

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

S.I. 2004 No. 1501 (N.I. 10)

EXPLANATORY MEMORANDUM

COMMENTARY ON ARTICLES

Admissibility of hearsay evidence

34. **Article 18** sets out the circumstances in which a statement which is not made in oral evidence during criminal proceedings can be used as evidence of the facts stated within it. The Article removes common law rules against hearsay evidence so that an out-of-court statement will be admissible *provided* that it comes under one of the following heads:
- That it is admissible under a statutory provision;
 - That it is admissible under a common law rule preserved by this Part of the Order;
 - That the parties agree that it can go in; or
 - That the court gives leave to admit the statement in the interests of justice.
35. The Article also lists some of the factors that the court must consider when deciding whether to grant leave to admit the statement.