



# 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

#### *Special measures*

#### **29 Examination of witness through intermediary.**

- (1) A special measures direction may provide for any examination of the witness (however and wherever conducted) to be conducted through an interpreter or other person approved by the court for the purposes of this section (“an intermediary”).
- (2) The function of an intermediary is to communicate—
  - (a) to the witness, questions put to the witness, and
  - (b) to any person asking such questions, the answers given by the witness in reply to them,and to explain such questions or answers so far as necessary to enable them to be understood by the witness or person in question.
- (3) Any examination of the witness in pursuance of subsection (1) must take place in the presence of such persons as [<sup>F1</sup>Criminal Procedure Rules] or the direction may provide, but in circumstances in which—
  - (a) the judge or justices (or both) and legal representatives acting in the proceedings are able to see and hear the examination of the witness and to communicate with the intermediary, and

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- (b) (except in the case of a video recorded examination) the jury (if there is one) are able to see and hear the examination of the witness.
- (4) Where two or more legal representatives are acting for a party to the proceedings, subsection (3)(a) is to be regarded as satisfied in relation to those representatives if at all material times it is satisfied in relation to at least one of them.
- (5) A person may not act as an intermediary in a particular case except after making a declaration, in such form as may be prescribed by [<sup>F2</sup>Criminal Procedure Rules], that he will faithfully perform his function as intermediary.
- (6) Subsection (1) does not apply to an interview of the witness which is recorded by means of a video recording with a view to its admission as evidence in chief of the witness; but a special measures direction may provide for such a recording to be admitted under section 27 if the interview was conducted through an intermediary and—
- (a) that person complied with subsection (5) before the interview began, and
- (b) the court's approval for the purposes of this section is given before the direction is given.
- (7) Section 1 of the <sup>M1</sup>Perjury Act 1911 (perjury) shall apply in relation to a person acting as an intermediary as it applies in relation to a person lawfully sworn as an interpreter in a judicial proceeding; and for this purpose, where a person acts as an intermediary in any proceeding which is not a judicial proceeding for the purposes of that section, that proceeding shall be taken to be part of the judicial proceeding in which the witness's evidence is given.

#### Textual Amendments

- F1** Words in s. 29(3) substituted (1.9.2004) by [Courts Act 2003 \(c. 39\), s. 110\(1\), Sch. 8 para. 384\(d\); S.I. 2004/2066, art. 2\(c\)\(xix\) \(with art. 3\)](#)
- F2** Words in s. 29(5) substituted (1.9.2004) by [Courts Act 2003 \(c. 39\), s. 110\(1\), Sch. 8 para. 384\(d\); S.I. 2004/2066, art. 2\(c\)\(xix\) \(with art. 3\)](#)

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

- C1** S. 29(1)(2) 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](#)
- C2** S. 29(3)(4) 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](#)
- C3** S. 29(5)-(7) 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** Pt. 2 Chs. 1-4 (ss. 16-52) in force for certain purposes at Royal Assent, see s. 68(4)
- I2** S. 29 in force at 23.2.2004 in so far as not already in force by [S.I. 2004/299, art. 2](#)

#### Marginal Citations

- M1** 1911 c. 6.

**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\(1\)](#)