
STATUTORY INSTRUMENTS

2004 No. 1501

The Criminal Justice (Evidence) (Northern Ireland) Order 2004

PART III

HEARSAY EVIDENCE

Principal categories of admissibility

Business and other documents

21.—(1) In criminal proceedings a statement contained in a document is admissible as evidence of any matter stated if—

- (a) oral evidence given in the proceedings would be admissible as evidence of that matter,
- (b) the requirements of paragraph (2) are satisfied, and
- (c) the requirements of paragraph (5) are satisfied, in a case where paragraph (4) requires them to be.

(2) The requirements of this paragraph are satisfied if—

- (a) the document or the part containing the statement was created or received by a person in the course of a trade, business, profession or other occupation, or as the holder of a paid or unpaid office,
- (b) the person who supplied the information contained in the statement (“the relevant person”) had or may reasonably be supposed to have had personal knowledge of the matters dealt with, and
- (c) each person (if any) through whom the information was supplied from the relevant person to the person mentioned in sub-paragraph (a) received the information in the course of a trade, business, profession or other occupation, or as the holder of a paid or unpaid office.

(3) The persons mentioned in sub-paragraphs (a) and (b) of paragraph (2) may be the same person.

(4) The additional requirements of paragraph (5) must be satisfied if the statement—

- (a) was prepared for the purposes of pending or contemplated criminal proceedings, or for a criminal investigation, but

[^{F1}(b) was not obtained pursuant to—

- (i) a request under section 7 of the Crime (International Co-operation) Act 2003,
- (ii) an order under paragraph 6 of Schedule 13 to the Criminal Justice Act 1988, ^{F2}...
- (iii) ^{F3}..., [^{F4}or
- (iv) an overseas production order under the Crime (Overseas Production Orders) Act 2019,]

(all of which relate to overseas evidence).]

(5) The requirements of this paragraph are satisfied if—

- (a) any of the five conditions mentioned in Article 20(2) is satisfied (absence of relevant person etc), or
 - (b) the relevant person cannot reasonably be expected to have any recollection of the matters dealt with in the statement (having regard to the length of time since he supplied the information and all other circumstances).
- (6) A statement is not admissible under this Article if the court makes a direction to that effect under paragraph (7).
- (7) The court may make a direction under this paragraph if satisfied that the statement's reliability as evidence for the purpose for which it is tendered is doubtful in view of—
- (a) its contents,
 - (b) the source of the information contained in it,
 - (c) the way in which or the circumstances in which the information was supplied or received, or
 - (d) the way in which or the circumstances in which the document concerned was created or received.

- F1** Art. 21(4)(b) substituted (31.7.2017) by [The Criminal Justice \(European Investigation Order\) Regulations 2017 \(S.I. 2017/730\)](#), reg. 1(1), **Sch. 3 para. 10** (with reg. 3)
- F2** Word in art. 21(4)(b)(ii) omitted (9.10.2019 for specified purposes, 22.2.2021 in so far as not already in force) by virtue of [Crime \(Overseas Production Orders\) Act 2019 \(c. 5\)](#), **ss. 10(4)(a)**, 20(1); S.I. 2019/1318, reg. 2(2)(j)(3); S.I. 2021/146, reg. 4(j)
- F3** Words in art. 21(4)(b)(iii) omitted (31.12.2020) by virtue of [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), regs. 1, **81** (with reg. 83); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Art. 21(4)(b)(iv) and word inserted (9.10.2019 for specified purposes, 22.2.2021 in so far as not already in force) by [Crime \(Overseas Production Orders\) Act 2019 \(c. 5\)](#), **ss. 10(4)(b)**, 20(1); S.I. 2019/1318, reg. 2(2)(j)(3); S.I. 2021/146, reg. 4(j)

Changes to legislation:

There are currently no known outstanding effects for the The Criminal Justice (Evidence) (Northern Ireland) Order 2004, Section 21.