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## STATUTORY INSTRUMENTS

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# 1999 No. 2789

## The Criminal Evidence (Northern Ireland) Order 1999

### PART I **N.I.** INTRODUCTORY

#### Title and commencement **N.I.**

- 1.—(1) This Order may be cited as the Criminal Evidence (Northern Ireland) Order 1999.
- (2) This Order shall come into operation on such day or days as the Secretary of State may by order appoint.

#### Subordinate Legislation Made

- P1** Art. 1(2) power partly exercised: 1.6.2000 appointed for specified provisions by [S.R. 2000/211, art. 2](#); 14.6.2000 appointed for specified provisions by [S.R. 2000/218, art. 2](#); 30.6.2003 appointed for specified provisions by [S.R. 2003/323, art. 2, Sch.](#); 1.12.2003 appointed for specified provisions by [S.R. 2003/476, arts. 2, 3, 4](#); 8.11.2004 appointed for specified provisions by [S.R. 2004/468, art. 2](#); 21.12.2004 appointed for specified provisions by [S.R. 2004/531, art. 2](#); 1.3.2007 appointed for specified provision by [S.R. 2007/176, art. 2](#); 1.8.2009 appointed for specified provision by [S.R. 2009/275, art. 2](#); 4.5.2010 appointed for specified provisions by [S.R. 2010/142, art. 2, Sch.](#)

#### Interpretation **N.I.**

- 2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

- (2) In this Order—

“accused”, in relation to any criminal proceedings, means any person charged with an offence to which the proceedings relate (whether or not he has been convicted);

“the complainant”, in relation to any offence (or alleged offence), means a person against or in relation to whom the offence was (or is alleged to have been) committed [<sup>F1</sup>(but see also Article 3A(2) to (5))];

“judge” includes, in relation to a magistrates' court, the resident magistrate<sup>F2</sup>. . . [<sup>F3</sup>and (in the case of a youth court) any lay magistrate];

“picture” includes a likeness however produced;

“the prosecutor” means any person acting as prosecutor, whether an individual or body;

“rules of court” means Crown Court rules, magistrates' courts rules, county court rules or rules made under section 55 of the Judicature (Northern Ireland) Act 1978;

“video recording” means any recording, on any medium, from which a moving image may by any means be produced, and includes the accompanying sound-track;

**Changes to legislation:** *The Criminal Evidence (Northern Ireland) Order 1999, PART I is up to date with all changes known to be in force on or before 05 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) View outstanding changes*

“witness”, in relation to any criminal proceedings, means any person called, or proposed to be called, to give evidence in the proceedings.

(3) Nothing in this Order shall affect any power of a court to exclude evidence at its discretion (whether by preventing questions being put or otherwise) which is exercisable apart from this Order.

- F1** Words in art. 2(2) inserted (21.2.2022) by [Domestic Abuse and Civil Proceedings Act \(Northern Ireland\) 2021 \(c. 2\), s. 25\(2\)](#); S.R. 2022/57, art. 2(y)
- F2** 2002 c. 26
- F3** Art. 2(2): words added (2.2.2009) in the definition of "judge" by [Criminal Justice \(Northern Ireland\) Order 2008 \(S.I. 2008/1216 \(N.I. 1\)\), arts. 1\(4\), 82\(3\)](#); S.R. 2008/472, art. 2(4), Sch. Pt. IV

**Meaning of “sexual offence” and other references to offences N.I.**

3.—(1) In this Order “sexual offence” means—

- (a) <sup>F4</sup> .....
- (b) <sup>F4</sup> .....
- (c) <sup>F4</sup> .....
- (d) <sup>F4</sup> .....
- (e) <sup>F4</sup> .....
- (f) <sup>F4</sup> .....
- (g) <sup>F4</sup> .....
- (gg) <sup>F4</sup> .....

<sup>F5</sup>(ga) .....

[<sup>F6</sup>(h) any offence under any provision of the Sexual Offences (Northern Ireland) Order 2008.]

[<sup>F7</sup>(1A) In this Order “a slavery or human trafficking offence” means an offence under—

- (a) section 57, 58, 58A or 59 of the Sexual Offences Act 2003 (trafficking for sexual exploitation);
- (b) section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (trafficking for exploitation);
- (c) section 71 of the Coroners and Justice Act 2009 (slavery, servitude and forced or compulsory labour); or
- (d) section 1 or 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (slavery, servitude, forced or compulsory labour and human trafficking).]

(2) In this Order any reference (including a reference having effect by virtue of this paragraph) to an offence of any description ( “the substantive offence”) is to be taken to include a reference to an offence which consists of attempting or conspiring to commit, or of aiding, abetting, counselling, procuring or inciting the commission of, the substantive offence.

- F4** Art. 3(1)(a)-(gg) repealed (2.2.2009) by [Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\), arts. 1\(3\), 81, 83, Sch. 1 para. 27\(2\)\(a\), Sch. 3](#); S.R. 2008/510, art. 2
- F5** Art. 3(1)(ga) repealed (14.1.2015) by [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015 \(c. 2\), s. 28\(2\), Sch. 5](#)
- F6** Art. 3(1)(h) inserted (2.2.2009) by [Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769 \(N.I. 2\)\), arts. 1\(3\), 81, Sch. 1 para. 27\(2\)\(c\)](#); S.R. 2008/510, art. 2

**F7** Art. 3(1A) inserted (14.1.2015) by Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (c. 2), ss. 24(2), 28(2)

**Modifications etc. (not altering text)**

**C1** Art. 3(2) modified (1.10.2008) by Serious Crime Act 2007 (c. 27), ss. 63(1), 94(1), Sch. 6 para. 38 (with Sch. 13 para. 5); S.I. 2008/2504, art. 2(a)

[<sup>F8</sup>**Meaning of offence involving domestic abuse” etc. N.I.**

**3A.—(1)** In this Order, “offence involving domestic abuse” means—

- (a) an offence under section 1 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 (the domestic abuse offence),
- (b) an offence of any kind in respect of which there is specification in accordance with section 15 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 that the offence is aggravated by reason of involving domestic abuse.

(2) In this Order, “the complainant”, in relation to an offence (or alleged offence) falling within paragraph (1)(b) means a person in respect of whom the prosecutor gives notice to the court asserting that—

- (a) the offence is so aggravated in relation to the person, and
- (b) the accused was personally connected to the person at the time.

(3) A reference to a person in paragraph (2) is not limited to someone against or in relation to whom the offence was (or is alleged to have been) committed.

(4) Paragraph (2) does not, where in any case—

- (a) notice as referred to in that paragraph is given, and
- (b) the offence is also mentioned in Article 3,

prevent someone else from additionally being the complainant in relation to the offence within the meaning of Article 2(2).

(5) Article 2(2), but not paragraph (2), determines who the complainant is in relation to the offence where no notice as referred to in that paragraph is given in the case.]

**F8** Art. 3A inserted (21.2.2022) by Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 (c. 2), s. 25(3); S.R. 2022/57, art. 2(y)

**Changes to legislation:**

The Criminal Evidence (Northern Ireland) Order 1999, PART I is up to date with all changes known to be in force on or before 05 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 29(3)(aa) inserted by [2015 c. 9 \(N.I.\) Sch. 2 para. 11](#)
- art. 29(3)(aa) words substituted in earlier affecting provision [2015 c. 9 \(N.I.\), Sch. 2 para. 11](#) by [2022 c. 4 \(N.I.\) s. 4\(9\)\(h\)](#)