act, and section 67(3) of the 1999 Act in so far as it relates to that entry; and
- (f) paragraph 6 of Schedule 7 (transitional provisions and savings) in so far as it relates to section 46 of the 1999 Act, paragraph 1 of Schedule 7 in so far as it relates to paragraph 6 of that Schedule and section 67(4) in so far as it relates to those paragraphs.

CATHY JAMIESON

A member of the Scottish Executive

St Andrew's House,
Edinburgh
21st September 2004

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which extends to Scotland only, brings into force on 7th October 2004 the following provisions of the Youth Justice and Criminal Evidence Act 1999–

sections 46 and 47 (which relate to restrictions on reporting of certain matters in relation to criminal proceedings in England and Wales and Northern Ireland) in so far as is necessary for the purposes of a prosecution in Scotland of an offence under section 49 of that Act;

sections 49(1) to (5), and 50 to 52 (which relate to the prosecution of offences in respect of those reporting restrictions) in so far as those provisions have effect for the purposes of sections 46 and 47;

paragraph 14 of Schedule 2, which extends to Scotland the provisions of the Sexual Offences (Amendment) Act 1992 (“the 1992 Act”), the amendments made to the 1992 Act by paragraphs 6 to 13 of that Schedule and the repeals made by the relevant entry in Schedule, so far as are necessary for the purposes of the prosecution in Scotland of an offence in relation to reporting restrictions under section 5 of the 1992 Act;

paragraph 1 of Schedule 7 in so far as it relates to paragraph 6 of that Schedule; and

paragraph 6 of Schedule 7 in so far as it relates to section 46.

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 by commencement orders before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Part I and Schedule 1 (as to England and Wales)	26.06.00	2000/1587
Chapters I to III, V and VI of Part II (except section 28) (as to England and Wales)	14.04.00	2000/1034
	04.09.00	2000/2091
	04.12.00	2000/3075
	24.07.02	2002/1739
	01.04.03	2003/707
	23.02.04	2004/299
Section 47 (as to England and Wales)	24.07.02	2002/1739
Section 59 and Schedule 3 (as to Scotland)	01.01.01	S.S.I. 2000/445
Section 67(1) and Schedule 4 (partially) (as to England and Wales), section 67(2) and	01.01.00	1999/3427
Schedule 5 (as to England and Wales), section	01.04.00	1999/3427
67(3) and Schedule 6 (partially) (as to England	14.04.00	2000/1034
and Wales) and section 67(4) and Schedule 7	26.06.00	2000/1584
(partially)	04.09.00	2000/2091
	04.12.00	2002/3075
	24.07.02	2002/1739
	01.04.03	2003/707

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