Criminal Evidence Act (Northern Ireland) 1923

1923 CHAPTER 9

An Act to amend the Law of Evidence in its application to Northern Ireland. [10th May 1923]

1 Competency of witnesses in criminal cases.

F1 . . .

[F2[F3(1)] A person[F4charged in criminal proceedings] shall not be called as a witness[F5in the proceedings] except upon his own application;]

Provisos (b), (c), (d) rep. by 1989 NI 12

[F3(2)] [F6 Subject to Article 6 of the Criminal Justice (Evidence) (Northern Ireland) Order 2004 (admissibility of defendant's bad character),] a person charged[F7in criminal proceedings who is called as a witness in the proceedings] may be asked any question in cross-examination notwithstanding that it would tend to criminate him as to[F8any offence with which he is charged in the proceedings]:

[F3(3)] F9 . . . . . .

[F3(4)] Every person[F10charged in criminal proceedings who is called as a witness in the proceedings] shall, unless otherwise ordered by the court, give his evidence from the witness box or other place from which the other witnesses give their evidence:

Proviso (h) rep. by 1989 NI 12

F1 Words in s. 1 repealed (4.5.2010) by Criminal Evidence (Northern Ireland) Order 1999 (S.I. 1999/2789 (N.I. 8)), arts. 1(2), 40(1)(3), Sch. 1 para. 1(2), Sch. 3 (with art. 40(2), Sch. 2); S.R. 2010/142, **art. 2**, Sch.

F2 1994 c. 33

F3 S. 1 paras. (a), (e), (f), (g) of the proviso shall be respectively numbered (4.5.2010) as subsections (1), (2), (3), (4) of the section by Criminal Evidence (Northern Ireland) Order 1999 (S.I. 1999/2789 (N.I. 8)), arts. 1(2), 40(1), Sch. 1 para. 1(7) (with art. 40(2), Sch. 2); S.R. 2010/142, **art. 2**, Sch.

F4 Words in s. 1(a) substituted (4.5.2010) by Criminal Evidence (Northern Ireland) Order 1999 (S.I. 1999/2789 (N.I. 8)), arts. 1(2), 40(1), Sch. 1 para. 1(3)(a) (with art. 40(2), Sch. 2); S.R. 2010/142, **art. 2**, Sch.

F5 Words in s. 1(a) substituted (4.5.2010) by Criminal Evidence (Northern Ireland) Order 1999 (S.I. 1999/2789 (N.I. 8)), arts. 1(2), 40(1), Sch. 1 para. 1(3)(b) (with art. 40(2), Sch. 2); S.R. 2010/142, **art. 2**, Sch.

F6 By Criminal Justice (Evidence) (Northern Ireland) Order 2004 (S.I. 2004/1501 (N.I. 10)), arts. 1(3), 46(1), Sch. 1 para. 2(a) (with art. 43) and S.R. 2006/63, **art. 2** it is provided that the words "Subject to Article 6 of the Criminal Justice (Evidence) (Northern Ireland) Order 2004 (admissibility of defendant's bad character)," shall be inserted (3.4.2006) in s. 1 "at the beginning of subsection (2)". The reference to subsection (2) reflects the numbering of s. 1 para. (e) of the proviso as subsection (2) by Criminal Evidence (Northern Ireland) Order 1999 (S.I. 1999/2789 (N.I. 8)), art. 1(2), 40(1), Sch. 1 para. 1(7) which amending provision comes into operation on (4.5.2010) by S.R. 2010/142, **art. 2**, Sch.

F7 Words in s. 1(e) substituted (4.5.2010) by Criminal Evidence (Northern Ireland) Order 1999 (S.I. 1999/2789 (N.I. 8)), arts. 1(2), 40(1), Sch. 1 para. 1(4)(a) (with art. 40(2), Sch. 2); S.R. 2010/142, **art. 2**, Sch.

F8 Words in s. 1(e) substituted (4.5.2010) by Criminal Evidence (Northern Ireland) Order 1999 (S.I. 1999/2789 (N.I. 8)), arts. 1(2), 40(1), Sch. 1 para. 1(4)(b) (with art. 40(2), Sch. 2); S.R. 2010/142, **art. 2**, Sch.

F9 By Criminal Justice (Evidence) (Northern Ireland) Order 2004 (S.I. 2004/1501 (N.I. 10)), arts. 1(3), 46, Sch. 1 para. 2(b), Sch. 3 (with art. 43) and S.R. 2006/63, **art. 2** it is provided that s. 1 "subsection (3)" shall be repealed (3.4.2006). The reference to subsection (3) reflects the numbering of s. 1 para. (f) of the proviso as subsection (3) by Criminal Evidence (Northern Ireland) Order 1999 (S.I. 1999/2789 (N.I. 8)), art. 1(2), 40(1), Sch. 1 para. 1(7) which amending provision comes into operation on (4.5.2010) by S.R. 2010/142, **art. 2**, Sch.

F10 Words in s. 1(g) substituted (4.5.2010) by Criminal Evidence (Northern Ireland) Order 1999 (S.I. 1999/2789 (N.I. 8)), arts. 1(2), 40(1), Sch. 1 para. 1(6) (with art. 40(2), Sch. 2); S.R. 2010/142, **art. 2**, Sch.

2 Evidence of person charged.

Where the only witness to the facts of the case called by the defence is a person charged, he shall be called as a witness immediately after the close of the evidence for the prosecution.

3 Right of reply.

In cases where the right of reply depends upon the question whether evidence has been called for the defence, the fact that the person charged has been called as a witness shall not of itself confer on the prosecution the right of reply.

S. 4 rep. by 1989 NI 12

5 Application of Act.

(1) This Act shall apply to all criminal proceedings,[F11]. . . .

Subs. (2) rep. by SLR (NI) 1952; subs. (3) rep. by 1954 c. 33 (NI); subs. (4) rep. by SLR (NI) 1952

F11 1989 NI 12