



# Youth Justice and Criminal Evidence Act 1999

## 1999 CHAPTER 23

### PART II

#### GIVING OF EVIDENCE OR INFORMATION FOR PURPOSES OF CRIMINAL PROCEEDINGS

#### CHAPTER I

#### SPECIAL MEASURES DIRECTIONS IN CASE OF VULNERABLE AND INTIMIDATED WITNESSES

##### *Preliminary*

#### **17 Witnesses eligible for assistance on grounds of fear or distress about testifying.**

- (1) For the purposes of this Chapter a witness in criminal proceedings (other than the accused) is eligible for assistance by virtue of this subsection if the court is satisfied that the quality of evidence given by the witness is likely to be diminished by reason of fear or distress on the part of the witness in connection with testifying in the proceedings.
- (2) In determining whether a witness falls within subsection (1) the court must take into account, in particular—
  - (a) the nature and alleged circumstances of the offence to which the proceedings relate;
  - (b) the age of the witness;
  - (c) such of the following matters as appear to the court to be relevant, namely—
    - (i) the social and cultural background and ethnic origins of the witness,
    - (ii) the domestic and employment circumstances of the witness, and
    - (iii) any religious beliefs or political opinions of the witness;
  - (d) any behaviour towards the witness on the part of—

**Changes to legislation:** *Youth Justice and Criminal Evidence Act 1999, Section 17 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (i) the accused,
  - (ii) members of the family or associates of the accused, or
  - (iii) any other person who is likely to be an accused or a witness in the proceedings.
- (3) In determining that question the court must in addition consider any views expressed by the witness.
- (4) Where the complainant in respect of [<sup>F1</sup>a sexual offence [<sup>F2</sup>or an offence under [<sup>F3</sup>section 1 or 2 of the Modern Slavery Act 2015][<sup>F1</sup>an offence listed in subsection (4A)]]] is a witness in proceedings relating to that offence (or to that offence and any other offences), the witness is eligible for assistance in relation to those proceedings by virtue of this subsection unless the witness has informed the court of the witness' wish not to be so eligible by virtue of this subsection.
- [<sup>F4</sup>(4A) The offences are—
- (a) a sexual offence;
  - (b) an offence under section 1 or 2 of the Modern Slavery Act 2015;
  - (c) any other offence where it is alleged that the behaviour of the accused amounted to domestic abuse within the meaning of the Domestic Abuse Act 2021 (see section 1 of that Act).]
- [<sup>F5</sup>(5) A witness in proceedings relating to a relevant offence (or to a relevant offence and any other offences) is eligible for assistance in relation to those proceedings by virtue of this subsection unless the witness has informed the court of the witness's wish not to be so eligible by virtue of this subsection.
- (6) For the purposes of subsection (5) an offence is a relevant offence if it is an offence described in Schedule 1A.
- (7) The Secretary of State may by order amend Schedule 1A.]

#### Textual Amendments

- F1** Words in s. 17(4) substituted (19.5.2022 for specified purposes) by [Domestic Abuse Act 2021 \(c. 17\), ss. 62\(2\)\(a\), 90\(6\)](#); S.I. 2022/553, regs. 1(2), 2(1)(a)
- F2** Words in s. 17(4) inserted (6.4.2013) by [The Trafficking People for Exploitation Regulations 2013 \(S.I. 2013/554\), reg. 1\(b\), Sch. para. 2](#)
- F3** Words in s. 17(4) substituted (31.7.2015) by [Modern Slavery Act 2015 \(c. 30\), ss. 46\(2\), 61\(1\)](#); S.I. 2015/1476, reg. 2(e) (with regs. 3, 6, 8)
- F4** S. 17(4A) inserted (19.5.2022 for specified purposes) by [Domestic Abuse Act 2021 \(c. 17\), ss. 62\(2\)\(b\), 90\(6\)](#); S.I. 2022/553, regs. 1(2), 2(1)(a)
- F5** S. 17(5)-(7) added (27.6.2011) by [Coroners and Justice Act 2009 \(c. 25\), ss. 99\(2\), 182\(5\)](#) (with s. 180, Sch. 22 para. 23); S.I. 2011/1452, art. 2(a)

#### Modifications etc. (not altering text)

- C1** S. 17 applied (with modifications) (31.10.2009) by [The Youth Justice and Criminal Evidence Act 1999 \(Application to Service Courts\) Order 2009 \(S.I. 2009/2083\), arts. 1, 3, 4](#)

#### Commencement Information

- I1** S. 17 wholly in force at 24.7.2002; Pt. II Chs. 1-4 (ss. 16-52) in force for certain purposes at Royal Assent, see s. 68(4); s. 17 in force in so far as not already in force at 24.7.2002 by [S.I. 2002/1739, art. 2\(a\)](#)

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[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 33BA33BB inserted by [2009 c. 25 s. 104\(1\)](#)