

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

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

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

Chapter IV: Reporting restrictions

Section 46: Power to restrict reports about certain adult witnesses in criminal proceedings

172. [Section 46](#) allows courts to impose restrictions on reporting information leading to the identification of an adult witness involved in criminal proceedings, if the court considers that the measure is needed because the witness's fear of, or distress at, giving evidence or co-operating with the party calling him is strongly linked to the likelihood of publicity. Neither "fear" nor "distress" is seen as covering a disinclination to give evidence on account of simple embarrassment.
173. Witnesses qualifying for restrictions under this section will be suffering from the degree of fear or distress that might make them eligible for special measures under Chapter I, although not everyone eligible by virtue of fear or distress for special measures will necessarily also be considered eligible for the protection of a reporting direction.
174. Courts will be able to partially disapply the restrictions if they are satisfied that that is necessary in the interests of justice, or if the restrictions are substantial and unreasonable and it would be in the public interest to relax the restrictions. They will also be able to revoke a direction under this section.
175. [Section 50\(7\)](#) allows witnesses protected by a direction under section 46 to give a written waiver allowing reporting which would otherwise be restricted by the direction. This might be appropriate, for example, for witnesses whose circumstances change after they have given evidence.