**Summary**

From the discussion, it is explicit that section 41 of the Youth Justice and Criminal Evidence Act 1999 offers windows that Giorgio can explore to call in his witness and also cross-examine Bella. The relevance of his evidence to the alleged incident of rape will be critical in determining if the court will grant a leave[[1]](#footnote-1). Also, the defendant enjoys the protection of Article 6 of the Human Rights Act 1998, which provides for the right to a fair trial. If the evidence is compelling and likely to influence the decision of the court on whether there was consent or not, it ought to be admitted by the court. This is meant to avoid the risk of a successful appeal by the defendant on the ground of an unfair trial[[2]](#footnote-2). The s41 YJCEA 1999 is not absolute; hence it is subject to the operation of Article 6 of the Human Rights Act 1998[[3]](#footnote-3). How courts interpret s41 YJCEA is central to determining how witnesses, evidence, and cross-examination relating to sexual offences can be managed in a court of law by the defence team. The section determines if the evidence relating to the previous sexual life or activities of the complainant can be used to further the interests of the defendant. However, in determining this, the court examines if the evidence in question is relevant and if cross-examination of the witness is necessary[[4]](#footnote-4). This happens while the courts take into account the need to protect the complainant from harassment by the defendant while at the same time ensuring that the trial is fair[[5]](#footnote-5).

1. Bahador, Regina v: CACD (2005). [↑](#footnote-ref-1)
2. Ibid. [↑](#footnote-ref-2)
3. s41 YJCEA 1999. [↑](#footnote-ref-3)
4. R v VA [2016] EWCA Crim 1434. [↑](#footnote-ref-4)
5. Article 6 of the Human Rights Act 1998. [↑](#footnote-ref-5)