
STATUTORY INSTRUMENTS

1999 No. 2789

The Criminal Evidence (Northern Ireland) Order 1999

PART III

**PROTECTION OF WITNESSES FROM CROSS-
EXAMINATION BY ACCUSED IN PERSON**

General prohibitions

Child complainants and other child witnesses

23.—(1) No person charged with an offence to which this Article applies may in any criminal proceedings cross-examine in person a protected witness, either—

- (a) in connection with that offence, or
- (b) in connection with any other offence (of whatever nature) with which that person is charged in the proceedings.

(2) For the purposes of paragraph (1) a “protected witness” is a witness who—

- (a) either is the complainant or is alleged to have been a witness to the commission of the offence to which this Article applies, and
- (b) either is a child or falls to be cross-examined after giving evidence in chief (whether wholly or in part)—
 - (i) by means of a video recording made (for the purposes of Article 15) at a time when the witness was a child, or
 - (ii) in any other way at any such time.

(3) The offences to which this Article applies are—

- (a) a sexual offence within the meaning of the Criminal Justice (Children) (Northern Ireland) Order 1998;
- (b) a violent offence within the meaning of that Order;
- (c) kidnapping, false imprisonment, or an offence under section 1 or 2 of the Child Abduction Act 1984; ;
- (d) any offence (not within any of the preceding sub-paragraphs) which involves an assault on, or injury or a threat of injury to, any person.

(4) In this Article “child” means—

- (a) where the offence falls within paragraph (3)(a), a person under the age of 17; or
- (b) where the offence falls within paragraph (3)(b), (c) or (d), a person under the age of 14.

(5) For the purposes of this Article “witness” includes a witness who is charged with an offence in the proceedings.