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STATUTORY INSTRUMENTS

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**2009 No. 2083**

**The Youth Justice and Criminal Evidence Act  
1999 (Application to Service Courts) Order 2009**

**Application of protection of witnesses from cross-examination provisions**

5.—(1) The protection of witnesses from cross-examination provisions in paragraph (3)(a) to (e) shall apply in relation to proceedings before—

- (a) the Court Martial,
- (b) the Service Civilian Court, and
- (c) the Court Martial Appeal Court,

as they apply in relation to criminal proceedings, subject to the modifications specified in article 6.

(2) The protection of witnesses from cross-examination provision in paragraph (3)(f) shall apply, in relation to proceedings before the Court Martial, as it applies in relation to criminal proceedings, subject to the modifications specified in article 6.

(3) In this Order “the protection of witnesses from cross-examination provisions” means the following provisions of the Act—

- (a) section 34 (complainants in proceedings for sexual offences);
- (b) section 35 (child complainants and other child witnesses);
- (c) section 36 (direction prohibiting accused from cross-examining particular witness);
- (d) section 37 (further provisions about directions under section 36);
- (e) section 38 (defence representation for purposes of cross-examination); and
- (f) section 39 (warning to jury).