



Criminal Evidence Act (Northern Ireland) 1923

1923 CHAPTER 9

An Act to amend the Law of Evidence in its application to Northern Ireland.
[10th May 1923]

1 Competency of witnesses in criminal cases.

^{F1}Every person charged with an offence,^{F2} . . . shall be a competent witness for the defence at every stage of the proceedings, whether the person so charged is charged solely or jointly with any other person:

Provided as follows:—

[^{F3}(a) A person so charged shall not be called as a witness in pursuance of this Act except upon his own application;]

Provisos (b), (c), (d) rep. by 1989 NI 12

(e) [^{F4} Subject to Article 6 of the Criminal Justice (Evidence) (Northern Ireland) Order 2004 (admissibility of defendant's bad character),] a person charged and being a witness in pursuance of this Act may be asked any question in cross-examination notwithstanding that it would tend to criminate him as to the offence charged:

(f) ^{F5}

(g) Every person called as a witness in pursuance of this Act shall, unless otherwise ordered by the court, give his evidence from the witness box or other place from which the other witnesses give their evidence:

Proviso (h) rep. by 1989 NI 12

F1 1968 c.34 (NI); 1978 NI 17

F2 1989 NI 12

F3 1994 c. 33

F4 By Criminal Justice (Evidence) (Northern Ireland) Order 2004 (S.I. 2004/1501 (N.I. 10)), arts. 1(3), 46(1), Sch. 1 para. 2(a) (with art. 43) and S.R. 2006/63, **art. 2** it is provided that the words "Subject

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Changes to legislation: There are currently no known outstanding effects for the Criminal Evidence Act (Northern Ireland) 1923. (See end of Document for details)

to Article 6 of the Criminal Justice (Evidence) (Northern Ireland) Order 2004 (admissibility of defendant's bad character)," shall be inserted (3.4.2006) in s. 1 "at the beginning of subsection (2)". The reference to subsection (2) reflects the numbering of s. 1 para. (e) of the proviso as subsection (2) by Criminal Evidence (Northern Ireland) Order 1999 (S.I. 1999/2789 (N.I. 8)), art. 1(2), 40(1), Sch. 1 para. 1(7) which amending provision comes into operation on (4.5.2010) by S.R. 2010/142, art. 2, Sch.

F5 By Criminal Justice (Evidence) (Northern Ireland) Order 2004 (S.I. 2004/1501 (N.I. 10)), arts. 1(3), 46, Sch. 1 para. 2(b), Sch. 3 (with art. 43) and S.R. 2006/63, art. 2 it is provided that s. 1 "subsection (3)" shall be repealed (3.4.2006). The reference to subsection (3) reflects the numbering of s. 1 para. (f) of the proviso as subsection (3) by Criminal Evidence (Northern Ireland) Order 1999 (S.I. 1999/2789 (N.I. 8)), art. 1(2), 40(1), Sch. 1 para. 1(7) which amending provision comes into operation on (4.5.2010) by S.R. 2010/142, art. 2, Sch.

2 Evidence of person charged.

Where the only witness to the facts of the case called by the defence is a person charged, he shall be called as a witness immediately after the close of the evidence for the prosecution.

3 Right of reply.

In cases where the right of reply depends upon the question whether evidence has been called for the defence, the fact that the person charged has been called as a witness shall not of itself confer on the prosecution the right of reply.

S. 4 rep. by 1989 NI 12

5 Application of Act.

(1) This Act shall apply to all criminal proceedings,^{F6}

Subs. (2) rep. by SLR (NI) 1952; subs. (3) rep. by 1954 c. 33 (NI); subs. (4) rep. by SLR (NI) 1952

F6 1989 NI 12

6 Short title.

This Act may be cited as the Criminal Evidence Act (Northern Ireland), 1923.

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First Schedule rep. by 1989 NI 12

Second Schedule rep. by SLR (NI) 1952

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