

*These notes refer to the Youth Justice and Criminal Evidence Act 1999 (c.23) which received Royal Assent on 27 July 1999*

# **YOUTH JUSTICE AND CRIMINAL EVIDENCE ACT 1999**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part II: Giving of evidence or information for purposes of criminal proceedings**

##### ***Chapter II: Protection of witness from cross-examination by accused in person***

##### ***Section 39: Warning to jury***

142 If, under section 38, the court appoints a legal representative to act in the interests of the defendant, this section requires the judge to consider warning the jury that the witness's evidence may not have been tested as fully as it might have been if the defendant had instructed his own legal representative. The judge must also consider warning the jury about not drawing prejudicial inferences from the fact that the defendant has been prevented from cross-examining in person.