

2013 No. 3236 (C. 130)

CRIMINAL PROCEDURE, ENGLAND AND WALES

**The Youth Justice and Criminal Evidence Act 1999
(Commencement No. 13) Order 2013**

Made - - - - *18th December 2013*

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

Citation and interpretation

1.—(1) This Order may be cited as the Youth Justice and Criminal Evidence Act 1999 (Commencement No. 13) Order 2013.

(2) In this Order, “the Act” means the Youth Justice and Criminal Evidence Act 1999.

Provision coming into force on 30th December 2013

2.—(1) Section 28 of the Act(b) (video recorded cross-examination or re-examination) comes into force on 30th December 2013 in relation to relevant proceedings.

(2) Proceedings are relevant for the purposes of article 2(1) if—

(a) they take place before the Crown Court sitting at—

- (i) Kingston-upon-Thames,
- (ii) Leeds, or
- (iii) Liverpool; and

(b) the witness is eligible for assistance by virtue of either—

- (i) section 16(1)(a) of the Act(c) (witnesses eligible for assistance on grounds of age) where the witness is under the age of 16 at the time of the hearing, or
- (ii) section 16(1)(b) of the Act (witnesses eligible for assistance on grounds of incapacity).

Signed by the authority of the Secretary of State

18th December 2013

Damian Green
Minister of State
Ministry of Justice

(a) 1999 c. 23; section 64(4) has been amended by section 165(4) and Part 1 of Schedule 12 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6).

(b) Section 28 has been amended by section 109(1) and paragraph 384(c) of Schedule 8 to the Courts Act 2003 (c. 39).

(c) Section 16 has been amended by section 98(1) and (2) of the Coroners and Justice Act 2009 (c. 25).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under sections 64(4) and 68(3) of the Youth Justice and Criminal Evidence Act 1999 (c. 23) (“the Act”).

Section 28 provides that where a witness’s video-recorded evidence in chief has been admitted under section 27 of the Act the court may also direct that the video-recorded cross-examination of that witness may also be admitted as evidence.

Article 2 makes provision about the coming into force of section 28 of the Act on 30th December 2013, but only for the purposes of proceedings before the Crown Court sitting at Kingston-upon-Thames, Leeds, or Liverpool, and to cases in which a vulnerable witness is eligible for assistance either where he or she is under the age of 16 at the time of the hearing, or by virtue of section 16(1)(b) of the Act, owing to an incapacity.

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 (c. 23) have been brought into force by commencement order made 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	2004/2428
	07.10.2004	S.S.I. 2004/408
	08.11.2004	S.R. 2004/467
Section 47	24.07.2002	2004/1739
	07.10.2004	S.S.I. 2004/408
	08.11.2004	S.R. 2004/467
Section 48 (partially)	07.10.2004	2004/2428
	08.11.2004	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	2004/2428
	07.10.2004	S.S.I. 2004/408
	08.11.2004	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 61(2)	06.12.2006	2006/2885
Section 67(1) and Schedule 4 (partially)	14.04.2000	2000/1034
	26.06.2000	2000/1587
	24.07.2002	2002/1739
Section 67(2) and Schedule 5	01.01.2000	1999/3427
Section 67(3) (partially) and Schedule 6 (partially)	01.04.2000	1999/3427
	14.04.2000	2000/1034

	04.09.2000	2000/2091
	04.12.2000	2000/3075
	24.07.2002	2002/1739
	07.10.2004	2004/2428
	07.10.2004	S.S.I. 2004/408
	08.11.2004	S.R. 2004/467
	06.12.2006	2006/2885
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Section 67(4) and Schedule 7 (partially)	26.06.2000	2000/1587
	04.09.2000	2000/2091
	04.12.2000	2000/3075
	24.07.2002	2002/1739
	01.04.2003	2003/707
	07.10.2004	2004/2428
	07.10.2004	S.S.I. 2004/408
	08.11.2004	S.R. 2004/467
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Schedule 2 (partially)	07.10.2004	2004/2428
	07.10.2004	S.S.I. 2004/408
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Schedule 6 (partially)	06.12.2006	2006/2885
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