

*These notes refer to the Justice Act (Northern Ireland)
2011 (c.24) which received Royal Assent on 4 May 2011*

Justice Act (Northern Ireland) 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: Victims and Witnesses

Chapter 2 - Vulnerable and Intimidated Witnesses

This Chapter amends the Criminal Justice (Northern Ireland) Order 1999 to introduce improvements to special measures provisions and deal with some procedural changes.

Section 7: Eligibility for special measure: age of child witnesses

This section amends the age at which persons are considered to be young witnesses to be 18 years rather than 17 years.

Section 8: Special measures directions for child witnesses

This section allows the views of young witnesses to be taken into account when special measures applications are being made, subject to certain specified safeguards. It also removes the category of child witnesses who are in need of special protection thereby placing all child witnesses on the same footing regardless of the offence to which the proceedings relate.

Section 9: Special provisions relating to sexual offences

This section gives adult complainants of sexual offences automatic entitlement to give video recorded evidence in chief. This section does not apply in magistrates' courts.

Section 10: Evidence by live link: presence of supporter

This section formalises the presence of a supporter in the live link room when a witness is giving evidence.

Section 11: Video recorded evidence in chief: supplementary testimony

This section relaxes the restrictions on a witness giving additional evidence in chief after their video recorded statement has been admitted.

Section 12: Examination of accused through intermediary

Section 12 allows any examination of vulnerable defendants to be conducted through an interpreter or other person approved by the court. A vulnerable defendant is a person who has not attained the age of 18 or else is over 18 but suffers from a mental disorder or otherwise has a significant impairment of intelligence and social functioning. The court can give direction allowing examination through an intermediary if the above conditions are met and it is necessary in order to ensure the accused receives a fair trial.

Section 13: Age of child complainant

This section amends Article 23 of the Criminal Justice (Northern Ireland) Order 1999 so that the age of a child complainant is raised to 18 from 17.