



Youth Justice and Criminal Evidence Act 1999

1999 CHAPTER 23

PART II

GIVING OF EVIDENCE OR INFORMATION FOR PURPOSES OF CRIMINAL PROCEEDINGS

CHAPTER V

COMPETENCE OF WITNESSES AND CAPACITY TO BE SWORN

Giving of sworn or unsworn evidence

55 Determining whether witness to be sworn.

- (1) Any question whether a witness in criminal proceedings may be sworn for the purpose of giving evidence on oath, whether raised—
 - (a) by a party to the proceedings, or
 - (b) by the court of its own motion,shall be determined by the court in accordance with this section.
- (2) The witness may not be sworn for that purpose unless—
 - (a) he has attained the age of 14, and
 - (b) he has a sufficient appreciation of the solemnity of the occasion and of the particular responsibility to tell the truth which is involved in taking an oath.
- (3) The witness shall, if he is able to give intelligible testimony, be presumed to have a sufficient appreciation of those matters if no evidence tending to show the contrary is adduced (by any party).

Changes to legislation: *Youth Justice and Criminal Evidence Act 1999, Section 55 is up to date with all changes known to be in force on or before 25 April 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*

- (4) If any such evidence is adduced, it is for the party seeking to have the witness sworn to satisfy the court that, on a balance of probabilities, the witness has attained the age of 14 and has a sufficient appreciation of the matters mentioned in subsection (2)(b).
- (5) Any proceedings held for the determination of the question mentioned in subsection (1) shall take place in the absence of the jury (if there is one).
- (6) Expert evidence may be received on the question.
- (7) Any questioning of the witness (where the court considers that necessary) shall be conducted by the court in the presence of the parties.
- (8) For the purposes of this section a person is able to give intelligible testimony if he is able to—
 - (a) understand questions put to him as a witness, and
 - (b) give answers to them which can be understood.

Modifications etc. (not altering text)

- C1** S. 55(1)-(4) 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, **9**, 10
- C2** S. 55(5) 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, **9**, 10
- C3** S. 55(6)-(8) 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, **9**, 10

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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\(1\)](#)