
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

Complainants in proceedings for sexual offences

22. No person charged with a sexual offence may in any criminal proceedings cross-examine in person a witness who is the complainant, 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.

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.