

2010 No. 142 (C. 9)

CRIMINAL EVIDENCE

**The Criminal Evidence (Northern Ireland) Order 1999
(Commencement No. 7) Order 2010**

Made - - - -

30th March 2010

The Secretary of State makes the following Order in exercise of the powers conferred by Article 1(2) of the Criminal Evidence (Northern Ireland) Order 1999(a):

Citation

1. This Order may be cited as the Criminal Evidence (Northern Ireland) Order 1999 (Commencement No. 7) Order 2010.

Commencement

2. The provisions of the Criminal Evidence (Northern Ireland) Order 1999 specified in the Schedule shall come into operation on 4th May 2010.

Northern Ireland Office
30th March 2010

Paul Goggins
Minister of State

SCHEDULE

**PROVISIONS OF THE CRIMINAL EVIDENCE (NORTHERN
IRELAND) ORDER 1999 COMING INTO OPERATION ON 4th MAY
2010**

1. Part V (Competence of witnesses and capacity to be sworn).
2. Article 40(1) (Minor and consequential amendments) to the extent necessary to bring into operation the amendments specified in paragraph 5.
3. Article 40(2) (Transitional provisions) to the extent necessary to bring into operation the provision specified in paragraph 6.

(a) 1999 No. 2789 (N.I.8)

4. Article 40(3) (Repeals) to the extent necessary to bring into operation the repeals specified in paragraph 7.

5. (1) In Schedule 1 (Minor and consequential amendments)—

- (a) paragraph 1 (The Criminal Evidence Act (Northern Ireland) 1923 (c. 9 (N.I.))) except sub-paragraph (5); and
- (b) paragraph 3 (The Police and Criminal Evidence (Northern Ireland) Order 1989 (NI12)).

6. In Schedule 2 (Transitional provisions and savings) paragraph 5 (Competence of witnesses and capacity to be sworn).

7. (1) In Schedule 3 (Repeals) the entries in respect of—

- (a) the Criminal Evidence Act (Northern Ireland) 1923;
- (b) the Police and Criminal Evidence (Northern Ireland) Order 1989 in so far as it repeals Articles 79 (1) and (7) and the words “competent and” in Article 79(5); and
- (c) the Criminal Justice (Children) (Northern Ireland) Order 1998 in so far as it repeals Article 20 and paragraph 31 of Schedule 5.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation on 4th May 2010 provisions in the Criminal Evidence (Northern Ireland) Order 1999 relating to the competence of witnesses in criminal proceedings to give evidence and the capacity of witnesses in such proceedings to be sworn. In addition, a saving provision and a number of amendments and repeals are brought into operation.

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 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)(5)

Article 6(1)(a)(2)(3)(4)(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:

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 23 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

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