

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

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

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**EXPLANATORY MEMORANDUM**

**COMMENTARY ON ARTICLES**

*Capability to make statement*

48. [Article 27](#) provides that an out of court statement cannot be admitted under Articles 20, 23 or 24 if the person who made the statement did not have the “required capability” for making a statement at the time the statement was made.
49. A statement may not be admitted under Article 21 if any person who supplied or received the information or created or received the document did not have the “required capability”, or where that person cannot be identified, cannot reasonably be assumed to have had the required capability.
50. A person is understood to have the required capability if he can understand questions put to him and give answers which can be understood.