

STATUTORY INSTRUMENTS

1999 No. 2789

The Criminal Evidence (Northern Ireland) Order 1999

PART II

**SPECIAL MEASURES DIRECTIONS IN CASE OF
VULNERABLE AND INTIMIDATED WITNESSES**

Special measures directions

Extension of provisions of Article 9 to certain witnesses over ^{F1}18]

10.—(1) For the purposes of this Article—

- (a) a witness in criminal proceedings (other than the accused) is a “qualifying witness” if he—
 - (i) is not an eligible witness at the time of the hearing (as defined by Article 4(3)), but
 - (ii) was under the age of ^{F2}18] when a relevant recording was made;
- (b) ^{F3}
- (c) a “relevant recording”, in relation to a witness, is a video recording of an interview of the witness made with a view to its admission as evidence in chief of the witness.

^{F4}(2) Paragraphs (2) to (4) and (4C) of Article 9, so far as relating to the giving of a direction complying with the requirement contained in Article 9(3)(a), apply to a qualifying witness in respect of the relevant recording as they apply to a child witness (within the meaning of that Article.)]

- F1** Art. 10: word in the title substituted (1.1.2012) by Justice Act (Northern Ireland) 2011 (c. 24), **ss. 7(4)(a)**, 111(3) (with s. 106(4), Sch. 6 para. 2); S.R. 2011/370, **art. 3(a)**
- F2** Word in art. 10(1)(a)(ii) substituted (1.1.2012) by Justice Act (Northern Ireland) 2011 (c. 24), **ss. 7(4)(b)**, 111(3) (with s. 106(4), Sch. 6 para. 2); S.R. 2011/370, **art. 3(a)**
- F3** Art. 10(1)(b) repealed (1.1.2012) by Justice Act (Northern Ireland) 2011 (c. 24), ss. 8(7)(a), 110(2), 111(3), **Sch. 8 Pt. 1** (with s. 106(4), Sch. 6 para. 2); S.R. 2011/370, **art. 3(a)(g)(i)**
- F4** Art. 10(2) substituted (1.1.2012) by Justice Act (Northern Ireland) 2011 (c. 24), **ss. 8(7)(b)**, 111(3) (with s. 106(4), Sch. 6 para. 2); S.R. 2011/370, **art. 3(a)**

Changes to legislation:

The Criminal Evidence (Northern Ireland) Order 1999, Section 10 is up to date with all changes known to be in force on or before 21 April 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 29(3)(aa) inserted by [2015 c. 9 \(N.I.\) Sch. 2 para. 11](#)
- art. 29(3)(aa) words substituted in earlier affecting provision [2015 c. 9 \(N.I.\), Sch. 2 para. 11](#) by [2022 c. 4 \(N.I.\) s. 4\(9\)\(h\)](#)