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## STATUTORY INSTRUMENTS

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# 1988 No. 1847

## Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988

### PART III

#### OTHER PROVISIONS ABOUT EVIDENCE IN CRIMINAL PROCEEDINGS

*Art. 9 rep. by 1990 c. 5*

##### **Expert reports**

**10.**—(1) An expert report shall be admissible as evidence in criminal proceedings, whether or not the person making it attends to give oral evidence in those proceedings.

(2) If it is proposed that the person making the report shall not give oral evidence, the report shall only be admissible with the leave of the court.

(3) For the purpose of determining whether to give leave the court shall have regard—

- (a) to the contents of the report;
- (b) to the reasons why it is proposed that the person making the report shall not give oral evidence;
- (c) to any risk, having regard in particular to whether it is likely to be possible to controvert statements in the report if the person making it does not attend to give oral evidence in the proceedings, that its admission or exclusion will result in unfairness to the accused or, if there is more than one, to any of them; and
- (d) to any other circumstances that appear to the court to be relevant.

(4) An expert report, when admitted, shall be evidence of any fact or opinion of which the person making it could have given oral evidence.

(5) In this Article “expert report” means a written report by a person dealing wholly or mainly with matters on which he is (or would if living be) qualified to give expert evidence.

##### **Form of evidence and glossaries**

**11.** For the purpose of helping members of juries to understand complicated issues of fact or technical terms Crown Court rules may make provision—

- (a) as to the furnishing of evidence in any form, notwithstanding the existence of admissible material from which the evidence to be given in that form would be derived; and
- (b) as to the furnishing of glossaries for such purposes as may be specified;

in any case where the court gives leave for, or requires, evidence or a glossary to be so furnished.

*Art. 12 rep. by 1998 NI 9*

##### **Abolition of requirement of corroboration for unsworn evidence of children**

*Para. (1) rep. by 1995 NI 3*

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**Changes to legislation:** *Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988, PART III is up to date with all changes known to be in force on or before 28 March 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*

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(2) Any requirement whereby at a trial on indictment it is obligatory for the court to give the jury a warning about convicting the accused on the uncorroborated evidence of a child is abrogated<sup>F1</sup>. . .

(3) Unsworn evidence admitted by virtue of<sup>F2</sup> Article 34 of the Criminal Evidence (Northern Ireland) Order 1999] may corroborate evidence (sworn or unsworn) given by any other person.

**F1** [1996 NI 24](#)

**F2** [1999 NI 8](#)

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**Changes and effects yet to be applied to :**

- Instrument am (prosp) by [1994 c. 33 s. 84\(11\)](#)