

These notes refer to the Youth Justice and Criminal Evidence Act 1999 (c.23) which received Royal Assent on 27 July 1999

YOUTH JUSTICE AND CRIMINAL EVIDENCE ACT 1999

EXPLANATORY NOTES

BACKGROUND

3. The Act is in two main parts. The first deals with a new sentencing disposal for the youth court, and the second contains measures connected with giving evidence in criminal proceedings.

Part I

4. Part I of the Act provides further reform to the youth justice system in England and Wales.
5. The White Paper *No More Excuses (CM 3809 November 1997)* included a range of proposals to improve the effectiveness of the youth court in preventing offending by children and young people. This is now the principal aim of the youth justice system.
6. The Crime and Disorder Act 1998 gave effect to a number of the White Paper proposals, including new sentences for young offenders and a final warning scheme to replace juvenile cautions.
7. The Youth Justice and Criminal Evidence Act gives effect to further reforms to the youth court proposed in the White Paper. It creates a new sentence of referral to a youth offender panel. Referral will be available for young people convicted for the first time and its primary aim is to prevent re-offending.
8. The youth offender panel will work with the young offender to establish a programme of behaviour for the young offender to follow. The programme will be guided by the following three principles ('restorative justice'):
 - Making restoration to the victim
 - Achieving reintegration into the law-abiding community
 - Taking responsibility for the consequences of offending behaviour

Part II

9. Part II of the Act contains a range of measures designed to help young, disabled, vulnerable or intimidated witnesses give evidence in criminal proceedings.
10. The measures include:
 - a change to the definition of who is competent to give evidence;
 - physical measures to reduce the stress of giving evidence at trial (such as informal dress, screens, live link CCTV and the use of pre-recorded interviews);

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- restrictions on the freedom of defendants to cross-examine their alleged victims personally;
 - further restrictions on what evidence about an alleged victim's sexual behaviour can be considered relevant in a trial for a sexual offence; and
 - further restrictions on publishing information that might reveal the identity of a witness.
11. These measures were proposed in *Speaking Up for Justice (June 1998)*, the report of an interdepartmental review of the treatment of vulnerable or intimidated witnesses in the criminal justice system.
 12. Part II of the Act also makes amendments to the law governing the use of evidence at trial.
 13. Chapters I to III and V of Part II of the Act (and sections 58 and 60 in Chapter VI) apply to proceedings in England and Wales only. However, the reporting restrictions in Chapter IV of Part II apply to the publication anywhere in the UK of reports about proceedings in England and Wales, Northern Ireland and courts-martial.