

2021 No. 244 (C. 7)

CRIMINAL PROCEDURE, ENGLAND AND WALES

**The Youth Justice and Criminal Evidence Act 1999
(Commencement No. 21) Order 2021**

Made - - - - *2nd March 2021*

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

Citation, interpretation and extent

1.—(1) This Order may be cited as the Youth Justice and Criminal Evidence Act 1999 (Commencement No. 21) Order 2021.

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

(3) This Order extends to England and Wales.

Provision coming into force on 4th March 2021

2.—(1) Section 28 of the Act(b) (video recorded cross-examination or re-examination) comes into force on 4th March 2021 in relation to relevant proceedings.

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

(a) they take place before the Crown Court sitting at Preston Combined Court Centre, and

(b) the witness is eligible for assistance by virtue of section 16 of the Act(c) (witnesses eligible for assistance on grounds of age or incapacity).

2nd March 2021

Chris Philp
Parliamentary Under Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

Section 28 of the Youth Justice and Criminal Evidence Act 1999 (“the Act”) provides that where a witness’s video recorded interview has been admitted as their evidence in chief under section 27 of the Act, the court may also direct that any cross-examination and re-examination of the witness be video recorded and that recording admitted as evidence.

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

(b) Amended by paragraph 384(c) of Schedule 8 to the Courts Act 2003 (c. 39).

(c) Amended by section 98(2) of the Coroners and Justice Act 2009 (c. 25).

A witness in criminal proceedings can be eligible for a direction under section 28 by virtue of section 16(1)(a) of the Act (the witness is under 18 at the time of the hearing), section 16(1)(b) of the Act (eligibility on the grounds of incapacity), and/or section 17 of the Act (eligibility on the grounds of fear or distress about testifying).

Article 2 of this Order makes provision for the coming into force of section 28 of the Act on 4th March 2021 for the purposes of proceedings before the Crown Court sitting at Preston Combined Court Centre, where the witness is eligible for assistance by virtue of section 16 of the Act.

Section 28 was partially brought into force by S.I. 2013/3236 in relation to proceedings before the Crown Court sitting at Kingston-Upon-Thames, Leeds or Liverpool, where the witness is eligible by virtue of section 16(1)(a) and is under the age of 16 at the time of the hearing or is eligible by virtue of section 16(1)(b) of the Act. Section 28 was subsequently brought into force in relation to proceedings in the Crown Court sitting at those three locations where the witness is eligible by virtue of section 16(1)(a) and is aged 16 or 17 at the time of the hearing (S.I. 2016/1201), and where the witness is eligible by virtue of section 17(4) of the Act (complainants in respect of a sexual offence or modern slavery offence who are witnesses in proceedings relating to that offence, or that offence and any other offences) (S.I. 2019/947).

S.I. 2019/947 also brought section 28 into force in relation to proceedings before the Crown Court sitting at Bradford, Carlisle, Chester, Durham, Mold or Sheffield. S.I. 2020/155 brought section 28 into force in relation to proceedings before the Crown Court sitting at Aylesbury, Bristol, Leicester, Northampton, Oxford, Portsmouth, Reading, Swansea or Wolverhampton, in each case where the witness is eligible for assistance by virtue of section 16 of the Act. S.I. 2020/888 also brought section 28 into force in relation to proceedings before the Crown Court sitting at Basildon, Canterbury, the Central Criminal Court, Chelmsford, Croydon, Guildford, Harrow, the Inner London Sessions House, Isleworth, Lewes, Maidstone, Snaresbrook, Southwark, Stafford, Wood Green or Woolwich under similar eligibility criteria.

S.I. 2020/1159 brought section 28 into force in relation to proceedings before the Crown Court sitting at Amersham Law Courts, Bolton, Burnley Combined Court Centre, Caernarfon Justice Centre, Cardiff, Doncaster Justice Centre South, Exeter Law Courts, Gloucester, Ipswich, King's Lynn, Lancaster, Manchester (Crown Square), Manchester (Minshull Street), Merthyr Tydfil Combined Court Centre, Newcastle Moot Hall, Newport (South Wales), Norwich Combined Court Centre, Plymouth Combined Court, Preston Crown Court and Family Court (Sessions House), Salisbury Law Courts, Southampton Combined Court Centre, St. Albans, Swindon Combined Court, Teesside Combined Court Centre, Warrington, Winchester Combined Court Centre, Worcester Combined Court, or York, where the witness is eligible for assistance by virtue of section 16 of the Act.

S.I. 2020/1331 brought section 28 into force in relation to proceedings before the Crown Court sitting at Birmingham, Bournemouth Combined Court, Cambridge, Coventry Combined Court Centre, Derby Combined Court Centre, Great Grimsby Combined Court Centre, Hereford, Hove Trial Centre, Isle of Wight Combined Court, Kingston-Upon-Hull Combined Court Centre, Lincoln, Luton, Newcastle-upon-Tyne Combined Court Centre, Nottingham, Peterborough Combined Court Centre, Shrewsbury, Southend, Stoke-on-Trent Combined Court, Taunton Crown, County and Family Court, Truro Combined Court, or Warwick Combined Court, where the witness is eligible for assistance by virtue of section 16 of the Act.

This Order expands the availability of section 28 directions to proceedings before the Crown Court in one further location, where the witness is eligible for assistance by virtue of section 16 of the Act.

An impact assessment has not been produced for this instrument as no significant impact on the private, voluntary or public sectors is foreseen.

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 in England and Wales 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 (remainder) and Schedule 1	26.06.2000	2000/1587
Sections 16 to 27	24.07.2002	2002/1739
Section 28 (partially)	30.12.2013	2013/3236
	02.01.2017	2016/1201
	03.06.2019	2019/947
	24.02.2020	2020/155
	24.08.2020	2020/888
	26.10.2020	2020/1159
	23.11.2020	2020/1331
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 and 39	04.09.2000	2000/2091
Section 40 (remainder)	04.09.2000	2000/2091
Sections 41 to 43	04.12.2000	2000/3075
Section 45 (partially)	13.04.2015	2015/818
Section 46	07.10.2004	2004/2428
Section 47	24.07.2002	2002/1739
Section 48 (partially)	07.10.2004	2004/2428
	13.04.2015	2015/818
Section 49 (partially)	07.10.2004	2004/2428
	13.04.2015	2015/818
Sections 50 to 52 (partially)	13.04.2015	2015/818
	07.10.2004	2004/2428
Sections 53 to 57	24.07.2002	2002/1739
Section 58 (remainder)	01.04.2003	2003/707
Sections 59 and 60	14.04.2000	2000/1034
Section 61(2) (remainder)	06.12.2006	2006/2885
Section 67(1) (partially) 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)	01.04.2000	1999/3427
	14.04.2000	2000/1034
	24.07.2002	2002/1739
	07.10.2004	2004/2428
	06.12.2006	2006/2885
Section 67(4) (partially) and Schedule 7 (partially)	04.12.2000	2000/3075
	24.07.2002	2002/1739
	01.04.2003	2003/707
	07.10.2004	2004/2428

Schedule 2 (partially)	07.10.2004	2004/2428
	13.04.2015	2015/818
Schedule 6 (partially)	14.04.2000	2000/1034
	04.12.2000	2000/3075
	04.09.2000	2000/2091
	07.10.2004	2004/2428
Schedule 7 (partially)	26.06.2000	2000/1587
	04.09.2000	2000/2091
	07.10.2004	2004/2428
	13.04.2015	2015/818

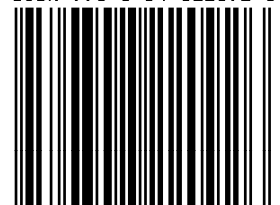
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