

2006 No. 2885 (C. 99)

DEFENCE

**The Youth Justice and Criminal Evidence Act 1999
(Commencement No. 12) Order 2006**

Made - - - - *30th October 2006*

The Secretary of State, 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), makes the following Order:

Citation

1. This Order may be cited as the Youth Justice and Criminal Evidence Act 1999 (Commencement No. 12) Order 2006.

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 6th December 2006:

- (a) section 61(2) (power to modify Chapter 4 in its application to service courts);
- (b) in Schedule 6 (repeals), the entries relating to—
 - (i) the Army Act 1955(b);
 - (ii) the Air Force Act 1955(c);
 - (iii) the Naval Discipline Act 1957(d);
 - (iv) the Courts-Martial (Appeals) Act 1968(e);
 - (v) the Armed Forces Act 1976(f);
 - (vi) the Armed Forces Act 1981(g);
 - (vii) the following provisions of the Criminal Justice Act 1988(h)—
 - (aa) section 32(1), (2), (3A) to (3E) and (6);
 - (bb) section 32A; and
 - (cc) paragraph 8 of Schedule 13;
 - (viii) paragraph 35(3) of Schedule 10 to the Criminal Justice and Public Order Act 1994(i);

(a) 1999 c. 23.
(b) 1955 c. 18.
(c) 1955 c. 19.
(d) 1957 c. 53.
(e) 1968 c. 20.
(f) 1976 c. 52.
(g) 1981 c. 55.
(h) 1988 c. 33.
(i) 1994 c. 33.

and section 67(3) in so far as it relates to those entries.

30th October 2006

Derek Twigg
Parliamentary Under Secretary of State
Ministry of Defence

EXPLANATORY NOTE

(This note is not part of the Order)

This Order commences, for remaining purposes, section 61(2) of the Youth Justice and Criminal Evidence Act 1999 (c. 23) (“the 1999 Act”), which provides that Chapter 4 of Part 2 of that Act shall have effect for the purposes of proceedings before a service court subject to any modifications which the Secretary of State may by order specify. Chapter 4 contains provisions allowing reporting restrictions to be imposed in certain proceedings involving vulnerable persons. Section 61(2) of the 1999 Act is already in force for the purpose only of the exercise of any power to make an order under it. Modifications to Chapter 4 for courts-martial and Standing Civilian Courts are contained, *inter alia*, in the Youth Justice and Criminal Evidence Act 1999 (Application to Courts-Martial) Order 2006 (S.I. 2006/2886) and the Youth Justice and Criminal Evidence Act 1999 (Application to Standing Civilian Courts) Order 2006 (S.I. 2006/2888) (“the 2006 Orders”).

As at the date of this Order, sections 44 and 45 in Chapter 4 of the 1999 Act have not yet been commenced. This Order does not operate to commence sections 44 or 45 for service courts.

This Order also commences a number of repeals which are consequential upon the coming into force of the 2006 Orders.

The repeal of section 32(1)(b) and (2), (3A) to (3E) and (6) and section 32(A) of the Criminal Justice Act 1988 (c. 33) (which relate to giving evidence through television links and video recordings of testimony from child witnesses) was commenced by the Youth Justice and Criminal Evidence Act 1999 (Commencement No. 7) Order 2002 (S.I. 2002/1739), but with a saving in so far as those sections are applied to proceedings before Service courts by the Criminal Justice Act 1988 (Application to Service Courts) (Evidence) Order 1996 (S.I. 1996/2592) (“the 1996 Order”). The 1996 Order is revoked by the Criminal Justice Act 1988 (Application to Service Courts) (Evidence) Order 2006 (S.I. 2006/2890) which contains saving provisions for Service courts in respect of section 32(1)(a) and (3), which allows a witness who is not in the country where the court is sitting to give evidence by live television link. The amendments to paragraph 8 of Schedule 13 are consequential on the amendments to section 32.

Similarly, the repeal of paragraph 35(3) of Schedule 10 of the Criminal Justice and Public Order Act 1994 (c. 33) was commenced by the Youth Justice and Criminal Evidence Act 1999 (Commencement No. 5) Order 2000 (S.I. 2000/3075), but with a saving in relation to any trial by a court-martial. The effect of this Order is that this provision is now wholly repealed.

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>
Sections 1 to 15 (in so far as not already in force) and Schedule 1	26.06.2000	2000/1587
Sections 16 to 27	24.07.2002	2002/1739
Section 29	23.02.2004	2004/299
Sections 30 to 33	24.07.2002	2002/1739
Sections 34 and 35	04.09.2000	2000/2091
Sections 36 and 37	24.07.2002	2002/1739
Sections 38 to 40	04.09.2000	2000/2091
Sections 41 to 43	04.12.2000	2000/3075
Section 46	07.10.2004 07.10.2004 08.11.2004	2004/2428 S.S.I. 2004/408 S.R. 2004/467
Section 47	24.07.2002 07.10.2004 08.11.2004	2002/1739 S.S.I. 2004/408 S.R. 2004/467
Section 48 (partially)	07.10.2004 08.11.2004	2004/2428 S.R. 2004/467
Sections 49 to 52 (in so far as they have effect for the purposes of sections 46 and 47)	07.10.2004 07.10.2004 08.11.2004	2004/2428 S.S.I. 2004/408 S.R. 2004/467
Sections 53 to 57	24.07.2002	2002/1739
Section 58	01.04.2003	2003/707
Sections 59 (as to England, Wales and Northern Ireland) and 60	14.04.2000	2000/1034
Section 67(1) and Schedule 4 (partially)	14.04.2000 26.06.2000 24.07.2002	2000/1034 2000/1587 2002/1739
Section 67(2) and Schedule 5	01.01.2000	1999/3427
Section 67(3) (partially) and Schedule 6 (partially)	01.04.2000 14.04.2000 04.09.2000 04.12.2000 24.07.2002 07.10.2004 07.10.2004 08.11.2004	1999/3427 2000/1034 2000/2091 2000/3075 2002/1739 2004/2428 S.S.I. 2004/408 S.R. 2004/467
Section 67(4) (partially) and Schedule 7 (partially)	26.06.2000 04.09.2000 04.12.2000 24.07.2002 01.04.2003 07.10.2004	2000/1587 2000/2091 2000/3075 2002/1739 2003/707 2004/2428

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
	07.10.2004	S.S.I. 2004/408
	08.11.2004	S.R. 2004/467
Schedule 2 (partially)	07.10.2004	2004/2428
	07.10.2004	S.S.I. 2004/408

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