
STATUTORY INSTRUMENTS

1988 No. 1987

The Criminal Evidence (Northern Ireland) Order 1988

Inferences from failure or refusal to account for presence at a particular place

6.—(1) Where—

- (a) a person arrested by a constable was found by him at a place at or about the time the offence for which he was arrested is alleged to have been committed; and
- (b) the constable reasonably believes that the presence of the person at that place and at that time may be attributable to his participation in the commission of the offence; and
- (c) the constable informs the person that he so believes, and requests him to account for that presence; and
- (d) the person fails or refuses to do so,

then if, in any proceedings against the person for the offence, evidence of those matters is given, paragraph (2) applies.

(2) Where this paragraph applies—

- (a) the court, in determining whether to commit the accused for trial or whether there is a case to answer; and
- (b) the court or jury, in determining whether the accused is guilty of the offence charged,

may—

- (i) draw such inferences from the failure or refusal as appear proper;
- (ii) on the basis of such inferences, treat the failure or refusal as, or as capable of amounting to, corroboration of any evidence given against the accused in relation to which the failure or refusal is material.

(3) Paragraphs (1) and (2) do not apply unless the accused was told in ordinary language by the constable when making the request mentioned in paragraph (1)(c) what the effect of this Article would be if he failed or refused to do so.

(4) This Article does not preclude the drawing of any inference from the failure or refusal of a person to account for his presence at a place which could properly be drawn apart from this Article.

(5) This Article does not apply in relation to a failure or refusal which occurred before the commencement of this Article.