
Changes to legislation: There are currently no known outstanding effects for the Criminal Jurisdiction Act 1975, Part II. (See end of Document for details)

SCHEDULES

SCHEDULE 4

EXAMINATION OF WITNESSES OUT OF COURT

PART II

EXAMINATION IN REPUBLIC OF IRELAND TO ASSIST COURT IN NORTHERN IRELAND

- 5 (1) For the purposes of—
- (a) the trial in Northern Ireland of an extra-territorial offence, or
 - (b) the hearing of an appeal under the ^{M1}Criminal Appeal (Northern Ireland) [^{F1}Act 1980] concerning an extra-territorial offence,
- the court of trial, or as the case may be the court entertaining the appeal, may issue a letter of request for the taking of evidence by a judge of the High Court in the Republic of Ireland from a witness specified in the letter of request.
- The letter of request shall be addressed to the Chief Justice.
- (2) If the prosecutor or the accused applies to the court of trial for the issue of a letter of request under this paragraph, the court shall comply with the application unless satisfied that it is not in the interests of justice.
- (3) Where the court issues a letter of request, the court shall inform the accused that he has, in accordance with the law of the Republic of Ireland corresponding to paragraph 4(1) of this Schedule, a right to attend the examination of the witness in the Republic of Ireland and the other rights specified in the said paragraph 4(1).
- (4) If the accused exercises his right to attend the examination of the witness, the court shall issue an order directing—
- (a) that the accused be delivered (at some convenient point of departure from Northern Ireland) into the custody of a member of the police force (Garda Síochána in the Republic of Ireland, and
 - (b) that he be kept in custody in Northern Ireland until so delivered.
- (5) If the accused is serving a sentence imposed for any other offence, the order of the court shall be carried out notwithstanding the sentence, and the time spent by the accused as directed by the court shall count towards service of the sentence.
- (6) Where, under an enactment of the law of the Republic of Ireland corresponding to paragraph 4(3) of this Schedule, a Commissioner in the Republic of Ireland authorises the accused to return temporarily to Northern Ireland, the court shall issue any further order required under sub-paragraph (4) above in order to deal with the accused when he is again to go to the Republic of Ireland.

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Textual Amendments

F1 Words substituted by [Criminal Appeal \(Northern Ireland\) Act 1980 \(c. 47, SIF 38\)](#), **Sch. 4 para. 10**

Marginal Citations

M1 [1968 c. 21](#).

Admissibility of statement of evidence

- 6 (1) A statement of evidence of a witness taken in compliance with the letter of request shall, subject to sub-paragraph (2) below, be admissible in the proceedings for which the letter of request was issued as evidence of any fact stated therein of which evidence by the witness would be admissible if given in the course of those proceedings.
- (2) The statement shall be so admissible if—
- (a) all the members of the court were present throughout the taking of the evidence, and
 - (b) the statement was certified by the judge of the High Court in the Republic of Ireland who took it to be a true and accurate statement of the evidence so taken.
- (3) A document purporting to be such a certificate and to be signed by the said judge shall be deemed to be such a certificate and to be so signed unless the contrary is shown.

Changes to legislation:

There are currently no known outstanding effects for the Criminal Jurisdiction Act 1975, Part II.