



Criminal Evidence Act (Northern Ireland) 1923

1923 CHAPTER 9

1 Competency of witnesses in criminal cases. **N.I.**

^{F1}
...

^{F2}
^{F3}(1) A person^{F4} charged in criminal proceedings] shall not be called as a witness^{F5} in the proceedings] except upon his own application;]

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

^{F3}(2) [^{F6} Subject to Article 6 of the Criminal Justice (Evidence) (Northern Ireland) Order 2004 (admissibility of defendant's bad character),] a person charged^{F7} in criminal proceedings who is called as a witness in the proceedings] may be asked any question in cross-examination notwithstanding that it would tend to criminate him as to^{F8} any offence with which he is charged in the proceedings]:

^{F3}(3) ^{F9}

^{F3}(4) Every person^{F10} charged in criminal proceedings who is called as a witness in the proceedings] 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F1 Words in s. 1 repealed (4.5.2010) by [Criminal Evidence \(Northern Ireland\) Order 1999](#) (S.I. 1999/2789 (N.I. 8)), arts. 1(2), 40(1)(3), Sch. 1 para. 1(2), Sch. 3 (with art. 40(2), Sch. 2); S.R. 2010/142, **art. 2**, Sch.

F2 1994 c. 33

F3 S. 1 paras. (a), (e), (f), (g) of the proviso shall be respectively numbered (4.5.2010) as subsections (1), (2), (3), (4) of the section by [Criminal Evidence \(Northern Ireland\) Order 1999](#) (S.I. 1999/2789 (N.I. 8)), arts. 1(2), 40(1), Sch. 1 para. 1(7) (with art. 40(2), Sch. 2); S.R. 2010/142, **art. 2**, Sch.

F4 Words in s. 1(a) substituted (4.5.2010) by [Criminal Evidence \(Northern Ireland\) Order 1999](#) (S.I. 1999/2789 (N.I. 8)), arts. 1(2), 40(1), Sch. 1 para. 1(3)(a) (with art. 40(2), Sch. 2); S.R. 2010/142, **art. 2**, Sch.

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

- F5** Words in s. 1(a) substituted (4.5.2010) by [Criminal Evidence \(Northern Ireland\) Order 1999](#) (S.I. 1999/2789 (N.I. 8)), arts. 1(2), 40(1), Sch. 1 para. 1(3)(b) (with art. 40(2), Sch. 2); S.R. 2010/142, **art. 2**, Sch.
- F6** 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 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.
- F7** Words in s. 1(e) substituted (4.5.2010) by [Criminal Evidence \(Northern Ireland\) Order 1999](#) (S.I. 1999/2789 (N.I. 8)), arts. 1(2), 40(1), Sch. 1 para. 1(4)(a) (with art. 40(2), Sch. 2); S.R. 2010/142, **art. 2**, Sch.
- F8** Words in s. 1(e) substituted (4.5.2010) by [Criminal Evidence \(Northern Ireland\) Order 1999](#) (S.I. 1999/2789 (N.I. 8)), arts. 1(2), 40(1), Sch. 1 para. 1(4)(b) (with art. 40(2), Sch. 2); S.R. 2010/142, **art. 2**, Sch.
- F9** 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.
- F10** Words in s. 1(g) substituted (4.5.2010) by [Criminal Evidence \(Northern Ireland\) Order 1999](#) (S.I. 1999/2789 (N.I. 8)), arts. 1(2), 40(1), Sch. 1 para. 1(6) (with art. 40(2), Sch. 2); S.R. 2010/142, **art. 2**, Sch.

2 Evidence of person charged. **N.I.**

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. **N.I.**

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. **N.I.**

(1) This Act shall apply to all criminal proceedings,^{F11} . . .

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

F11 1989 NI 12

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

6 Short title. N.I.

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

Changes to legislation:

There are currently no known outstanding effects for the Criminal Evidence Act (Northern Ireland) 1923.