

2013 No. 251 (C. 16)

CRIMINAL EVIDENCE

**The Criminal Evidence (Northern Ireland) Order 1999
(Commencement No. 9) Order 2013**

Made - - - -

25th October 2013

The Department of Justice, in exercise of the powers conferred by Article 1(2) of the Criminal Evidence (Northern Ireland) Order 1999(a), makes the following Order:

Citation and Interpretation

1.—(1) This Order may be cited as the Criminal Evidence (Northern Ireland) Order 1999 (Commencement No. 9) Order 2013.

(2) In this Order, “the 1999 Order” means the Criminal Evidence (Northern Ireland) Order 1999.

Appointed day

2. 11th November 2013 is the day appointed for the coming into operation of following provisions of the 1999 Order -

- (a) Article 17 in so far as it relates to proceedings in the Crown Court and committal proceedings in the magistrates’ courts in relation to an offence which -
 - (i) is alleged to have occurred outside the local government district of Belfast; and
 - (ii) is triable only on indictment; and
- (b) Article 40 in so far as it relates to paragraph 5 of Schedule 1.

Sealed with the Official Seal of the Department of Justice on 25th October 2013.



David Ford
Minister of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation provisions of the Criminal Evidence (Northern Ireland) Order 1999 (N.I. 9) (“the 1999 Order”).

The provisions of the 1999 Order set out in Article 2 come into operation on 11th November 2013.

Article 17 relates to the examination of the witness through an intermediary and this provision is commenced in so far as it relates to proceedings in Crown Court and committal proceedings in the magistrates’ courts in relation to an offence which –

- (a) is alleged to have occurred outside the local government district of Belfast; and
- (b) is triable only on indictment.

Article 40, and paragraph 5 of Schedule 1, substitutes amended provision into Article 47 of the Criminal Justice (Northern Ireland) Order 1996 in respect of offences of intimidating, and of doing, or threatening to harm to witnesses, jurors and others..

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Criminal Evidence (Northern Ireland) Order 1999 came into operation on 30th June 2003 in so far as they relate to special measures directions for persons under 17:

Articles 1 and 2

Article 4(1)(a)(5)

Article 6(1)(a)(2)(3)(4)(5) (in so far as it relates to Article 4(1)(a))

Article 7 (in so far as it relates to Article 4(1)(a))

Article 8

Article 9 except (6) and (7)

Articles 11 to 15

Articles 18 to 21

Article 23(3)

Article 39(2)

Article 40 (in so far as it relates to those provisions applying to persons under 17)

Schedule 1, paragraph 6

Schedule 2

Schedule 3 the repeal of Article 81 of the Police and Criminal Evidence (Northern Ireland) Order 1989 except in so far as it relates to adult witnesses who will not give evidence otherwise through fear and Article 81A of that Order.

The following provisions of the Criminal Evidence (Northern Ireland) Order 1999 came into operation on 1st December 2003 in so far as they relate to special measures directions in cases involving vulnerable and intimidated witnesses in so far as they relate to proceedings in the Crown Court and at committal proceedings in the magistrates’ court:

Articles 4(1)(b) and (2) to (5) and Article 5, Article 6(1)(b), Articles 7, 9(6) and 7

Articles 1 to 3, 22 to 30 and 39(2)

Paragraphs 2, 4, and 6 of Schedule 1

Paragraphs 3 and 4 of Schedule 2

Schedule 3 in so far as it relates to the entries for the Sexual Offences (Northern Ireland) Order 1978 and Article 81B of the Police and Criminal Evidence (Northern Ireland) Order 1989.

The following provisions of the Criminal Evidence (Northern Ireland) Order 1999 came into operation on 8th November 2004 in so far as they relate to adult witnesses in summary proceedings before the magistrates' court:

Articles 3 to 10

Articles 11 to 14

Article 18

Article 40(1) in so far as it relates to paragraph 6 of Schedule 1.

The following provisions of the Criminal Evidence (Northern Ireland) Order 1999 came into operation on 21st December 2004 in so far as they relate to adult witnesses in criminal proceedings before the county court:

Articles 3 to 10

Articles 11 to 14

Article 18

Article 40(1) in so far as it relates to paragraph 6 of Schedule 1.

The following provision of the Criminal Evidence (Northern Ireland) Order 1999 came into operation on 1st March 2007:

Article 36

The following provision of the Criminal Evidence (Northern Ireland) Order 1999 came into operation on 1st August 2009 in so far as it relates to adult witnesses in summary proceedings before the magistrates' court:

Article 15

The following provisions of the Criminal Evidence (Northern Ireland) Order 1999 came into operation on 4th May 2010:

Part V

Article 40(1) to the extent necessary to bring into operation the specified amendments to Schedule 1, paragraph 1 (except sub-paragraph (5)) and paragraph 3

Article 40(2) to the extent necessary to bring into operation Schedule 2 paragraph 5

Article 40(3) to the extent necessary to bring into operation repeals in Schedule 3 in respect of the Criminal Evidence Act (Northern Ireland) 1923; the Police and Criminal Evidence (Northern Ireland) Order 1989 (in so far as it repeals Article 79(1) and (7) and the words "competent and" in Article 79(5)); and the Criminal Justice (Children) (Northern Ireland) Order 1998 (in so far as it repeals Article 20 and paragraph 31 of Schedule 5).

The following provisions of the Criminal Evidence (Northern Ireland) Order 1999 came into operation on 10th May 2013 in so far as it relates to proceedings in the Crown Court and committal proceedings in the magistrates' court in relation to an offence which is alleged to have occurred in the local government district of Belfast; and is triable on indictment only:

Article 17

STATUTORY RULES OF NORTHERN IRELAND

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