
STATUTORY INSTRUMENTS

2009 No. 2083

**The Youth Justice and Criminal Evidence Act
1999 (Application to Service Courts) Order 2009**

Application of special measures provisions

3.—(1) The special measures provisions in paragraph (3)(a) to (g), (i), (k), (n), (p) and (s) shall apply in relation to proceedings before the Court Martial Appeal Court as they apply in relation to criminal proceedings, subject to the modifications specified in article 4.

(2) The special measures provisions in paragraph (3)(h), (j), (l), (m), (o), (q) and (r) shall apply in relation to proceedings before—

- (a) the Court Martial,
- (b) the Service Civilian Court, and
- (c) the Court Martial Appeal Court,

as they apply in relation to criminal proceedings, subject to the modifications specified in article 4.

(3) In this Order “the special measures provisions” means the following provisions of the Act—

- (a) section 16 (witness eligible for assistance on grounds of age or incapacity);
- (b) section 17 (witness eligible for assistance on grounds of fear or distress about testifying);
- (c) section 18 (special measures available to eligible witness);
- (d) section 19 (special measures direction relating to eligible witness);
- (e) section 20 (further provisions about directions: general);
- (f) section 21 (special provisions relating to child witnesses);
- (g) section 22 (extension of provisions of section 21 to certain witnesses over 17);
- (h) section 23 (screening witness from accused);
- (i) section 24(1) to (4) and (8) (evidence by live link);
- (j) section 25(1) to (3) and (5) (evidence given in private);
- (k) section 25(4) (evidence given in private);
- (l) section 26 (removal of wigs and gowns);
- (m) section 27(1) and (11) (video recorded evidence in chief);
- (n) section 27(2) to (9) (video recorded evidence in chief);
- (o) section 29(1), (2) and (5) to (7) (examination of witness through intermediary);
- (p) section 29(3) and (4) (examination of witness through intermediary);
- (q) section 30 (aids to communication);
- (r) section 31 (status of evidence given under Chapter 1 of Part 2 of the Act); and
- (s) section 33 (interpretation etc of Chapter 1).