
STATUTORY INSTRUMENTS

1989 No. 1341

**The Police and Criminal Evidence
(Northern Ireland) Order 1989**

PART IX

EVIDENCE IN CRIMINAL PROCEEDINGS—GENERAL

Miscellaneous

^{F1} . . . compellability of accused's spouse^{F2} or civil partner]

79.—(1) ^{F3}

^{F4}(2) In any proceedings the^{F5} spouse or civil partner] of a person charged in the proceedings shall, subject to paragraph (4), be compellable to give evidence on behalf of that person.

(2A) In any proceedings the^{F5} spouse or civil partner] of a person charged in the proceedings shall, subject to paragraph (4), be compellable—

- (a) to give evidence on behalf of any other person charged in the proceedings but only in respect of any specified offence with which that other person is charged; or
- (b) to give evidence for the prosecution but only in respect of any specified offence with which any person is charged in the proceedings.

(3) In relation to the^{F5} spouse or civil partner] of a person charged in any proceedings, an offence is a specified offence for the purposes of paragraph (2A) if—

- (a) it involves an assault on, or injury or a threat of injury to, the^{F5} spouse or civil partner] or a person who was at the material time under the age of 16;
- (b) it is a sexual offence alleged to have been committed in respect of a person who was at the material time under that age; or
- (c) it consists of attempting or conspiring to commit, or of aiding, abetting, counselling, procuring or inciting the commission of, an offence falling within sub-paragraph (a) or (b).

(4) No person who is charged in any proceedings shall be compellable by virtue of paragraph (2) or (2A) to give evidence in the proceedings.

(4A) References in this Article to a person charged in any proceedings do not include a person who is not, or is no longer, liable to be convicted of any offence in the proceedings (whether as a result of pleading guilty or for any other reason).]

(5) In any criminal proceedings a person who has been but is no longer married to the accused shall be^{F6} . . . compellable to give evidence as if that person and the accused had never been married.

^{F2}(5A) In any criminal proceedings a person who has been but is no longer the civil partner of the accused shall be compellable to give evidence as if that person and the accused had never been civil partners.]

Status: Point in time view as at 04/05/2010.

Changes to legislation: The Police and Criminal Evidence (Northern Ireland) Order 1989, Section 79 is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(6) Where in any criminal proceedings the age of any person at any time is material for the purposes of paragraph (3), his age at the material time shall for the purposes of that provision be deemed to be or to have been that which appears to the court to be or to have been his age at that time.

(7) ^{F7}.....

(8) Proviso (d) in section 1 of the Criminal Evidence Act (Northern Ireland) 1923^{F8} (communications between husband and wife) and section 7(2) of the Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1951^{F9} so far as it is unrepealed (evidence as to marital intercourse) shall cease to have effect.

F1	Words in art. 79 omitted (4.5.2010) by virtue of Criminal Evidence (Northern Ireland) Order 1999 (S.I. 1999/2789 (N.I. 8)), arts. 1(2), 40(1), Sch. 1 para. 3(4); S.R. 2010/142, art. 2, Sch. paras. 2, 5(1)(b)
F2	2004 c. 33
F3	Art. 79(1) repealed (4.5.2010) by Criminal Evidence (Northern Ireland) Order 1999 (S.I. 1999/2789 (N.I. 8)), arts. 1(2), 40(1)(3), Sch. 1 para. 3(2), Sch. 3; S.R. 2010/142, art. 2, Sch. paras. 2, 4, 5(1)(b), 7(1)(b)
F4	Art. 79(2)-(4A) substituted (4.5.2010) for art. 79(2)-(4) by Criminal Evidence (Northern Ireland) Order 1999 (S.I. 1999/2789 (N.I. 8)), arts. 1(2), 40(1), Sch. 1 para. 3(3); S.R. 2010/142, art. 2, Sch. paras. 2, 5(1)(b)
F5	2004 c. 33
F6	Words in art. 79(5) repealed (4.5.2010) by Criminal Evidence (Northern Ireland) Order 1999 (S.I. 1999/2789 (N.I. 8)), arts. 1(2), 40(1)(3), Sch. 1 para. 3(4), Sch. 3; S.R. 2010/142, art. 2, Sch. paras. 2, 4, 5(1)(b), 7(1)(b)
F7	Art. 79(7) repealed (4.5.2010) by Criminal Evidence (Northern Ireland) Order 1999 (S.I. 1999/2789 (N.I. 8)), arts. 1(2), 40(1)(3), Sch. 1 para. 3(2), Sch. 3; S.R. 2010/142, art. 2, Sch. paras. 2, 4, 5(1)(b), 7(1)(b)
F8	1923 c. 9 (NI)
F9	1951 c. 7 (NI)

Status:

Point in time view as at 04/05/2010.

Changes to legislation:

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