

2002 No. 1739 (C. 54)

CRIMINAL LAW, ENGLAND AND WALES

**The Youth Justice and Criminal Evidence Act 1999
(Commencement No. 7) Order 2002**

Made - - - - -

8th July 2002

In exercise of the powers conferred upon 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:

Citation, interpretation and extent

1.—(1) This Order may be cited as the Youth Justice and Criminal Evidence Act 1999 (Commencement No. 7) Order 2002.

(2) In this Order, the “Service Courts Order” means the Criminal Justice Act 1988 (Application to Service Courts) (Evidence) Order 1996(b).

(3) This Order extends to England and Wales only.

Appointed day

2. The following provisions of the Youth Justice and Criminal Evidence Act 1999 shall, in so far as they are not already in force, come into force on 24th July 2002:

- (a) sections 16 to 27 and 30 (special measures directions in case of vulnerable and intimidated witnesses);
- (b) sections 31 to 33 (supplementary provisions);
- (c) sections 36 and 37 (prohibition imposed by court);
- (d) section 47 (reports relating to directions under chapter I or II);
- (e) sections 53 to 57 (competence of witness and capacity to be sworn);
- (f) paragraphs 1, 10 and 12 to 14 of Schedule 4 and section 67(1) in so far as it relates to those paragraphs;
- (g) in Schedule 6, the entries relating to—
 - (i) the Criminal Evidence Act 1898(c), section 1;
 - (ii) the Police and Criminal Evidence Act 1984(d), section 80 (1), (5) and (8);
 - (iii) the Criminal Justice Act 1988(e)—
 - (aa) section 32(1), (2), (3A) to (3E) and (6), except in so far as applied to proceedings before Service courts by the Service Courts Order;
 - (bb) section 32A, except in so far as applied to proceedings before Service courts by the Service Courts Order; and
 - (cc) section 33A;

(a) 1999 c. 23.
(b) S.I. 1996/2592.
(c) 1898 c. 36.
(d) 1984 c. 60.
(e) 1988 c. 33.

- (iv) the Criminal Justice Act 1991**(a)**
 - (aa) section 52;
 - (bb) section 54, except in so far as required for proceedings before Service courts; and
 - (cc) section 55(2)(b), (4) and (6) except in so far as required for proceedings before Service courts;
- (v) the Criminal Justice and Public Order Act 1994**(b)**, section 50 and paragraph 33 of Schedule 9;
- (vi) the Criminal Appeal Act 1995**(c)** paragraph 16(2)(b) and (3) of Schedule 2;
- (vii) the Criminal Procedure and Investigations Act 1996**(d)**, section 62 and paragraph 33 of Schedule 1;
and section 67(3) in so far as it relates to those entries;
- (h) paragraphs 3 and 7 of Schedule 7 (transitional provisions and savings) and section 67(4) in so far as it relates to them.

Home Office
8th July 2002

Charles Falconer
Minister of State

(a) 1991 c. 53.
(b) 1994 c. 33.
(c) 1995 c. 38.
(d) 1996 c. 25.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 24th July 2002 provisions in the Youth Justice and Criminal Evidence Act 1999 relating to Special Measures Directions (sections 16 to 27 and 30 to 33), including the giving of evidence by a live link or by means of a recording. It also commences provisions enabling courts to issue directions prohibiting an accused from cross-examining a witness in person (sections 36 to 37), provision imposing restrictions on the reporting of such directions (section 47) and provisions relating to the competence of witnesses in criminal proceedings to give evidence and the capacity of witnesses in such proceedings to be sworn. In addition a number of consequential repeals are commenced (Schedule 6) (with exceptions in so far as they apply to Service courts) and certain transitional provisions in Schedule 7.

This Order extends to England and Wales only.

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 (as to England, Wales and Northern Ireland) 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	200/2091
Sections 41 to 43, Schedule 7 and section 67(4) (partially) and Schedule 6 (partially).	4.12.00	2000/3075
Section 59 and Schedule 3 (Scotland only).	1.1.01	SSI 2000/445

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