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## STATUTORY INSTRUMENTS

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# 1988 No. 1987

## The Criminal Evidence (Northern Ireland) Order 1988

### Interpretation and savings

2.—(1) The Interpretation Act (Northern Ireland) 1954<sup>F1</sup> shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

[<sup>F2</sup>“authorised place of detention” means—

- (a) a police station; or
- (b) any other place prescribed for the purposes of this Order by order made by the Secretary of State;

and an order made under this paragraph shall be subject to [<sup>F3</sup>negative resolution].]

“child” means a person under the age of fourteen;

“place” includes any building or part of a building, any vehicle, vessel, aircraft or hovercraft and any other place whatsoever;

“statutory provision” has the meaning assigned by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

(3) In Articles 3(2), 4(4), 5(2) and 6(2), references to an offence charged include references to any other offence of which the accused could lawfully be convicted on that charge.

(4) A person shall not be committed for trial, have a case to answer or be convicted of an offence solely on an inference drawn from such a failure or refusal as is mentioned in Article 3(2), 4(4), 5(2) or 6(2).

(5) A judge shall not refuse to grant such an application as is mentioned in Article 3(2)(b) solely on an inference drawn from such a failure as is mentioned in Article 3(2).

(6) Nothing in this Order prejudices the operation of any statutory provision which provides (in whatever words) that any answer or evidence given by a person in specified circumstances shall not be admissible in evidence against him or some other person in any proceedings or class of proceedings (however described, and whether civil or criminal).

In this paragraph the reference to giving evidence is a reference to giving evidence in any manner, whether by furnishing information, making discovery, producing documents or otherwise.

(7) Nothing in this Order prejudices any power of a court, in any proceedings, to exclude evidence (whether by preventing questions from being put or otherwise) at its discretion.

**F1** 1954 c. 33 (NI)

**F2** Art. 2(2): definition of "authorised place of detention" inserted (1.3.2007) by [Criminal Evidence \(Northern Ireland\) Order 1999 \(S.I. 1999/2789 \(N.I. 8\)\)](#), arts. 1(2), 36(2); S.R. 2007/176, [art. 2](#)

**F3** Words in art. 2(2) in the definition of "authorised place of detention" substituted (12.4.2010) by [Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 4(3), [Sch. 2 para. 12\(2\)](#) (with arts. 28-31); S.I. 2010/977, [art. 1\(2\)](#)

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**Changes to legislation:** *The Criminal Evidence (Northern Ireland) Order 1988, Section 2 is up to date with all changes known to be in force on or before 24 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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**Modifications etc. (not altering text)**

- C1** [Art. 2\(2\)](#): definition of "authorised place of detention" functions transferred from Secretary of State to Department of Justice (12.4.2010) by [Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 4(1)(2), **Sch. 1** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

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**Changes and effects yet to be applied to :**

- Instrument am (prosp) by [1994 c. 33 s. 168\(2\)Sch.10 para 61](#)
- Instrument rev in pt (prosp) by [1994 c. 33 s. 168\(3\)Sch.11](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 3(2)(b)(iii) and word substituted for word by [2015 c. 9 \(N.I.\) Sch. 2 para. 5\(1\)\(b\)](#)
- art. 5(2)(aa)(iii) and word substituted for word by [2015 c. 9 \(N.I.\) Sch. 2 para. 5\(2\)\(b\)](#)
- art. 5(2)(aa)(iii) words substituted in earlier affecting provision [2015 c. 9 \(N.I.\)](#), Sch. 2 para. 5(2)(b) by [2022 c. 4 \(N.I.\) s. 4\(9\)\(d\)](#)
- art. 6(2)(aa)(iii) and word substituted for word by [2015 c. 9 \(N.I.\) Sch. 2 para. 5\(3\)\(b\)](#)
- art. 6(2)(aa)(iii) words substituted in earlier affecting provision [2015 c. 9 \(N.I.\)](#), Sch. 2 para. 5(3)(b) by [2022 c. 4 \(N.I.\) s. 4\(9\)\(d\)](#)