

*Status: Point in time view as at 08/07/2008.*

*Changes to legislation: Criminal Justice and Immigration Act 2008, Cross Heading: Youth Justice and Criminal Evidence Act 1999 (c. 23) is up to date with all changes known to be in force on or before 24 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)*

## SCHEDULES

### SCHEDULE 26

#### MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART 2

#### OTHER AMENDMENTS

##### *Youth Justice and Criminal Evidence Act 1999 (c. 23)*

- 35 The Youth Justice and Criminal Evidence Act 1999 has effect subject to the following amendments.
- 36 (1) Section 35 (child complainants and other child witnesses) is amended as follows.
- (2) In subsection (3) (offences to which section applies), in paragraph (a)—
- (a) before sub-paragraph (v) insert—
- “(iva) any of sections 33 to 36 of the Sexual Offences Act 1956,”; and
- (b) in sub-paragraph (vi), at end insert “ or any relevant superseded enactment ”.
- (3) After that subsection insert—
- “(3A) In subsection (3)(a)(vi) “relevant superseded enactment” means—
- (a) any of sections 1 to 32 of the Sexual Offences Act 1956;
- (b) the Indecency with Children Act 1960;
- (c) the Sexual Offences Act 1967;
- (d) section 54 of the Criminal Law Act 1977.”
- 37 (1) Section 62 (meaning of “sexual offence” and other references to offences) is amended as follows.
- (2) In subsection (1) at end insert “ or any relevant superseded offence ”.
- (3) After that subsection insert—
- “(1A) In subsection (1) “relevant superseded offence” means—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);

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(e) an offence under section 54 of the Criminal Law Act 1977 (incitement of child under 16 to commit incest).”

38 The amendments made by paragraphs 36 and 37 are deemed to have had effect as from 1 May 2004.

39 Where an order under section 61 of the Youth Justice and Criminal Evidence Act 1999 (c. 23) (application of Part 2 of Act to service courts) makes provision as regards the application of any provision of section 35 or 62 of that Act which is amended or inserted by paragraph 36 or 37, the order may have effect in relation to times before the making of the order.

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