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STATUTORY INSTRUMENTS

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**2004 No. 1501**

**The Criminal Justice (Evidence) (Northern Ireland) Order 2004**

**PART III**

**HEARSAY EVIDENCE**

*Supplementary*

**Stopping the case where evidence is unconvincing**

**29.**—(1) If on a defendant's trial before a judge and jury for an offence the court is satisfied at any time after the close of the case for the prosecution that—

- (a) the case against the defendant is based wholly or partly on a statement not made in oral evidence in the proceedings, and
- (b) the evidence provided by the statement is so unconvincing that, considering its importance to the case against the defendant, his conviction of the offence would be unsafe,

the court must either direct the jury to acquit the defendant of the offence or, if it considers that there ought to be a retrial, discharge the jury.

(2) Where—

- (a) a jury is directed under paragraph (1) to acquit a defendant of an offence, and
- (b) the circumstances are such that, apart from this paragraph, the defendant could if acquitted of that offence be found guilty of another offence,

the defendant may not be found guilty of that other offence if the court is satisfied as mentioned in paragraph (1) in respect of it.

(3) If—

- (a) a jury is required to determine under Article 49A(2) of the Mental Health (Northern Ireland) Order 1986 whether a person charged on an indictment with an offence did the act or made the omission charged, and
- (b) the court is satisfied as mentioned in paragraph (1) above at any time after the close of the case for the prosecution that—
  - (i) the case against the defendant is based wholly or partly on a statement not made in oral evidence in the proceedings, and
  - (ii) the evidence provided by the statement is so unconvincing that, considering its importance to the case against the person, a finding that he did the act or made the omission would be unsafe,

the court must either direct the jury to acquit the defendant of the offence or, if it considers that there ought to be a rehearing, discharge the jury.

(4) This Article does not prejudice any other power a court may have to direct a jury to acquit a person of an offence or to discharge a jury.

**Changes to legislation:**

There are currently no known outstanding effects for the The Criminal Justice (Evidence) (Northern Ireland) Order 2004, Section 29.