

2007 No. 176 (C. 9)

CRIMINAL LAW

**The Criminal Evidence (1999 Order) (Commencement No. 5)
Order (Northern Ireland) 2007**

Made - - - - - 27th February 2007

The Secretary of State, in exercise of the powers conferred upon him by Article 1(2) of the Criminal Evidence (Northern Ireland) Order 1999(a), hereby makes the following Order:

Citation

1. This Order may be cited as the Criminal Evidence (1999 Order) (Commencement No.5) Order (Northern Ireland) 2007.

Appointed Day

2. The day appointed for the coming into operation of Article 36 of the Criminal Evidence (Northern Ireland) Order 1999 is 1st March 2007.

Northern Ireland Office
27th February 2007

David Hanson
Minister of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation on 1st March 2007 Article 36 of the Criminal Evidence (Northern Ireland) Order 1999.

Article 36 makes provision for when it is permissible for inferences from silence to be drawn. It amends Articles 3, 5 and 6 of the Criminal Evidence (Northern Ireland) Order 1988 to provide that such inferences shall not be drawn unless a person has had the opportunity to consult a solicitor.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Criminal Evidence (Northern Ireland) Order 1999 came into operation on 30th June 2003 insofar as they related to special measures directions for persons under 17.

Provisions of Order

Article 1

Article 2

Article 4(1)(a)(5)

Article 6(1)(a) (2) (3) (4) (5) (insofar as it relates to Article 4(1)(a))

Article 7 (insofar as it relates to Article 4(1)(a))

Article 8

Article 9 except (6) and (7)

Article 11

Article 12

Article 13

Article 14

Article 15

Article 18

Article 19

Article 20

Article 21

Article 23(3)

Article 39(2)

Article 40 insofar as it relates to those provisions applying to persons under 17

Schedule 1, paragraph 6

Schedule 2

Schedule 3 the repeal of Article 81 of the Police and Criminal Evidence (Northern Ireland) Order 1989 except insofar as it relates to adult witnesses who will not give evidence otherwise through fear and Article 81A of that Order

The following provisions of the Criminal Evidence (Northern Ireland) Order 1999 came into operation on 1st December 2003, namely

- (a) Articles 1, 2 (insofar as not in force), 3, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 39(2) (insofar as not in force);
- (b) paragraphs 2, 4 and 6 of Schedule 1;
- (c) paragraphs 3 and 4 of Schedule 2;
- (d) Schedule 3 insofar as it relates to the entries for the Sexual Offences (Northern Ireland) Order 1978 and Article 81B of the Police and Criminal Evidence (Northern Ireland) Order 1989.

Insofar as they relate to adult witnesses in summary proceedings before the magistrates' court the following provisions of the Criminal Evidence (Northern Ireland) Order 1999 came into operation on 8 November 2004:

- Articles 3 to 10
- Articles 11 to 14 and Article 18 and
- Article 40(1) insofar as it relates to paragraph 6 of Schedule 1.

Insofar as they relate to adult witnesses in criminal proceedings before the county court the following provisions of the Criminal Evidence (Northern Ireland) Order 1999 came into operation on 21 December 2004:

- Articles 3 to 10
- Articles 11 to 14 and Article 18 and
- Article 40(1) insofar as it relates to paragraph 6 of Schedule 1.