



# Youth Justice and Criminal Evidence Act 1999

## 1999 CHAPTER 23

### PART II

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

#### CHAPTER V

#### COMPETENCE OF WITNESSES AND CAPACITY TO BE SWORN

#### *Competence of witnesses*

#### **54 Determining competence of witnesses.**

- (1) Any question whether a witness in criminal proceedings is competent to give evidence in the proceedings, whether raised—
  - (a) by a party to the proceedings, or
  - (b) by the court of its own motion,shall be determined by the court in accordance with this section.
- (2) It is for the party calling the witness to satisfy the court that, on a balance of probabilities, the witness is competent to give evidence in the proceedings.
- (3) In determining the question mentioned in subsection (1) the court shall treat the witness as having the benefit of any directions under section 19 which the court has given, or proposes to give, in relation to the witness.
- (4) Any proceedings held for the determination of the question shall take place in the absence of the jury (if there is one).
- (5) Expert evidence may be received on the question.

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**Changes to legislation:** Youth Justice and Criminal Evidence Act 1999, Section 54 is up to date with all changes known to be in force on or before 25 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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- (6) Any questioning of the witness (where the court considers that necessary) shall be conducted by the court in the presence of the parties.

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

- C1** S. 54(1)-(3) 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, **9**, 10
- C2** S. 54(4) 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, **9**, 10
- C3** S. 54(5) 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, **9**, 10
- C4** S. 54(6) 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, **9**, 10

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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\(1\)](#)