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STATUTORY INSTRUMENTS

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**1999 No. 2789**

**The Criminal Evidence (Northern Ireland) Order 1999**

**PART V**

**COMPETENCE OF WITNESSES AND CAPACITY TO BE SWORN**

*Giving of sworn or unsworn evidence*

**Reception of unsworn evidence**

**34.**—(1) Paragraphs (2) and (3) apply to a person (of any age) who—

- (a) is competent to give evidence in criminal proceedings, but
- (b) (by virtue of Article 33(2)) is not permitted to be sworn for the purpose of giving evidence on oath in such proceedings.

(2) The evidence in criminal proceedings of a person to whom this paragraph applies shall be given unsworn.

(3) A deposition of unsworn evidence given by a person to whom this paragraph applies may be taken for the purposes of criminal proceedings as if that evidence had been given on oath.

(4) A court in criminal proceedings shall accordingly receive in evidence any evidence given unsworn in pursuance of paragraph (2) or (3).

(5) Where a person (“the witness”) who is competent to give evidence in criminal proceedings gives evidence in such proceedings unsworn, no conviction, verdict or finding in those proceedings shall be taken to be unsafe for the purposes of any of sections 2(1), 12(2) and 13A(3) of the Criminal Appeal (Northern Ireland) Act 1980 (grounds for allowing appeals) by reason only that it appears to the Court of Appeal that the witness was a person falling within Article 33(2) (and should accordingly have given his evidence on oath).