

## Youth Justice and Criminal Evidence Act 1999

### 1999 CHAPTER 23

An Act to provide for the referral of offenders under 18 to youth offender panels; to make provision in connection with the giving of evidence or information for the purposes of criminal proceedings; to amend section 51 of the Criminal Justice and Public Order Act 1994; to make pre-consolidation amendments relating to youth justice; and for connected purposes.

[27th July 1999]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

(...)

### Chapter VII

#### General

(...)

#### **62 Meaning of "sexual offence" and other references to offences**

(1) In this Part "sexual offence" means—

(a) rape or burglary with intent to rape;

(b) an offence under any of sections 2 to 12 and 14 to 17 of the [1956 c. 69.] Sexual Offences Act 1956 (unlawful intercourse, indecent assault, forcible abduction etc.);

(c) an offence under section 128 of the [1959 c. 72.] Mental Health Act 1959 (unlawful intercourse with person receiving treatment for mental disorder by member of hospital staff etc.);

(d) an offence under section 1 of the [1960 c. 33.] Indecency with Children Act 1960 (indecent conduct towards child under 14);

(e) an offence under section 54 of the [1977 c. 45.] Criminal Law Act 1977 (incitement of child under 16 to commit incest).

(2) In this Part any reference (including a reference having effect by virtue of this subsection) to an offence of any description ("the substantive offence") is to be taken to include a reference to an offence which consists of attempting or conspiring to commit, or of aiding, abetting, counselling, procuring or inciting the commission of, the substantive offence.

#### **63 General interpretation etc. of Part II**

(1) In this Part (except where the context otherwise requires)—

"accused", in relation to any criminal proceedings, means any person charged with an offence to which the proceedings relate (whether or not he has been convicted);

"the complainant", in relation to any offence (or alleged offence), means a person against or in relation to whom the offence was (or is alleged to have been) committed;

"court" (except in Chapter IV or V or subsection (2)) means a magistrates' court, the Crown Court or the criminal division of the Court of Appeal;

"legal representative" means any authorised advocate or authorised litigator (as defined by section 119(1) of the [1990 c. 41.] Courts and Legal Services Act 1990);

"picture" includes a likeness however produced;

“the prosecutor” means any person acting as prosecutor, whether an individual or body;

“publication” includes any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public (and for this purpose every relevant programme shall be taken to be so addressed), but does not include an indictment or other document prepared for use in particular legal proceedings;

“relevant programme” means a programme included in a programme service, within the meaning of the [1990 c. 42.] Broadcasting Act 1990;

“service court” means—

(a) a court-martial constituted under the [1955 c. 18.] Army Act 1955, the [1955 c. 19.] Air Force Act 1955 or the [1957 c. 53.] Naval Discipline Act 1957 or a disciplinary court constituted under section 52G of the Naval Discipline Act 1957,

(b) the Courts-Martial Appeal Court, or

(c) a Standing Civilian Court;

“video recording” means any recording, on any medium, from which a moving image may by any means be produced, and includes the accompanying sound-track;

“witness”, in relation to any criminal proceedings, means any person called, or proposed to be called, to give evidence in the proceedings.

(2) Nothing in this Part shall affect any power of a court to exclude evidence at its discretion (whether by preventing questions being put or otherwise) which is exercisable apart from this Part.

(...)