

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

COMMENTARY ON SECTIONS

Part II: Giving of evidence or information for purposes of criminal proceedings

Chapter VI: Restrictions on use of evidence

Section 58: Inferences from silence not permissible where no prior access to legal advice

196. This section amends the inferences from silence provisions in the Criminal Justice and Public Order Act 1994, to prohibit the drawing of inferences from silence when a suspect is questioned at a police station (or other authorised place of detention) while denied access to legal advice.
197. The effect of these provisions will be to bring the law into compliance with the judgment of the European Court of Human Rights in the case of *John Murray v United Kingdom*, which held that there was a breach of Article 6 of the European Convention on Human Rights as a result of denying the applicant access to legal advice in circumstances where inferences could be drawn from his silence during police questioning.
198. The provision inserted by *subsection (5)* empowers the Secretary of State to designate by regulation places of detention other than a police station. This is to take account of detention by other investigators such as HM Customs and Excise.