



# Youth Justice and Criminal Evidence Act 1999

## 1999 CHAPTER 23

### PART II

#### GIVING OF EVIDENCE OR INFORMATION FOR PURPOSES OF CRIMINAL PROCEEDINGS

##### CHAPTER I

###### SPECIAL MEASURES DIRECTIONS IN CASE OF VULNERABLE AND INTIMIDATED WITNESSES

###### *Preliminary*

#### **16 Witnesses eligible for assistance on grounds of age or incapacity.**

- (1) For the purposes of this Chapter a witness in criminal proceedings (other than the accused) is eligible for assistance by virtue of this section—
  - (a) if under the age of [F1 18] at the time of the hearing; or
  - (b) if the court considers that the quality of evidence given by the witness is likely to be diminished by reason of any circumstances falling within subsection (2).
- (2) The circumstances falling within this subsection are—
  - (a) that the witness—
    - (i) suffers from mental disorder within the meaning of the <sup>M1</sup>Mental Health Act 1983, or
    - (ii) otherwise has a significant impairment of intelligence and social functioning;
  - (b) that the witness has a physical disability or is suffering from a physical disorder.

**Changes to legislation:** Youth Justice and Criminal Evidence Act 1999, Section 16 is up to date with all changes known to be in force on or before 15 May 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

- (3) In subsection (1)(a) “the time of the hearing”, in relation to a witness, means the time when it falls to the court to make a determination for the purposes of section 19(2) in relation to the witness.
- (4) In determining whether a witness falls within subsection (1)(b) the court must consider any views expressed by the witness.
- (5) In this Chapter references to the quality of a witness’s evidence are to its quality in terms of completeness, coherence and accuracy; and for this purpose “coherence” refers to a witness’s ability in giving evidence to give answers which address the questions put to the witness and can be understood both individually and collectively.

#### Textual Amendments

- F1** Word in s. 16(1)(a) substituted (27.6.2011) by [Coroners and Justice Act 2009 \(c. 25\)](#), **ss. 98(2)**, 182(5) (with [s. 180](#), [Sch. 22 para. 23](#)); [S.I. 2011/1452](#), art. 2(a)

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

- C1** S. 16 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, **3**, 4

#### Commencement Information

- I1** S. 16 wholly in force at 24.7.2002; Pt. II Chs. 1-4 (ss. 16-52) in force for certain purposes at Royal Assent, see [s. 68\(4\)](#); s. 16 in force in so far as not already in force at 24.7.2002 by [S.I. 2002/1739](#), **art. 2(a)**

#### Marginal Citations

- M1** [1983 c. 20](#).

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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\(1\)](#)