



# Youth Justice and Criminal Evidence Act 1999

## 1999 CHAPTER 23

### PART II

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

#### CHAPTER III

##### PROTECTION OF COMPLAINANTS IN PROCEEDINGS FOR SEXUAL OFFENCES

#### **43 Procedure on applications under section 41.**

- (1) An application for leave shall be heard in private and in the absence of the complainant.  
In this section “leave” means leave under section 41.
- (2) Where such an application has been determined, the court must state in open court (but in the absence of the jury, if there is one)—
  - (a) its reasons for giving, or refusing, leave, and
  - (b) if it gives leave, the extent to which evidence may be adduced or questions asked in pursuance of the leave,and, if it is a magistrates’ court, must cause those matters to be entered in the register of its proceedings.
- (3) [<sup>F1</sup>Criminal Procedure Rules] may make provision—
  - (a) requiring applications for leave to specify, in relation to each item of evidence or question to which they relate, particulars of the grounds on which it is asserted that leave should be given by virtue of subsection (3) or (5) of section 41;
  - (b) enabling the court to request a party to the proceedings to provide the court with information which it considers would assist it in determining an application for leave;

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**Changes to legislation:** *Youth Justice and Criminal Evidence Act 1999, Section 43 is up to date with all changes known to be in force on or before 20 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*

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- (c) 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, parties to the proceedings.

**Textual Amendments**

- F1** Words in s. 43(3) substituted (1.9.2004) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), [Sch. 8 para. 384\(g\)](#); [S.I. 2004/2066](#), [art. 2\(c\)\(xix\)](#) (with [art. 3](#))

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

- C1** S. 43 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, 7, 8

**Commencement Information**

- I1** S. 43 wholly in force at 4.12.2000; Pt. II Chs. 1-4 (ss. 16-52) in force for certain purposes at Royal Assent, see s. 68(4); s. 43 in force at 4.12.2000 in so far as not already in force by [S.I. 2000/3075](#), [art. 2\(a\)](#)

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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\(1\)](#)