



Youth Justice and Criminal Evidence Act 1999

1999 CHAPTER 23

PART II

GIVING OF EVIDENCE OR INFORMATION FOR PURPOSES OF CRIMINAL PROCEEDINGS

CHAPTER VII

GENERAL

61 Application of Part II to service courts.

- (1) The Secretary of State may by order direct that any provision of—
 - (a) Chapters I to III and V, or
 - (b) sections 62, 63 and 65 so far as having effect for the purposes of any of those Chapters,shall apply, subject to such modifications as he may specify, to any proceedings before a service court.
- (2) Chapter IV (and sections 62, 63 and 65 so far as having effect for the purposes of that Chapter) shall have effect for the purposes of proceedings before a service court subject to any modifications which the Secretary of State may by order specify.
- (3) The power to make an order under section 39 of the ^{M1}Criminal Justice and Public Order Act 1994 (power to apply sections 34 to 38 to the armed forces) in relation to any provision of sections 34 to 38 of that Act shall be exercisable in relation to any provision of those sections as amended by section 58 above.

Commencement Information

- II** S. 61(2) in force for certain purposes and s. 61(1)(3) in force at Royal Assent, see s. 68(4)(d)(e)

Changes to legislation: Youth Justice and Criminal Evidence Act 1999, Chapter VII is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

I2 S. 61(2) in force at 6.12.2006 in so far as not already in force by S.I. 2006/2885, art. 2(a)

Marginal Citations

M1 1994 c. 33.

62 Meaning of “sexual offence” and other references to offences.

[^{F1}(1) In this Part “sexual offence” means any offence under—

- (a) Part 1 of the Sexual Offences Act 2003 or any relevant superseded offence; or
- (b) section 2 of the Modern Slavery Act 2015 (human trafficking) committed with a view to exploitation that consists of or includes behaviour within section 3(3) of that Act (sexual exploitation).]

[^{F2}(1A) In subsection (1) “relevant superseded offence” means—

- (a) rape or burglary with intent to rape;
- (b) an offence under any of sections 2 to 12 and 14 to 17 of the Sexual Offences Act 1956 (unlawful intercourse, indecent assault, forcible abduction etc.);
- (c) an offence under section 128 of the Mental Health Act 1959 (unlawful intercourse with person receiving treatment for mental disorder by member of hospital staff etc.);
- (d) an offence under section 1 of the Indecency with Children Act 1960 (indecent conduct towards child under 14);
- (e) an offence under section 54 of the Criminal Law Act 1977 (incitement of child under 16 to commit incest).]

(2) In this Part any reference (including a reference having effect by virtue of this subsection) to an offence of any description (“the substantive offence”) is to be taken to include a reference to an offence which consists of attempting or conspiring to commit, or of aiding, abetting, counselling, procuring or inciting the commission of, the substantive offence.

Textual Amendments

- F1** S. 62(1) substituted (17.3.2016) by The Modern Slavery Act 2015 (Consequential Amendments) Regulations 2016 (S.I. 2016/244), regs. 1(1), 12
- F2** S. 62(1A) inserted (retrospective to 1.5.2004) by Criminal Justice and Immigration Act 2008 (c. 4), Sch. 26 paras. 37(3), 38

Modifications etc. (not altering text)

- C1** S. 62 applied (with modifications) (31.10.2009) by The Youth Justice and Criminal Evidence Act 1999 (Application to Service Courts) Order 2009 (S.I. 2009/2083), arts. 1, 11, 12
- C2** S. 62(2) modified (1.10.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), Sch. 6 para. 37 (with Sch. 13 para. 5); S.I. 2008/2504, art. 2(a)

63 General interpretation etc. of Part II.

(1) In this Part (except where the context otherwise requires)—

“accused”, in relation to any criminal proceedings, means any person charged with an offence to which the proceedings relate (whether or not he has been convicted);

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“the complainant”, in relation to any offence (or alleged offence), means a person against or in relation to whom the offence was (or is alleged to have been) committed;

“court” (except in Chapter IV or V or subsection (2)) means a magistrates’ court, the Crown Court or the criminal division of the Court of Appeal;

“legal representative” means [^{F3}a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation (within the meaning of that Act);]

“picture” includes a likeness however produced;

“the prosecutor” means any person acting as prosecutor, whether an individual or body;

“publication” includes any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public (and for this purpose every relevant programme shall be taken to be so addressed), but does not include an indictment or other document prepared for use in particular legal proceedings;

“relevant programme” means a programme included in a programme service, within the meaning of the ^{M2}Broadcasting Act 1990;

“service court” means—

- (a) [^{F4}the Court Martial;
- (b) the Service Civilian Court; or
- (c) the Court Martial Appeal Court]

“video recording” means any recording, on any medium, from which a moving image may by any means be produced, and includes the accompanying sound-track;

“witness”, in relation to any criminal proceedings, means any person called, or proposed to be called, to give evidence in the proceedings.

- (2) Nothing in this Part shall affect any power of a court to exclude evidence at its discretion (whether by preventing questions being put or otherwise) which is exercisable apart from this Part.

Textual Amendments

- F3** Words in s. 63(1) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\), s. 211\(2\), Sch. 21 para. 132](#) (with [ss. 29, 192, 193](#)); [S.I. 2009/3250, art. 2\(h\)](#)
- F4** Words in s. 63(1) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\), s. 383\(2\), Sch. 16 para. 159](#); [S.I. 2009/812, art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167, art. 4](#)

Modifications etc. (not altering text)

- C3** S. 63 applied (with modifications) (31.10.2009) by [The Youth Justice and Criminal Evidence Act 1999 \(Application to Service Courts\) Order 2009 \(S.I. 2009/2083\), arts. 1, 11, 12](#)
- C4** S. 63 applied (with modifications) (31.10.2009) by [The Court Martial Appeal Court \(Evidence\) Order 2009 \(S.I. 2009/2569\), arts. 1, 5](#)

Marginal Citations

- M2** [1990 c. 42.](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 33BA33BB inserted by [2009 c. 25 s. 104\(1\)](#)