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## STATUTORY INSTRUMENTS

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# 1999 No. 2789

## The Criminal Evidence (Northern Ireland) Order 1999

### PART II

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

##### *Supplementary*

#### **Interpretation etc. of Part II**

**21.—(1)** In this Part—

“eligible witness” means a witness eligible for assistance by virtue of Article 4 or 5;

“live link” has the meaning given by Article 12(6);

“quality”, in relation to the evidence of a witness, shall be construed in accordance with Article 4(5);

“special measures direction” means (in accordance with Article 7(5)) a direction under Article 7.

(2) In this Part references to the special measures available in relation to a witness shall be construed in accordance with Article 6.

(3) In this Part references to a person being able to see or hear, or be seen or heard by, another person are to be read as not applying to the extent that either of them is unable to see or hear by reason of any impairment of eyesight or hearing.

(4) In the case of any proceedings in which there is more than one accused—

(a) any reference to the accused in Articles 11 to 16 may be taken by a court, in connection with the giving of a special measures direction, as a reference to all or any of the accused, as the court may determine, and

(b) any such direction may be given on the basis of any such determination.

[<sup>F1</sup>(5) For the purposes of this Part as it applies in relation to a witness who is the complainant in respect of a slavery or human trafficking offence, where the age of the witness is uncertain and there are reasons to believe that the witness is under the age of 18, that witness is presumed to be under the age of 18.]

**F1** Art. 21(5) inserted (14.1.2015) by [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015 \(c. 2\)](#), ss. 24(5), 28(2)

**Changes to legislation:**

The Criminal Evidence (Northern Ireland) Order 1999, Section 21 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\(9\)\(h\)](#)