



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

Special measures directions

20 Further provisions about directions: general

- (1) Subject to subsection (2) and section 21(8), a special measures direction has binding effect from the time it is made until the proceedings for the purposes of which it is made are either—
 - (a) determined (by acquittal, conviction or otherwise), or
 - (b) abandoned,in relation to the accused or (if there is more than one) in relation to each of the accused.
- (2) The court may discharge or vary (or further vary) a special measures direction if it appears to the court to be in the interests of justice to do so, and may do so either—
 - (a) on an application made by a party to the proceedings, if there has been a material change of circumstances since the relevant time, or
 - (b) of its own motion.
- (3) In subsection (2) “the relevant time” means—
 - (a) the time when the direction was given, or

Status: This is the original version (as it was originally enacted).

- (b) if a previous application has been made under that subsection, the time when the application (or last application) was made.
- (4) Nothing in section 24(2) and (3), 27(4) to (7) or 28(4) to (6) is to be regarded as affecting the power of the court to vary or discharge a special measures direction under subsection (2).
- (5) The court must state in open court its reasons for—
 - (a) giving or varying,
 - (b) refusing an application for, or for the variation or discharge of, or
 - (c) discharging,a special measures direction and, if it is a magistrates' court, must cause them to be entered in the register of its proceedings.
- (6) Rules of court may make provision—
 - (a) for uncontested applications to be determined by the court without a hearing;
 - (b) for preventing the renewal of an unsuccessful application for a special measures direction except where there has been a material change of circumstances;
 - (c) for expert evidence to be given in connection with an application for, or for varying or discharging, such a direction;
 - (d) for the manner in which confidential or sensitive information is to be treated in connection with such an application and in particular as to its being disclosed to, or withheld from, a party to the proceedings.