

**CRIMINAL JUSTICE (EVIDENCE)
(NORTHERN IRELAND) ORDER 2004**

S.I. 2004 No. 1501 (N.I. 10)

EXPLANATORY MEMORANDUM

COMMENTARY ON ARTICLES

Use of documents to refresh memory

70. **Article 41** creates a presumption that a witness in criminal proceedings may refresh his memory from a document whilst giving evidence, providing that:
- He indicates that the document represents his recollection at the time he made it; and
 - His recollection was likely to be significantly better at the time the document was made (or verified).