
STATUTORY INSTRUMENTS

1989 No. 1341

The Police and Criminal Evidence
(Northern Ireland) Order 1989

PART IX

EVIDENCE IN CRIMINAL PROCEEDINGS—GENERAL

Miscellaneous

Abolition of right of accused to make unsworn statement

78.—(1) Subject to paragraphs (2) and (3), in any criminal proceedings the accused shall not be entitled to make a statement without being sworn, and accordingly, if he gives evidence, he shall do so on oath and be liable to cross-examination; but this Article shall not affect the right of the accused, if not represented by counsel or a solicitor, to address the court or jury otherwise than on oath on any matter on which, if he were so represented, counsel or a solicitor could address the court or jury on his behalf.

(2) Nothing in paragraph (1) shall prevent the accused making a statement without being sworn—

- (a) if it is one which he is required by law to make personally; or
- (b) if he makes it by way of mitigation before the court passes sentence upon him.

(3) Nothing in this Article shall apply—

- (a) to a trial which began before the day of the coming into operation of this Article; or
- (b) to proceedings before a magistrates' court, where—
 - (i) the court, in conducting a preliminary investigation, began to hear the evidence for the prosecution (other than a deposition relating to the arrest or remand of the accused) before that day, or
 - (ii) the court began to conduct a preliminary inquiry before that day.