
STATUTORY INSTRUMENTS

2006 No. 2888

**The Youth Justice and Criminal Evidence Act 1999
(Application to Standing Civilian Courts) Order 2006**

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Youth Justice and Criminal Evidence Act 1999 (Application to Standing Civilian Courts) Order 2006 and shall come into force on 6th December 2006.

(2) In this Order—

“the Act” means the Youth Justice and Criminal Evidence Act 1999;

“continuing proceedings” means proceedings instituted before the date on which this Order comes into force;

“existing special measures power” means any existing power of the magistrate to make an order or give leave for the taking of measures in relation to a witness which are similar to those which could be provided for by a special measures direction;

“magistrate” means a person appointed under section 6(4) of the Armed Forces Act 1976⁽¹⁾ to sit as magistrate in trials before a Standing Civilian Court;

“special measures direction” means a direction under section 19 of the Act.

(3) For the purposes of this Order, proceedings before a Standing Civilian Court are to be taken to be instituted when the prosecuting authority referred to in article 6(1) of the Standing Civilian Courts Order 1997⁽²⁾ prefers a charge under that article.

Application of the Act

2.—(1) The provisions of the Act which are specified in column 1 of Schedule 1 to this Order shall apply to proceedings before a Standing Civilian Court, subject to the modifications specified in column 2 of that Schedule.

(2) The provisions of the Act which are specified in column 1 of Schedule 2 to this Order (in so far as they are in force) shall have effect for the purpose of proceedings before a Standing Civilian Court subject to the modifications specified in column 2 of that Schedule.

Transitional provisions

3.—(1) A special measures direction may be given in relation to a witness in continuing proceedings unless the magistrate has before the date this Order comes into force—

(a) given leave in relation to the witness in connection with those proceedings under section 32 (evidence through television links) or section 32A (video recordings of testimony of child witnesses) of the Criminal Justice Act 1988⁽³⁾; or

(1) 1976 c. 52.

(2) S.I. 1997/172.

(3) 1988 c. 33. Sections 32(1) to (3), 32A and 34A applied to proceedings before service courts by virtue of the Criminal Justice Act 1988 (Application to Service Courts) (Evidence) Order 1996 (S.I. 1996/2592) subject to the modifications specified in that

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(b) exercised any existing special measures power in relation to the witness in connection with those proceedings.

(2) Nothing in—

(a) Chapter 2,

(b) Chapter 3, and

(c) Chapter 5,

of Part 2 of the Act applies in relation to continuing proceedings.

30th October 2006

Derek Twigg
Parliamentary Under Secretary of State
Ministry of Defence