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STATUTORY RULES OF NORTHERN IRELAND

2015 No. 157 (C. 9)

CRIMINAL EVIDENCE

**The Criminal Evidence (Northern Ireland) Order
1999 (Commencement No. 10) Order 2015**

Made - - - - 12th March 2015

The Department of Justice, in exercise of the powers conferred by Article 1(2) of the Criminal Evidence (Northern Ireland) Order 1999(1), makes the following Order:

Citation

1. This Order may be cited as the Criminal Evidence (Northern Ireland) Order 1999 (Commencement No. 10) Order 2015.

Appointed day

2. 1st April 2015 is the day appointed for the coming into operation of Article 17 of the Criminal Evidence (Northern Ireland) Order 1999 in so far as it relates to proceedings in the Crown Court and committal proceedings in the magistrates' court.

Sealed with the Official Seal of the Department of Justice on 12th March 2015.



David Ford
Minister of Justice

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings Article 17 of the Criminal Evidence (Northern Ireland) Order 1999 (N.I. 8) into operation on 1st April 2015 in so far as it relates to all Crown Court proceedings and committal proceedings. This will, therefore, cover all offences, wherever committed, which are indictable only, or which are triable either summarily or on indictment and summary offences for which the accused can claim trial by a jury.

Article 17 relates to the examination of the witness through an intermediary and this provision has already been commenced in so far as it relates to proceedings in the Crown Court and committal proceedings in the magistrates' court in relation to an offence which is triable only on indictment.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Criminal Evidence (Northern Ireland) Order 1999 came into operation on 1st June 2000:

Article 37

The provisions of Parts 2 to 6 for the purpose only of the exercise of any power to make court rules.

The following provision of the Criminal Evidence (Northern Ireland) Order 1999 came into operation on 14th June 2000:

Article 39(1).

The following provisions of the Criminal Evidence (Northern Ireland) Order 1999 came into operation on 30th June 2003 in so far as they relate to special measures directions for persons under 17:

Articles 1 and 2

Article 4(1)(a) and (5)

Article 6(1)(a), (2), (3), (4) and (5) (in so far as it relates to Article 4(1)(a))

Article 7 (in so far as it relates to Article 4(1)(a))

Article 8

Article 9 except (6) and (7)

Articles 11 to 15

Articles 18 to 21

Article 23(3)

Article 39(2)

Article 40 (in so far as it relates to those provisions applying to persons under 17)

Schedule 1, paragraph 6

Schedule 2

Schedule 3 the repeal of Article 81 of the Police and Criminal Evidence (Northern Ireland) Order 1989 except in so far as it relates to adult witnesses who will not give evidence otherwise through fear and Article 81A of that Order.

The following provisions of the Criminal Evidence (Northern Ireland) Order 1999 came into operation on 1st December 2003 in so far as they relate to special measures directions in cases involving vulnerable and intimidated witnesses in so far as they relate to proceedings in the Crown Court and at committal proceedings in the magistrates' court:

Article 4(1)(b) and (2) to (5) and Article 5, Article 6(1)(b), Articles 7, 9(6) and (7)

Articles 1 to 3, 22 to 30 and 39(2)

Paragraphs 2, 4 and 6 of Schedule 1

Paragraphs 3 and 4 of Schedule 2

Schedule 3 in so far as it relates to the entries for the Sexual Offences (Northern Ireland) Order 1978 and Article 81B of the Police and Criminal Evidence (Northern Ireland) Order 1989.

The following provisions of the Criminal Evidence (Northern Ireland) Order 1999 came into operation on 8th November 2004, in so far as they relate to adult witnesses in summary proceedings before the magistrates' court:

Articles 3 to 10

Articles 11 to 14

Article 18

Article 40(1) in so far as it relates to paragraph 6 of Schedule 1.

The following provisions of the Criminal Evidence (Northern Ireland) Order 1999 came into operation on 21st December 2004 in so far as they relate to adult witnesses in criminal proceedings before the county court:

Articles 3 to 10

Articles 11 to 14

Article 18

Article 40(1) in so far as it relates to paragraph 6 of Schedule 1.

The following provision of the Criminal Evidence (Northern Ireland) Order 1999 came into operation on 1st March 2007:

Article 36.

The following provision of the Criminal Evidence (Northern Ireland) Order 1999 came into operation on 1st August 2009 in so far as it relates to adult witnesses in summary proceedings before the magistrates' court:

Article 15.

The following provisions of the Criminal Evidence (Northern Ireland) Order 1999 came into operation on 4th May 2010:

Part 5

Article 40(1) to the extent necessary to bring into operation the specified amendments in Schedule 1, in respect of the Criminal Evidence Act (Northern Ireland) 1923 and the Police and Criminal Evidence (Northern Ireland) Order 1989

Article 40(2) to the extent necessary to bring into operation Schedule 2 paragraph 5 (Competence of witnesses and capacity to be sworn)

Article 40(3) to the extent necessary to bring into operation repeals in Schedule 3 in respect of the Criminal Evidence Act (Northern Ireland) 1923; the Police and Criminal Evidence

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(Northern Ireland) Order 1989 (in so far as it repeals Article 79(1) and (7) and the words “competent and” in Article 79(5)); and the Criminal Justice (Children) (Northern Ireland) Order 1998 (in so far as it repeals Article 20 and paragraph 31 of Schedule 5).

The following provision of the Criminal Evidence (Northern Ireland) Order 1999 came into operation on 10th May 2013 in so far as it relates to proceedings in the Crown Court and committal proceedings in the magistrates’ court in relation to an offence which is alleged to have occurred in the local government district of Belfast; and is triable on indictment only:

Article 17.

The following provision of the Criminal Evidence (Northern Ireland) Order 1999 came into question on 11th November 2013:

Article 17 in so far as it relates to proceedings in the Crown Court and committal proceedings in the magistrates’ court in relation to an offence which is alleged to have been committed outside the local government district of Belfast; and is triable on indictment only:

Article 40 in so far as it relates to paragraph 5 of Schedule 1.