

*These notes refer to the Youth Justice and Criminal Evidence Act 1999 (c.23) which received Royal Assent on 27 July 1999*

# **YOUTH JUSTICE AND CRIMINAL EVIDENCE ACT 1999**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part II: Giving of evidence or information for purposes of criminal proceedings**

##### ***Chapter II: Protection of witness from cross-examination by accused in person***

##### ***Section 35: Complainants and other witnesses who are children***

134. This section replaces and extends the provision made by section 34A of the Criminal Justice Act 1988, which prohibited unrepresented defendants from personally cross-examining child witnesses in cases of sex and violence. Unrepresented defendants will not now be allowed to cross-examine in person a child who is either the complainant of, or a witness to the commission of, an offence of kidnapping, false imprisonment or abduction.
135. *Subsection (2)* extends the prohibition to witnesses whose age when they gave their evidence in chief (e.g. by means of video recording or earlier in the trial) meant that they then counted as children even if by the time of the cross-examination they have passed that age limit.
136. *Subsection (4)* sets out the age limits below which witnesses are regarded as children for the purposes of this section. Following the example of sections 32 and 34A of the Criminal Justice Act 1988, section 35 sets the age limit at 17 for sexual offences and 14 for the other offences covered by this section.