

SCHEDULES

SCHEDULE 1

Article 8(2).

DOCUMENTARY EVIDENCE—SUPPLEMENTARY

1. Where a statement is admitted as evidence in criminal proceedings by virtue of Part II—
 - (a) any evidence which, if the person making the statement had been called as a witness, would have been admissible as relevant to his credibility as a witness shall be admissible for that purpose in those proceedings;
 - (b) evidence may, with the leave of the court, be given of any matter which, if that person had been called as a witness, could have been put to him in cross-examination as relevant to his credibility as a witness but of which evidence could not have been adduced by the cross-examining party; and
 - (c) evidence tending to prove that that person, whether before or after making the statement, made (whether orally or not) some other statement which is inconsistent with it shall be admissible for the purpose of showing that he has contradicted himself.
2. A statement which is given in evidence by virtue of Part II shall not be capable of corroborating evidence given by the person making it.
3. In estimating the weight, if any, to be attached to such a statement regard shall be had to all the circumstances from which any inference can reasonably be drawn as to its accuracy or otherwise.
4. Without prejudice to the generality of any statutory provision conferring power to make them—
 - (a) Crown Court rules;
 - (b) rules of court;
 - (c) county court rules; and
 - (d) magistrates' courts rules,may make such provision as appears to the authority making any of them to be necessary or expedient for the purposes of Part II.
5. Expressions used in Part II and in Part I of the Civil Evidence Act (Northern Ireland) 1971⁽¹⁾ are to be construed in Part II in accordance with section 6 of that Act.
6. In Part II “confession” includes any statement wholly or partly adverse to the person who made it, whether made to a person in authority or not and whether made in words or otherwise.

(1) 1971 c. 36 (N.I.)

Status: This is the original version (as it was originally made).

SCHEDULE 2

Article 16(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

The Protection of Children (Northern Ireland) Order 1978 (1978 NI 17)

1.—(1) In Article 4(1)—

- (a) for sub-paragraphs (a) and (b) substitute the words “that there is an indecent photograph of a child in any premises in the petty sessions district for which he acts”; and
- (b) omit the words from “taken” to the end.

(2) In Article 5—

- (a) in paragraph (3), omit the words from “taken” to “distributed or shown”; and
- (b) in paragraph (5), after “Article 3(1)” insert “or Article 15 of the Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988”.

The Criminal Appeal (Northern Ireland) Act 1980 (c. 47)

2. In Schedule 1, after paragraph 2 insert the following paragraph—

“**2A.** Subject to paragraph 2 above, evidence given orally at the original trial must be given orally at the retrial.”

SCHEDULE 3

Article 16(2).

REPEALS

PART I

REPEALS HAVING EFFECT IN ACCORDANCE WITH ARTICLE 1(2)

Chapter or Number	Short title	Extent of repeal
1916 c. 64.	The Prevention of Corruption Act 1916.	Sections 1 and 3.
1968 c. 34 (N.I.).	The Children and Young Persons Act (Northern Ireland) 1968.	Section 57(2).
1978 NI 17.	The Protection of Children (Northern Ireland) Order 1978.	In Article 4(1), the words from “taken” to the end. In Article 5(3), the words from “taken” to “distributed or shown”.

PART II

REPEALS HAVING EFFECT ON APPOINTED DAY

Chapter or Number	Short title	Extent of repeal
1965 c. 15 (N.I.)	The Criminal Evidence Act (Northern Ireland) 1965.	The whole Act.
1969 c. 48.	The Post Office Act 1969.	Section 93(4).
1981 NI 26.	The Magistrates' Courts (Northern Ireland) Order 1981.	In Schedule 5, paragraph 10.