

**2000 No. 3075 (C. 96)**

**CRIMINAL LAW, ENGLAND AND WALES**

**The Youth Justice and Criminal Evidence Act 1999  
(Commencement No. 5) Order 2000**

Made - - - - 13th November 2000

In exercise of the powers conferred on him by sections 64(4) and 68(3) of the Youth Justice and Criminal Evidence Act 1999(a), the Secretary of State hereby makes the following Order:

**1.** This Order may be cited as the Youth Justice and Criminal Evidence Act 1999 (Commencement No. 5) Order 2000.

**2.** The following provisions of the Youth Justice and Criminal Evidence Act 1999 shall come into force on 4th December 2000:

- (a) sections 41 to 43 (restriction on evidence or questions about complainant's sexual history);
- (b) paragraph 5 of Schedule 7 (transitional provisions) and section 67(4) in so far as it relates to it; and
- (c) subject to article 3 below, the entries in Schedule 6 (repeals) relating to:
  - (i) sections 2 and 3 of the Sexual Offences (Amendment) Act 1976(b);
  - (ii) paragraph 148 of Schedule 7 to the Magistrates' Courts Act 1980(c);
  - (iii) paragraph 35(3) of Schedule 10 to the Criminal Justice and Public Order Act 1994(d);
  - (iv) paragraph 23 of Schedule 1 to the Criminal Procedure and Investigations Act 1996(e).

**3.** The commencement of the repeal of sections 2 and 3(3) of the Sexual Offences (Amendment) Act 1976 and paragraph 35(3) of Schedule 10 to the Criminal Justice and Public Order Act 1994 shall not apply in relation to any trial before a court-martial.

Home Office  
13th November 2000

*Charles Clarke*  
One of Her Majesty's Principal Secretaries of State

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(a) 1999 c. 23.  
(b) 1976 c. 82.  
(c) 1980 c. 43.  
(d) 1994 c. 33.  
(e) 1996 c. 25.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force on 4th December 2000 sections 41 to 43 of the Youth Justice and Criminal Evidence Act 1999. These sections make provision, in connection with sexual offences, for the restriction of evidence or questions about a complainant's sexual history. In addition, the Order brings into force the repeal of sections 2 and 3 of the Sexual Offences (Amendment) Act 1976 which have been superseded by sections 41 to 43 of the Youth Justice and Criminal Evidence Act 1999. However, sections 2 and 3(3) of the Sexual Offences (Amendment) Act 1976 will continue to apply to trials before a court-martial.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Youth Justice and Criminal Evidence Act 1999 have been brought into force by commencement orders before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 67(2) and Schedule 5.	1.1.00	1999/3427
Section 67(3) (partially) and in Schedule 6 the entries relating to the Youth Justice and Criminal Evidence Act 1999.	1.4.00	1999/3427
Sections 59 and 60, section 67(1) and Schedule 4 (both partially) and section 67(3) and Schedule 6 (both partially).	14.4.00	2000/1034
Part I (partially), Schedule 1, section 67(1) and Schedule 4 (both partially) and Schedule 7 (partially).	26.6.00	2000/1587
Sections 34 and 35, sections 38 to 40 and Schedules 6 and 7 (both partially).	4.9.00	2000/2091



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