
STATUTORY INSTRUMENTS

1999 No. 2789

The Criminal Evidence (Northern Ireland) Order 1999

PART I
INTRODUCTORY

Title and commencement

- 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.

Interpretation

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;

“judge” includes, in relation to a magistrates' court, the resident magistrate or justice of the peace;

“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;

“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.

Meaning of “sexual offence” and other references to offences

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

(a) rape or burglary with intent to rape;

(b) any offence under any of the following provisions of the Offences against the Person Act 1861—

- (i) section 52 (indecent assault on a female);
- (ii) section 53 so far as it relates to the abduction of a woman against her will;
- (iii) section 61 (buggery);
- (iv) section 62 (attempt to commit buggery, assault with intent to commit buggery or indecent assault on a male);
- (c) any offence under any of the following provisions of the Criminal Law Amendment Act 1885—
 - (i) section 3 (procuring unlawful carnal knowledge of a woman by threats, false pretences or administering drugs);
 - (ii) section 4 (unlawful carnal knowledge, or attempted unlawful carnal knowledge, of a girl under 14);
 - (iii) section 5 (unlawful carnal knowledge of a girl under 17);
- (d) any offence under any of the following provisions of the Punishment of Incest Act 1908—
 - (i) section 1 (incest, attempted incest by males);
 - (ii) section 2 (incest by females over 16);
- (e) any offence under section 22 of the Children and Young Persons Act (Northern Ireland) 1968 (indecent conduct towards child);
- (f) any offence under Article 9 of the Criminal Justice (Northern Ireland) Order 1980 (inciting girl under 16 to have incestuous sexual intercourse);
- (g) any offence under Article 123 of the Mental Health (Northern Ireland) Order 1986 (unlawful sexual intercourse by hospital staff, etc. with a person receiving treatment for mental disorder).

(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.