



# Youth Justice and Criminal Evidence Act 1999

## 1999 CHAPTER 23

### PART III

#### FINAL PROVISIONS

#### 64 Regulations and orders.

- (1) Any power of the Secretary of State to make any <sup>F1</sup> . . . order under this Act shall be exercised by statutory instrument.
- (2) A statutory instrument containing any <sup>F1</sup> . . . order under section <sup>F2</sup> . . . 61(1) or (2) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) No <sup>F1</sup> . . . order shall be made under—
  - (a) section <sup>F3</sup> . . . , [<sup>F4</sup>17(7),] 18(5), 42(2) or 44(5), <sup>F5</sup> . . .
  - <sup>F5</sup>(b) . . . . .unless a draft of the <sup>F1</sup> . . . order has been laid before, and approved by a resolution of, each House of Parliament.
- (4) Any <sup>F1</sup> . . . order made by the Secretary of State under this Act may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Secretary of State thinks fit.
- [<sup>F6</sup>(5) Any power of the Department of Justice in Northern Ireland to make an order under this Act shall be exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.
- (6) No order shall be made by the Department of Justice under section 44(5) unless a draft of it has been laid before, and approved by a resolution of, the Northern Ireland Assembly (and subsection (3) above shall not apply to the making of any order by the Department of Justice).

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- (7) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of subsection (6) in relation to the laying of a draft as it applies in relation to the laying of a statutory document under an enactment.
- (8) Any order made by the Department of Justice under this Act may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Department of Justice thinks fit.]

**Subordinate Legislation Made**

- P1** S. 64(4) power partly exercised (13.11.2000): 4.12.2000 appointed for specified provisions by [S.I. 2000/3075, art. 2](#)  
S. 64(4) power partly exercised (29.7.2000): 4.9.2000 appointed for specified provisions by [S.I. 2000/2091, art. 2](#)

**Textual Amendments**

- F1** Words in s. 64 repealed (25.8.2000) by [2000 c. 6, ss. 165\(4\), 168\(1\), Sch. 12 Pt. I](#) (with [Sch. 11 paras. 1, 2](#))
- F2** Words in s. 64(2) repealed (25.8.2000) by [2000 c. 6, ss. 165\(4\), 168\(1\), Sch. 12 Pt. I](#) (with [Sch. 11 paras. 1, 2](#))
- F3** Word in s. 64(3) repealed (25.8.2000) by [2000 c. 6, ss. 165\(4\), 168\(1\), Sch. 12 Pt. I](#) (with [Sch. 11 paras. 1, 2](#))
- F4** Word in s. 64(3)(a) inserted (27.6.2011) by [Coroners and Justice Act 2009 \(c. 25\), ss. 99\(3\), 182\(5\)](#) (with [s. 180, Sch. 22 para. 23](#)); [S.I. 2011/1452, art. 2\(a\)](#)
- F5** S. 64(3)(b) and the word preceding it repealed (25.8.2000) by [2000 c. 6, ss. 165\(4\), 168\(1\), Sch. 12 Pt. I](#) (with [Sch. 11 paras. 1, 2](#))
- F6** S. 64(5)-(8) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 1\(2\), Sch. 14 para. 44](#) (with [arts. 28-31](#))

**65 General supplementary provisions.**

(1) [<sup>F7</sup>Criminal Procedure Rules] may make such provision as appears to the authority making them to be necessary or expedient for the purposes of this Act (and nothing in this Act shall be taken to affect the generality of any enactment conferring power to make such rules).

<sup>F8</sup>(2) .....

(3) For the purposes of this Act the age of a person shall be taken to be that which it appears to the court to be after considering any available evidence.

[<sup>F9</sup>(4) Subsection (3) is subject to section 33(5) of this Act.]

**Textual Amendments**

- F7** Words in s. 65(1) substituted (1.9.2004) by [Courts Act 2003 \(c. 39\), s. 110\(1\), Sch. 8 para. 384\(h\)](#); [S.I. 2004/2066, art. 2\(c\)\(xix\)](#) (with [art. 3](#))
- F8** S. 65(2) repealed (1.9.2004) by [Courts Act 2003 \(c. 39\), s. 110\(1\), Sch. 8 para. 387, Sch. 10](#); [S.I. 2004/2066, art. 2\(c\)\(d\)\(vii\)\(xix\)](#) (with [art. 3](#))
- F9** S. 65(4) inserted (6.4.2013) by [The Trafficking People for Exploitation Regulations 2013 \(S.I. 2013/554\), reg. 1\(b\), Sch. para. 5](#)

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**Modifications etc. (not altering text)**

- C1** S. 65 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. 65 applied (with modifications) (31.10.2009) by [The Court Martial Appeal Court \(Evidence\) Order 2009 \(S.I. 2009/2569\)](#), arts. 1, **5**

**66 Corresponding provisions for Northern Ireland.**

- (1) An Order in Council under section 85 of the <sup>M1</sup>Northern Ireland Act 1998 (provision dealing with certain reserved matters) which contains a statement that it is made only for purposes corresponding to the purposes of any of the relevant provisions of this Act—
  - (a) shall not be subject to the procedures set out in subsections (3) to (8) of that section; but
  - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) In subsection (1) “the relevant provisions of this Act” means—
  - (a) Chapters I to III of Part II;
  - (b) section 47;
  - (c) sections 49 to 51 so far as having effect for the purposes of section 47;
  - (d) Chapters V to VII of Part II (other than section 59); and
  - (e) this Part.
- (3) Until the day appointed under section 3 of the Northern Ireland Act 1998 for the commencement of Parts II and III of that Act, this section shall have effect with the substitution for subsection (1) of the following—
  - “(1) An Order in Council under paragraph 1(1)(b) of Schedule 1 to the <sup>M2</sup>Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which contains a statement that it is made only for purposes corresponding to the purposes of any of the relevant provisions of this Act—
    - (a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament), but
    - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

**Marginal Citations**

- M1** 1998 c. 47.
- M2** 1974 c. 28.

**67 Minor, consequential and pre-consolidation amendments, repeals and transitional provisions.**

- (1) The minor and consequential amendments specified in Schedule 4 shall have effect.
- <sup>F10</sup>(2) .....
- (3) The enactments specified in Schedule 6 (which include certain spent enactments) are repealed or revoked to the extent specified.

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(4) The transitional provisions and savings in Schedule 7 shall have effect.

#### Textual Amendments

**F10** S. 67(2) repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with **Sch. 11 paras. 1, 2**)

#### Commencement Information

- I1** S. 67 partly in force; s. 67 not in force at Royal Assent, see s. 68(3); s. 67(2) in force at 1.1.2000 by **S.I. 1999/3427, art. 2**; s. 67(3) in force for certain purposes at 1.4.2000 by **S.I. 1999/3427, art. 3(a)**; s. 67(1)(3) in force for certain purposes at 14.4.2000 by **S.I. 2000/1034, arts. 2(b), 3(1)**; s. 67(1) in force for certain purposes at 26.6.2000 by **S.I. 2000/1587, art. 2(b)**; s. 67(4) in force for certain purposes at 4.12.2000 by **S.I. 2000/3075, art. 2(b)**; s. 67(1)(3)(4) in force for certain purposes at 24.7.2002 by **S.I. 2002/1739, art. {2(f)-(h)}**
- I2** S. 67(3) in force at 7.10.2004 for specified purposes for S. by **S.S.I. 2004/408, art. 3(e)**
- I3** S. 67(3) in force at 7.10.2004 for specified purposes for E.W. by **S.I. 2004/2428, art. 2(d)**
- I4** **S. 67(3)** in force at 8.11.2004 for specified purposes for N.I. by **S.R. 2004/467, art. 2(e)**
- I5** **S. 67(3)** in force at 6.12.2006 for specified purposes by **S.I. 2006/2885, art. 2(b)**
- I6** S. 67(4) in force at 1.4.2003 for specified purposes by **S.I. 2003/707, art. 2(b)**
- I7** S. 67(4) in force at 7.10.2004 for specified purposes for S. by **S.S.I. 2004/408, art. 3(f)**
- I8** **S. 67(4)** in force at 8.11.2004 for specified purposes for N.I. by **S.R. 2004/467, art. 2(f)**

## 68 Short title, commencement and extent.

- (1) This Act may be cited as the Youth Justice and Criminal Evidence Act 1999.
- (2) For the purposes of the <sup>M3</sup>Scotland Act 1998, any provision of this Act which extends to Scotland shall be taken to be a pre-commencement enactment within the meaning of that Act.
- (3) Subject to subsection (4), this Act shall not come into force until such day as the Secretary of State may by order appoint; and different days may be appointed for different purposes or different areas.
- [<sup>F11</sup>(3A) In relation to the coming into force of any provision of this Act for the purposes of the law of Northern Ireland, the reference in subsection (3) to the Secretary of State shall be construed as a reference to the Department of Justice in Northern Ireland.]
- (4) The following provisions come into force on the day on which this Act is passed—
- section 6(4);
  - the provisions of Chapters I to IV of Part II for the purpose only of the exercise of any power to make rules of court;
  - section 40(1);
  - sections 58(5) and 61(2) for the purpose only of the exercise of any power to make an order;
  - section 61(1) and (3), sections 62 to 66 and this section.
- (5) Subject to subsections (6) to (9) this Act extends to England and Wales only.
- (6) Subject to subsection (9), the following provisions extend also to Scotland and Northern Ireland—
- the provisions of Chapter IV of Part II and section 63 so far as having effect for the purposes of those provisions;

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- (b) the provisions of paragraph 6 of Schedule 7 and paragraph 1 of that Schedule so far as having effect for the purposes of those provisions; and
- (c) sections 59, 61 and 64 and this section.

<sup>F12</sup>(7) .....

(8) Section 66 extends to Northern Ireland only.

(9) The extent of any amendment, repeal or revocation made by this Act is the same as that of the enactment amended, repealed or revoked, except that—

- (a) the amendments made by Schedule 2 in section 49 of the <sup>M4</sup>Children and Young Persons Act 1933 and in the <sup>M5</sup>Sexual Offences (Amendment) Act 1992 extend to England and Wales, Scotland and Northern Ireland;
- (b) the repeal by Schedule 6 of section 62 of the <sup>M6</sup>Criminal Procedure and Investigations Act 1996 does not extend to Northern Ireland.

<sup>F13</sup>(10) .....

#### Subordinate Legislation Made

- P2** S. 68(3) power partly exercised: different dates appointed for specified provisions by [S.I. 1999/3427](#), [arts. 2, 3\(a\)\(b\)](#)
- S. 68(3) power partly exercised: 14.4.2000 appointed for specified provisions by [S.I. 2000/1034](#), [art. 2](#)
- S. 68(3) power partly exercised: 26.6.2000 appointed for specified provisions by [S.I. 2000/1587](#), [art. 2](#)
- S. 68(3) power partly exercised: 4.9.2000 appointed for specified provisions by [S.I. 2000/2091](#), [art. 2](#) (with [art. 3](#))
- S. 68(3) power partly exercised: 4.12.2000 appointed for specified provisions by [S.I. 2000/3075](#), [art. 2](#)
- S. 68(3) power partly exercised: 1.1.2001 appointed for specified provisions by [S.S.I. 2000/445](#), [art. 2](#)
- S. 68(3) power partly exercised: 24.7.2002 appointed for specified provisions by [{S.I. 2002/1739}](#), [art. 2](#)

#### Textual Amendments

- F11** S. 68(3A) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), [Sch. 14 para. 45](#) (with [arts. 28-31](#))
- F12** S. 68(7) repealed (25.8.2000) by [2000 c. 6, ss. 165\(4\), 168\(1\)](#), [Sch. 12 Pt. I](#) (with [Sch. 11 paras. 1, 2](#))
- F13** S. 68(10) repealed (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. 160](#), [Sch. 17](#); [S.I. 2009/812](#), [art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

#### Marginal Citations

- M3** 1998 c. 46.
- M4** 1933 c. 12.
- M5** 1992 c. 34.
- M6** 1996 c. 25.

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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\(1\)](#)