



# Youth Justice and Criminal Evidence Act 1999

## 1999 CHAPTER 23

### PART II

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

#### CHAPTER II

##### PROTECTION OF WITNESSES FROM CROSS-EXAMINATION BY ACCUSED IN PERSON

##### *Cross-examination on behalf of accused*

#### **39 Warning to jury.**

- (1) Where on a trial on indictment [<sup>F1</sup>with a jury] an accused is prevented from cross-examining a witness in person by virtue of section 34, 35 or 36, the judge must give the jury such warning (if any) as the judge considers necessary to ensure that the accused is not prejudiced—
  - (a) by any inferences that might be drawn from the fact that the accused has been prevented from cross-examining the witness in person;
  - (b) where the witness has been cross-examined by a legal representative appointed under section 38(4), by the fact that the cross-examination was carried out by such a legal representative and not by a person acting as the accused's own legal representative.
- (2) Subsection (8)(a) of section 38 applies for the purposes of this section as it applies for the purposes of section 38.

**Changes to legislation:** Youth Justice and Criminal Evidence Act 1999, Section 39 is up to date with all changes known to be in force on or before 14 January 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

#### Textual Amendments

- F1** Words in s. 39(1) inserted (24.7.2006) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 36 para. 76](#); [S.I. 2006/1835](#), art. 2(h)

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

- C1** S. 39 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, 5, 6

#### Commencement Information

- I1** S. 39 wholly in force at 4.9.2000; Pt. II Chs. 1-4 (ss. 16-52) in force for certain purposes at Royal Assent, see s. 68(4); s. 39 in force at 4.9.2000 by [S.I. 2000/2091](#), [art. 2\(d\)](#)

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**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\(1\)](#)