



Northern Ireland (Emergency Provisions) Act 1996

1996 CHAPTER 22

PART I

SCHEDULED OFFENCES

Evidence and onus of proof

12 Admissions by persons charged with scheduled offences

- (1) In any criminal proceedings for a scheduled offence, or for two or more offences at least one of which is a scheduled offence, a statement made by the accused may be given in evidence by the prosecution in so far as—
- (a) it is relevant to any matter in issue in the proceedings, and
 - (b) it is not excluded by the court in pursuance of subsection (2) or in the exercise of its discretion referred to in subsection (3) (and has not been rendered inadmissible by virtue of such a direction as is mentioned in subsection (2) (iii)).
- (2) Where in any such proceedings—
- (a) the prosecution proposes to give, or (as the case may be) has given, in evidence a statement made by the accused, and
 - (b) prima facie evidence is adduced that the accused was subjected to torture, to inhuman or degrading treatment, or to any violence or threat of violence (whether or not amounting to torture), in order to induce him to make the statement,
- then, unless the prosecution satisfies the court that the statement was not obtained by so subjecting the accused in the manner indicated by that evidence, the court shall do one of the following things, namely—
- (i) in the case of a statement proposed to be given in evidence, exclude the statement;

Status: This is the original version (as it was originally enacted).

- (ii) in the case of a statement already received in evidence, continue the trial disregarding the statement; or
 - (iii) in either case, direct that the trial shall be restarted before a differently constituted court (before which the statement in question shall be inadmissible).
- (3) It is hereby declared that, in the case of any statement made by the accused and not obtained by so subjecting him as mentioned in subsection (2)(b), the court in any such proceedings as are mentioned in subsection (1) has a discretion to do one of the things mentioned in subsection (2)(i) to (iii) if it appears to the court that it is appropriate to do so in order to avoid unfairness to the accused or otherwise in the interests of justice.
- (4) This section does not apply to a summary trial.