



# Youth Justice and Criminal Evidence Act 1999

## 1999 CHAPTER 23

### PART II

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

#### CHAPTER II

#### PROTECTION OF WITNESSES FROM CROSS-EXAMINATION BY ACCUSED IN PERSON

#### *Prohibition imposed by court*

#### **37 Further provisions about directions under section 36.**

- (1) Subject to subsection (2), a direction has binding effect from the time it is made until the witness to whom it applies is discharged.

In this section “direction” means a direction under section 36.

- (2) The court may discharge a 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
- (b) if a previous application has been made under that subsection, the time when the application (or last application) was made.

- (4) The court must state in open court its reasons for—

- (a) giving, or

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*Status: Point in time view as at 27/07/1999. This version of this provision has been superseded.*

*Changes to legislation: Youth Justice and Criminal Evidence Act 1999, Section 37 is up to date with all changes known to be in force on or before 25 July 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)*

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- (b) refusing an application for, or for the discharge of, or
- (c) discharging,

a direction and, if it is a magistrates' court, must cause them to be entered in the register of its proceedings.

(5) Rules of court 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 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 discharging, 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.

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**Commencement Information**

- II** S. 37 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. 37 in force in so far as not already in force at 24.7.2002 by [S.I. 2002/1739](#), **art. 2(c)**

**Status:**

Point in time view as at 27/07/1999. This version of this provision has been superseded.

**Changes to legislation:**

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