
STATUTORY INSTRUMENTS

2009 No. 2083

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

Application of competence of witnesses and capacity to be sworn provisions

9.—(1) The competence of witnesses and capacity to be sworn provisions in paragraph (4)(a), (b), (e), (g), and (i) 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 10.

(2) The competence of witnesses and capacity to be sworn provisions in paragraph (4)(d) and (h) shall apply in relation to proceedings before—

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

as they apply in relation to criminal proceedings, subject to the modifications specified in article 10.

(3) The competence of witnesses and capacity to be sworn provisions in paragraph (4)(c) and (f) shall apply, in relation to proceedings before the Court Martial, as they apply in relation to criminal proceedings, subject to the modifications specified in article 10.

(4) In this Order “the competence of witnesses and capacity to be sworn provisions” means the following provisions of the Act—

- (a) section 53 (competence of witnesses to give evidence);
- (b) section 54(1) to (3) and (5) (determining competence of witnesses);
- (c) section 54(4) (determining competence of witnesses);
- (d) section 54(6) (determining competence of witnesses);
- (e) section 55(1) to (4) and (6) to (8) (determining whether witness to be sworn);
- (f) section 55(5) (determining whether witness to be sworn);
- (g) section 56(1) to (4) (reception of unsworn evidence);
- (h) section 56(5) (reception of unsworn evidence); and
- (i) section 57 (penalty for giving false unsworn evidence).