

EXPLANATORY MEMORANDUM

**CRIMINAL JUSTICE (EVIDENCE)
(NORTHERN IRELAND) ORDER 2004**

INTRODUCTION

BACKGROUND AND POLICY OBJECTIVES

HUMAN RIGHTS ISSUES

MAIN ELEMENTS OF THE ORDER

COMMENTARY ON ARTICLES

PART II: EVIDENCE OF BAD CHARACTER

“Bad character”

Abolition of common law rules

Non-defendant’s bad character

Defendant’s bad character

“Important explanatory evidence”

“Matter in issue between the defendant and the prosecution”

“Matter in issue between a defendant and co-defendant”

“Evidence to correct a false impression”

“Attack on another person’s character”

Stopping the case where evidence contaminated

Offences committed by a defendant when a child

Assumption of truth in assessment of relevance or probative value

Court’s duty to give reasons for rulings

Rules of court

Interpretation of Part II

PART III: HEARSAY EVIDENCE

Admissibility of hearsay evidence

Statements and matters stated

Cases where a witness is unavailable

Business and other documents

Preservation of certain common law rules in relation to hearsay

Inconsistent statements

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Additional requirement for admissibility of multiple hearsay

Documents produced as exhibits

Capability to make statement

Credibility

Stopping the case where evidence is unconvincing

Court's general discretion to exclude evidence

Expert evidence: preparatory work

Confessions

Representations other than by a person

Evidence at retrial

Rules of court

Proof of statements in documents

Interpretation of Part III

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PART IV: OTHER EVIDENCE

Evidence by video recording

Video evidence: further provisions

Use of documents to refresh memory

Interpretation of Part IV

PART V: FINAL PROVISIONS

*This Explanatory Memorandum refers to the Criminal
Justice (Evidence) (Northern Ireland) Order 2004 No. 1501*

Saving

Supplementary and consequential provisions

Orders

Consequential amendments and repeals

COMMENCEMENT