

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 VII: General provisions

Section 61: Application of Part II to service courts

203. This section makes provision for Part II to apply to proceedings before courts-martial, Standing Civilian Courts and the Courts-Martial Appeal Court. *Subsection (1)* gives the Secretary of State power to make an order so that Chapters I, II, III and V apply to such proceedings (with any modifications he specifies). *Subsection (2)* means that Chapter IV will apply to such proceedings, subject to any modifications which the Secretary of State may specify. For example, where a provision of Part II only applies if a certain offence is involved, the modifications could include specifying the corresponding offences under armed forces law. *Subsection (3)* ensures that it will be possible for the existing power under section 39 of the Criminal Justice and Public Order Act 1994 to apply the rules about inferences from silence, as amended by section 58, to service court proceedings.

Sections 62 and 63: Interpretation of Part II

204. *Section 62(2)* defines references to any offence in Part II to include not only aiding, abetting, counselling, inciting or procuring the commission of the offence, or conspiring to commit it, but also (for example) aiding or abetting an attempt to commit the offence.
205. The definition of “court” in section 63(1) means that in Chapters IV and V references to a court include, where appropriate, a Divisional Court of the High Court or the House of Lords. The definition does not apply to 63(2), where “court” should be interpreted more broadly.
206. The definition of “publication” in section 63(1) is drawn from the Contempt of Court Act 1981 and the related definition of “relevant programme” covers most radio and television programmes transmitted from or to the United Kingdom.