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STATUTORY INSTRUMENTS

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**2016 No. 1201 (C. 84)**

**CRIMINAL PROCEDURE,  
ENGLAND AND WALES**

**The Youth Justice and Criminal Evidence Act  
1999 (Commencement No. 15) Order 2016**

*Made - - - - 7th December 2016*

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<sup>(1)</sup>.

**Citation and interpretation**

**1.—(1)** This Order may be cited as the Youth Justice and Criminal Evidence Act 1999 (Commencement No. 15) Order 2016.

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

**Provisions coming into force on 2nd January 2017**

**2.—(1)** Section 28 of the Act<sup>(2)</sup> (video recorded cross-examination or re-examination) comes into force on 2nd January 2017 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 section 16(1)(a) of the Act<sup>(3)</sup> (witnesses eligible for assistance on grounds of age) where the witness is aged 16 or 17 at the time of the hearing.

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(1) 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).

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

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

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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7th December 2016

*Elizabeth Truss*  
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 (c. 23) (“the Act”) provides that where a witness’s video recorded evidence in chief has been admitted under section 27 of the Act the court may direct that the video recorded cross-examination and re-examination of that witness may also be admitted as evidence.

Article 2 makes provision for the coming into force of section 28 of the Act on 2nd January 2017, but only for the purposes of proceedings before the Crown Court sitting at Kingston-upon-Thames, Leeds or Liverpool, where the witness is aged 16 or 17 at the time of the hearing.

Section 28 was previously brought into force by SI 2013/3236 in relation to these courts, where the witness was eligible by virtue of section 16(1)(a) and was 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.

The effect of this Order is therefore to expand the availability of section 28 directions in these courts, so that they may also be made in relation to witnesses who are aged 16 or 17 at the time of the hearing.

## 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:

Provision	Date of commencement	S.I. No.
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 28 (partially)	30.12.2013	2013/3236
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 45 (in so far as it applies to England and Wales)	13.04.2015	2015/818
Section 46	07.10.2004	2004/2428
	07.10.2004	S.S.I. 2004/408
	08.11.2004	S.R. 2004/467

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Provision	Date of commencement	S.I. No.
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
	13.04.2015	2015/818
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
Section 49(2) (in so far as it has effect for the purposes of sections 45 and 45A)	13.04.2015	2015/818
Section 50(4) (in so far as it has effect for the purposes of sections 45 and 45A)	13.04.2015	2015/818
Sections 51 to 52 (in so far as they have effect for the purposes of sections 45 and 45A)	13.04.2015	2015/818
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	

Provision	Date of commencement	S.I. No.
	06.12.2006	2006/2885
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
Schedule 2 (partially)	07.10.2004	2004/2428
	07.10.2004	S.S.I. 2004/408
	13.04.2015	2015/818
Schedule 6 (partially)	06.12.2006	2006/2885
Schedule 7 (partially)	13.04.2015	2015/818