



# 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.

<sup>F1F2</sup>Every person charged with an offence, <sup>F3</sup> . . . 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:—

[<sup>F4F5</sup>(a) A person <sup>F6</sup> so charged shall not be called as a witness <sup>F6</sup> in pursuance of this Act except upon his own application;]

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

<sup>F5</sup>(e) <sup>F7</sup>A person charged <sup>F6</sup> 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 <sup>F6</sup> the offence charged:

<sup>F5F8</sup>(f) A person charged <sup>F6</sup> and called as a witness in pursuance of this Act shall not be asked, and if asked shall not be required to answer, any question tending to show that he has committed or been convicted of or been charged with any offence other than <sup>F6</sup> that wherewith he is then charged, or is of bad character, unless—

- (i) the proof that he has committed or been convicted of such other offence is admissible evidence to show that he is guilty of <sup>F6</sup> the offence wherewith he is then charged;
- (ii) he has personally or by his advocate asked questions of the witnesses for the prosecution with a view to establish his own good character, or has given evidence of his good character, or the nature or conduct of the defence is such as to involve imputations on the character of the prosecutor or the witnesses for the prosecution [<sup>F9</sup> or the deceased victim of the alleged crime]; or

*Status: Point in time view as at 01/01/2006.*

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

(iii) he has given evidence against any other person charged [<sup>F10</sup> in the same proceedings]:

<sup>F5</sup>(g) Every person<sup>F6</sup> 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*

<b>F1</b>	1968 c.34 (NI); 1978 NI 17
<b>F2</b>	prosp. rep. by 1999 NI 8
<b>F3</b>	1989 NI 12
<b>F4</b>	1994 c. 33
<b>F5</b>	prosp. renumbered by 1999 NI 8
<b>F6</b>	prosp. subst. by 1999 NI 8
<b>F7</b>	prosp. inserted by 2004 NI 10
<b>F8</b>	prosp. rep. by 2004 NI 10
<b>F9</b>	1996 NI 24
<b>F10</b>	1979 c. 16

## 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,<sup>F11</sup> . . . .

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

<b>F11</b>	1989 NI 12
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## 6 Short title.

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

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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)*

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*First Schedule rep. by 1989 NI 12*

*Second Schedule rep. by SLR (NI) 1952*

**Status:**

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**Changes to legislation:**

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