STATUTORY RULES OF NORTHERN IRELAND

2017 No. 5 (C. 1)

CRIMINAL EVIDENCE

The Criminal Evidence (Northern Ireland) Order 1999 (Commencement No. 11) Order 2017

Made - - - - 11th January 2017

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. 11) Order 2017.

Appointed day

2. 3rd April 2017 is the day appointed for the coming into operation of the following provisions of the Criminal Evidence (Northern Ireland) Order 1999—

(a) Article 16, 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.

(b) Article 17, in so far as it relates to proceedings in the magistrates' court, to the extent that it has not already been commenced.

(**1**) S.I 1999/2789 (N.I. 8).

Sealed with the Official Seal of the Department of Justice on 11th January 2017.



Claire Sugden
Minister of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings Article 16 of the Criminal Evidence (Northern Ireland) Order 1999 (N.I. 8) ("the 1999 Order") into operation on 3rd April 2017. Article 16 relates to the cross-examination and re-examination of a witness ahead of trial. The provisions are commenced in so far as they relate to proceedings in the Crown Court and committal proceedings in the magistrates' court where an offence is alleged to have occurred in the local government district of Belfast. These provisions would cover both vulnerable or intimidated witnesses under the 1999 Order.

The Order also brings Article 17 of the 1999 Order into operation on 1st April 2017, in so far as it relates to magistrates' court proceedings. Article 17 relates to the examination of a witness through an intermediary. This provision has already been commenced in so far as it relates to all Crown Court proceedings and committal proceedings in the magistrates' court, in relation to an offence which is triable on indictment; is triable either summarily or on indictment; or is triable summarily and the accused can claim trial by jury. This Order will ensure that the provisions apply to all offences, wherever committed, including those that are only triable summarily.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

Provisions, commencement date and S.I No.

The following provisions of the Criminal Evidence (Northern Ireland) Order 1999 came into operation on 1st June 2000 (2000 No 211 (C.11)):

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 (2000 No 218 (C.12)):

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 and Article 10 (2003 No 323 (C.22)):

Articles 1 and 2

Article 4(1)(a)(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)