

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

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

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**EXPLANATORY MEMORANDUM**

**COMMENTARY ON ARTICLES**

*Defendant's bad character*

12. **Article 6** provides that evidence of a defendant's bad character is admissible in the following circumstances:
- That all parties agree to it being given;
  - That the defendant introduces the evidence himself or it is given in response to a question put by the defendant or his counsel that is intended to elicit it;
  - That it is important explanatory evidence;
  - That it is relevant to an important matter in issue between the defendant and prosecution;
  - That it has substantial probative value in relation to an important issue between the defendant and co-defendant;
  - That it corrects a false impression given by the defendant about himself;
  - That the defendant has attacked the character of another person.
13. Where evidence has substantial probative value in relation to an important issue between the defendant and co-defendant, or where the defendant has attacked the character of another person, the admissibility of evidence is subject to an application by the defendant to have the evidence excluded if admitting it would have such an adverse effect on the fairness of the trial that it ought to be excluded.