STATUTORY INSTRUMENTS

2015 No. 1805

DEFENCE

The Youth Justice and Criminal Evidence Act 1999 (Application to Service Courts) (Amendment) (No. 2) Order 2015

Made - - - -	*19th October 2015*
Laid before Parliament	*21st October 2015*
Coming into force - -	*15th November 2015*

The Secretary of State, in exercise of the powers conferred by sections section 61(1) and (2) of the Youth Justice and Criminal Evidence Act 1999(**1**), makes the following Order:

Citation and Commencement

1. This Order may be cited as the Youth Justice and Criminal Evidence Act 1999 (Application to Service Courts) (Amendment) (No. 2) Order 2015 and shall come into force on 15th November 2015.

Interpretation

2. In this Order the "2009 Order" means the Youth Justice and Criminal Evidence Act 1999 (Application to Service Courts) Order 2009(**2**).

Amendments to the 2009 Order

3.—(1) Article 2 (interpretation) of the 2009 Order is amended as follows.

(2) In paragraph (1), after the definition of "CMAC Rules", insert –

""SAC Rules" means rules made under section 151 of the 2006 Act;".

(3) In the definition of "Rules of court" –

(a) at the end of sub-paragraph (b), delete "and";

(b) at the end of sub-paragraph (c), insert –

"and

(d) the Summary Appeal Court;".

(4) At the end of paragraph (2)(c) –

(**1**) 1999 c. 23.
(**2**) S.I. 2009/2083, amended by S.I. 2015/727.

(a) substitute a semi-colon for the full stop;

(b) after that semi-colon, insert –

"(d) in relation to proceedings before the Summary Appeal Court, as a reference to a special measures direction within the meaning of the SAC Rules.".

4.—(1) Article 3 (application of special measures provisions) of the 2009 Order is amended as folows.

(2) At the end of paragraph (2)(b), delete "and".

(3) At the end of paragraph (2)(c), insert –

"and

(d) the Summary Appeal Court,".

5.—(1) Article 4 (modification of special measures provisions) of the 2009 Order is amended as follows.

(2) In paragraph (2), for "or the Court Martial Appeal Court", substitute ", the Court Martial Appeal Court or the Summary Appeal Court".

(3) At the end of paragraph (5)(c) –

(a) substitute a semi-colon for the full stop;

(b) after that semi-colon, insert –

"(d) in relation to proceedings within the meaning of the SAC Rules, as a reference to the appellant.".

(4) In paragraph (6), for "or the Service Civilian Court", substitute ", the Service Civilian Court or the Summary Appeal Court".

(5) In paragraph (11)(a), after "Court Martial" insert "or the Summary Appeal Court".

(6) In paragraph (12), for "or the Service Civilian Court", substitute ", the Service Civilian Court or the Summary Appeal Court".

(7) In paragraph (13), for "or the Service Civilian Court", substitute ", the Service Civilian Court or the Summary Appeal Court".

(8) In paragraph (16), for "or the Service Civilian Court", substitute ", the Service Civilian Court or the Summary Appeal Court".

6.—(1) Article 5 (application of protection of witnesses from cross-examination provisions) of the 2009 Order is amended as follows.

(2) After paragraph (1), insert –

"(1A) The protection of witnesses from cross-examination provisions in paragraph (3)(b) to (e) shall apply in relation to proceedings before the Summary Appeal Court as they apply in relation to criminal proceedings, subject to the modifications specified in article 6.".

7.—(1) Article 6 (modification of protection of witnesses from cross-examination provisions) of the 2009 Order is amended as follows.

(2) In paragraph (2), for "or the Court Martial Appeal Court", substitute ", the Court Martial Appeal Court or the Summary Appeal Court".

(3) In paragraph (3), for "or the Service Civilian Court", substitute ", the Service Civilian Court or the Summary Appeal Court".

(4) At the end of paragraph (4)(c) –