

2017 No. 5 (C. 1)

CRIMINAL EVIDENCE

**The Criminal Evidence (Northern Ireland) Order 1999
(Commencement No. 11) Order 2017**

Made - - - -

11th January 2017

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

1. This Order may be cited as the Criminal Evidence (Northern Ireland) Order 1999 (Commencement No. 11) Order 2017.

Appointed day

2. 3rd April 2017 is the day appointed for the coming into operation of the following provisions of the Criminal Evidence (Northern Ireland) Order 1999—

- (a) Article 16, 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.
- (b) Article 17, in so far as it relates to proceedings in the magistrates' court, to the extent that it has not already been commenced.

Sealed with the Official Seal of the Department of Justice on 11th January 2017.



Claire Sugden
Minister of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings Article 16 of the Criminal Evidence (Northern Ireland) Order 1999 (N.I. 8) (“the 1999 Order”) into operation on 3rd April 2017. Article 16 relates to the cross-examination and re-examination of a witness ahead of trial. The provisions are commenced in so far as they relate to proceedings in the Crown Court and committal proceedings in the magistrates’ court where an offence is alleged to have occurred in the local government district of Belfast. These provisions would cover both vulnerable or intimidated witnesses under the 1999 Order.

The Order also brings Article 17 of the 1999 Order into operation on 1st April 2017, in so far as it relates to magistrates’ court proceedings. Article 17 relates to the examination of a witness through an intermediary. This provision has already been commenced in so far as it relates to all Crown Court proceedings and committal proceedings in the magistrates’ court, in relation to an offence which is triable on indictment; is triable either summarily or on indictment; or is triable summarily and the accused can claim trial by jury. This Order will ensure that the provisions apply to all offences, wherever committed, including those that are only triable summarily.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

Provisions, commencement date and S.I No.

The following provisions of the Criminal Evidence (Northern Ireland) Order 1999 came into operation on 1st June 2000 (2000 No 211 (C.11)):

Article 37

The provisions of Parts 2 to 6 for the purpose only of the exercise of any power to make court rules.

The following provision of the Criminal Evidence (Northern Ireland) Order 1999 came into operation on 14th June 2000 (2000 No 218 (C.12)):

Article 39(1).

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 and Article 10 (2003 No 323 (C.22)):

Articles 1 and 2

Article 4(1)(a)(5)

Article 6(1)(a), (2), (3), (4) and (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 (2003 No 476 (C.36)):

Article 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 (2004 No 468 (C.26)):

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 (2004 No 531 (C.32)):

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 (2007 No 176 (C.9)):

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 (2009 No 275 (C.18)):

Article 15.

The following provisions of the Criminal Evidence (Northern Ireland) Order 1999 came into operation on 4th May 2010 (2010 No 142 (C.9)):

Part 5

Article 40(1) to the extent necessary to bring into operation the specified amendments in Schedule 1, in respect of the Criminal Evidence Act (Northern Ireland) 1923 and the Police and Criminal Evidence (Northern Ireland) Order 1989

Article 40(2) to the extent necessary to bring into operation Schedule 2 paragraph 5 (Competence of witnesses and capacity to be sworn)

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 provision 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 (2013 No 126 (C.8)):

Article 17.

The following provisions of the Criminal Evidence (Northern Ireland) Order 1999 came into operation on 11th November 2013 (2013 No 251 (C.16)):

Article 17 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 outside the local government district of Belfast; and is triable on indictment only

Article 40 in so far as it relates to paragraph 5 of Schedule 1.

The following provisions of the Criminal Evidence (Northern Ireland) Order 1999 came into operation on 1st April 2015 (2015 No 157 (C.9)):

Article 17 in so far as it relates to all Crown Court proceedings and committal proceedings in the magistrates' court, wherever committed, which are indictable only or which are triable either summarily or on indictment and summary offences for which the accused can claim trial by jury.

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