
STATUTORY INSTRUMENTS

2004 No. 1501

The Criminal Justice (Evidence) (Northern Ireland) Order 2004

PART II

EVIDENCE OF BAD CHARACTER

Defendants

“Attack on another person's character”

11.—(1) For the purposes of Article 6(1)(g) a defendant makes an attack on another person's character if—

- (a) he adduces evidence attacking the other person's character,
- (b) he (or any legal representative appointed under Article 26(4) of the Criminal Evidence (Northern Ireland) Order 1999 (NI 8) to cross-examine a witness in his interests) asks questions in cross-examination that are intended to elicit such evidence, or are likely to do so, or
- (c) evidence is given of an imputation about the other person made by the defendant—
 - (i) on being questioned under caution, before charge, about the offence with which he is charged, or
 - (ii) on being charged with the offence or officially informed that he might be prosecuted for it.

(2) In paragraph (1) “evidence attacking the other person's character” means evidence to the effect that the other person—

- (a) has committed an offence (whether a different offence from the one with which the defendant is charged or the same one), or
- (b) has behaved, or is disposed to behave, in a reprehensible way;

and “imputation about the other person” means an assertion to that effect.

(3) Only prosecution evidence is admissible under Article 6(1)(g).

Changes to legislation:

There are currently no known outstanding effects for the The Criminal Justice (Evidence) (Northern Ireland) Order 2004, Section 11.