



# Evidence of Alibi Act (Northern Ireland) 1972

## 1972 CHAPTER 6

F1

An Act to amend the law relating to the giving in criminal proceedings of evidence in support of alibis; and for connected purposes. [22nd February 1972]

**F1** Act repealed (4.7.1996 with application as mentioned in [s. 74\(5\)](#) of the amending Act) by [Criminal Procedure and Investigations Act 1996 \(c. 25\)](#), ss. 74(1), 80, [Sch. 5](#) (as modified in its application to Northern Ireland by Sch. 4 paras. 31(1), 36)

### **F21** Notice of alibi.

(1) The accused shall not without the leave of the court on the trial of any offence adduce evidence, or call any witness to give evidence, in support of an alibi unless he gives notice of particulars of the alibi in accordance with subsection (2)—

(a) in the case of a trial on indictment, subject to paragraph ( b), within seven days from the end of the committal proceedings or, if the trial is to commence within the seven days, not later than twenty-four hours after the end of the committal proceedings;

[<sup>F3</sup>(aa) in a case where a notice of transfer has been given under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988<sup>[F4</sup> (serious and complex fraud) or under Article 4 of the Children's Evidence (Northern Ireland) Order 1995 (certain cases involving children)], within seven days from the day on which that notice is given;]

*Para.(b) rep. by 1978 c.23*

(c) in the case of a summary trial, not later than the commencement of the trial and the prosecutor shall be entitled to an adjournment of the proceedings if the notice is given less than three days before such commencement.

(2) For the purposes of this section a notice of particulars of an alibi is a notice which—

(a) gives particulars of the alibi;

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- (b) gives the name and address of each witness to be called in support of the alibi or, if the name or address of any witness is not known to the accused at the time that he gives the notice, any information in his possession which might be of material assistance in finding the witness.
- (3) A notice of particulars of an alibi shall not be deemed to comply with subsection (2) unless—
- (a) where the name and address of a witness is not included in the notice, the accused gives notice of—
- (i) the name and address (or either of them); or
- (ii) any other information which might be of material assistance in finding the witness,
- as soon as the accused becomes aware of, or receives, the same;
- (b) where the accused is notified by or on behalf of the prosecutor that the witness has not been traced by the name or at the address given, the accused gives notice of any such information which is then in his possession or, on subsequently receiving any such information as is mentioned in paragraph (a)(ii) forthwith gives notice of it.
- (4) Leave shall not be refused under subsection (1) if it appears to the court that the accused was not informed of the requirements of this section at the time when he was charged with the offence upon which he is being tried (or with any other offence arising out of the same facts as those giving rise to the offence upon which he is being tried).
- (5) Subject to the directions of the court as to when it is to be given, any evidence tendered to rebut an alibi may be given before or after evidence is given in support of the alibi.
- (6) Any notice purporting to be given under this section on behalf of the accused by his solicitor shall, unless the contrary be proved, be deemed to be given with the authority of the accused.
- (7) A notice of the particulars of an alibi for the purposes of this section shall be given in writing—
- (a) in the case of a trial on indictment, to [<sup>F5</sup> the prosecutor or] the solicitor for the prosecutor;
- (b) in the case of a summary trial, to such person as may be prescribed by magistrates' court rules, or, if no such person is prescribed, to any person designated in the summons or warrant as the complainant, or to the solicitor for the person so designated.
- (8) Without prejudice to section 24 of the Interpretation Act (Northern Ireland) 1954, a notice required by this section to be given to the solicitor for the prosecutor may be given by leaving the notice at his office.
- (9) In this section “evidence in support of an alibi” means evidence tending to show that by reason of the presence of the accused at a particular place or in a particular area at a particular time he was not, or was unlikely to have been, at the place where the offence is alleged to have been committed at the time of its alleged commission.

**F2** Act repealed (4.7.1996 with application as mentioned in s. 74(5) of the amending Act) by [Criminal Procedure and Investigations Act 1996 \(c. 25\)](#), ss. 74(1), 80, [Sch. 5](#) (as modified in its application to Northern Ireland by Sch. 4 paras. 31(1), 36)

**F3** 1988 NI 16

**F4** 1995 NI 3

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**F5** 1980 NI 6

**F6<sup>2</sup>** **Short title.**

This Act may be cited as the Evidence of Alibi Act (Northern Ireland) 1972.

**F6** Act repealed (4.7.1996 with application as mentioned in [s. 74\(5\)](#) of the amending Act) by [Criminal Procedure and Investigations Act 1996 \(c. 25\)](#), [ss. 74\(1\), 80](#), [Sch. 5](#) (as modified in its application to Northern Ireland by [Sch. 4 paras. 31\(1\), 36](#))

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 1(1)(a) words substituted by [2015 c. 9 \(N.I.\) Sch. 2 para. 2](#)