



# Youth Justice and Criminal Evidence Act 1999

## 1999 CHAPTER 23

### PART II

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

#### CHAPTER I

#### SPECIAL MEASURES DIRECTIONS IN CASE OF VULNERABLE AND INTIMIDATED WITNESSES

##### *Special measures directions*

#### **20 Further provisions about directions: general.**

- (1) Subject to subsection (221.) and section 21(8), a special measures direction has binding effect from the time it is made until the proceedings for the purposes of which it is made are either—
  - (a) determined (by acquittal, conviction or otherwise), or
  - (b) abandoned,in relation to the accused or (if there is more than one) in relation to each of the accused.
- (2) The court may discharge or vary (or further vary) a special measures direction if it appears to the court to be in the interests of justice to do so, and may do so either—
  - (a) on an application made by a party to the proceedings, if there has been a material change of circumstances since the relevant time, or
  - (b) of its own motion.
- (3) In subsection (2) “the relevant time” means—
  - (a) the time when the direction was given, or

**Changes to legislation:** *Youth Justice and Criminal Evidence Act 1999, Section 20 is up to date with all changes known to be in force on or before 18 May 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*

- (b) if a previous application has been made under that subsection, the time when the application (or last application) was made.
- (4) Nothing in section 24(2) and (3), 27(4) to (7) or 28(4) to (6) is to be regarded as affecting the power of the court to vary or discharge a special measures direction under subsection (2).
- (5) The court must state in open court its reasons for—
- (a) giving or varying,
  - (b) refusing an application for, or for the variation or discharge of, or
  - (c) discharging,
- a special measures direction and, if it is a magistrates' court, must cause them to be entered in the register of its proceedings.
- (6) [<sup>F1</sup>Criminal Procedure Rules] may make provision—
- (a) for uncontested applications to be determined by the court without a hearing;
  - (b) for preventing the renewal of an unsuccessful application for a special measures direction except where there has been a material change of circumstances;
  - (c) for expert evidence to be given in connection with an application for, or for varying or discharging, such a direction;
  - (d) 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, a party to the proceedings.

#### **Textual Amendments**

- F1** Words in s. 20(6) substituted (1.9.2004) by [Courts Act 2003 \(c. 39\), s. 110\(1\), Sch. 8 para. 384\(a\)](#); [S.I. 2004/2066, art. 2\(c\)\(xix\)](#) (with [art. 3](#))

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

- C1** S. 20 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, 3, 4

#### **Commencement Information**

- I1** S. 20 wholly in force at 24.7.2002; Pt. II Chs. 1-4 (ss. 16-52) in force for certain purposes at Royal Assent, see s. 68(4): s. 20 in force in so far as not already in force at 24.7.2002 by [S.I. 2002/1739, 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\(1\)](#)