Changes to Legislation: as of 12 March 2024, this Act is up to date with all changes known to be in force.



Number 12 *of* 1992

CRIMINAL EVIDENCE ACT 1992

REVISED

Updated to 30 November 2023

This Revised Act is an administrative consolidation of the *Criminal Evidence Act 1992*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Domestic, Sexual and Gender-Based Violence Agency Act 2023* (31/2023), enacted 28 November 2023, and all statutory instruments up to and including the *Criminal Evidence Act 1992 (Sections 13 and 16) (Commencement) Order 2023* (S.I. No. 589 of 2023), made 30 November 2023, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

Number 12 *of* 1992

CRIMINAL EVIDENCE ACT 1992

REVISED

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Number 12 *of* 1992

CRIMINAL EVIDENCE ACT 1992

REVISED

Updated to 30 November 2023

AN ACT TO AMEND THE LAW OF EVIDENCE IN RELATION TO CRIMINAL PROCEEDINGS AND TO PROVIDE FOR CONNECTED MATTERS. [7*th July*, 1992]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART I

PRELIMINARY

Short title and commencement.

1.—(1) This Act may be cited as the Criminal Evidence Act, 1992.

(2) This Act (except *Part III* and *section 29*) shall come into operation three months after the date of its passing.

(3) *Part III* and *section 29* shall come into operation on such day or days as may be fixed therefor by order or orders of the Minister for Justice and different days may be so fixed for different purposes and different provisions; and, in particular, any of the provisions of *sections 13* to *16* and *section 29* may be brought into operation on different days for different courts and for different circuits and district court districts.

(4) (*a*) The provisions of this Act (other than *Part III* F1**[**(except *sections 14A*, *15*, *16(1)(b)*, *18* and *19A*)**]** and *section 29*) shall not apply to criminal proceedings instituted before the commencement of the provisions concerned.

(*b*) For the purposes of *paragraph (a)* criminal proceedings are instituted—

(i) when a summons or warrant of arrest is issued in respect of an offence,

(ii) when a person is arrested without a warrant, or

(iii) when a person is remanded for trial pursuant to F2**[***Chapter IV* of *Part V***]**.

Annotations

Amendments:

F1 Substituted (30.05.2018) by *Criminal Law (Sexual Offences) Act 2017* (2/2017), s. 33, S.I. No. 172 of 2018.

F2 Substituted (1.09.2008) by *Defence (Amendment) Act 2007* (24/2007), s. 11 and sch. 4 part 3, S.I. No. 254 of 2008.

Editorial Notes:

E1 Power pursuant to subs. (2) exercised (30.11.2023) by *Criminal Evidence Act 1992 (Sections 13 and 16) (Commencement) Order 2023* (S.I. No. 589 of 2023).

2. The 30th day of November 2023 is appointed as the day on which section 13 of the Act of 1992 shall come into operation for the District Court sitting in District No. 18.

3. The 30th day of November 2023 is fixed as the day on which section 16 (in so far as it is not already in operation) of the Act of 1992 shall come into operation for –

(*a*) the District Court sitting in District No. 1,

(*b*) the District Court sitting in District No. 2,

(*c*) the District Court sitting in District No. 3,

(*d*) the District Court sitting in District No. 4,

(*e*) the District Court sitting in District No. 5,

(*f*) the District Court sitting in District No. 6,

(*g*) the District Court sitting in District No. 7,

(*h*) the District Court sitting in District No. 8,

(*i*) the District Court sitting in District No. 9,

(*j*) the District Court sitting in District No. 10,

(*k*) the District Court sitting in District No. 12,

(*l*) the District Court sitting in District No. 13,

(*m*) the District Court sitting in District No. 15,

(*n*) the District Court sitting in District No. 16,

(*o*) the District Court sitting in District No. 17,

(*p*) the District Court sitting in District No. 18,

(*q*) the District Court sitting in District No. 19,

(*r*) the District Court sitting in District No. 20,

(*s*) the District Court sitting in District No. 21,

(*t*) the District Court sitting in District No. 22,

(*u*) the District Court sitting in District No. 23,

(*v*) the District Court sitting in District No. 24, and

(*w*) the District Court sitting in District No. 25.

E2 Power pursuant to subs. (3) exercised (30.06.2022) by *Criminal Evidence Act 1992 (Section 13) (Commencement) Order 2022* (S.I. No. 308 of 2022), in effect as per art. 2.

2. The 30th day of June 2022 is fixed as the day on which section 13 of the Criminal Evidence Act 1992 (No. 12 of 1992) shall come into operation for a Special Criminal Court.

E3 Power pursuant to subs. (3) exercised (15.12.2021) by *Criminal Evidence Act 1992 (Section 13) (Commencement) Order 2021* (S.I. No. 693 of 2021), in effect as per art. 2.

2. The 15th day of December 2021 is fixed as the day on which section 13 of the Criminal Evidence Act 1992 (No. 12 of 1992) shall come into operation for –

(*a*) the District Court sitting in District No. 4,

(*b*) the District Court sitting in District No. 16,

(*c*) the District Court sitting in District No. 17,

(*d*) the District Court sitting in District No. 20, and

(*e*) the District Court sitting in District No. 21.

E4 Power pursuant to subs. (3) exercised (30.05.2018) by *Criminal Evidence Act 1992 (Section 13) (Commencement) Order 2018* (S.I. No. 186 of 2018).

2. The 30th day of May 2018 is fixed as the day on which section 13 of the Criminal Evidence Act 1992 (No. 12 of 1992) shall come into operation for—

(*a*) the District Court sitting in District No. 10,

(*b*) the District Court sitting in District No. 12,

(*c*) the District Court sitting in District No. 23,

(*d*) the District Court sitting in District No. 24, and

(*e*) the District Court sitting in District No. 25.

E5 Power pursuant to subs. (3) exercised (2.06.2015) by *Criminal Evidence Act, 1992 (Section 13) (Commencement) Order 2015* (S.I. No. 205 of 2015).

2. The 2nd day of June 2015 is fixed as the day on which section 13 of the Criminal Evidence Act 1992 (No. 12 of 1992) shall come into operation for—

(*a*) the Circuit Court sitting in the Eastern Circuit,

(*b*) the Circuit Court sitting in the Northern Circuit,

(*c*) the Circuit Court sitting in the South-Western Circuit,

(*d*) the Circuit Court sitting in the Western Circuit,

(*e*) the District Court sitting in District No. 1,

(*f*) the District Court sitting in District No. 2,

(*g*) the District Court sitting in District No. 3,

(*h*) the District Court sitting in District No. 5,

(*i*) the District Court sitting in District No. 6,

(*j*) the District Court sitting in District No. 7,

(*k*) the District Court sitting in District No. 13,

(*l*) the District Court sitting in District No. 15, and

(*m*) the District Court sitting in District No. 22.

E6 Power pursuant to subs. (3) exercised (15.10.2008) by *Criminal Evidence Act, 1992 (Sections 16(1)(B) and 19) (Commencement) Order 2008* (S.I. No. 401 of 2008).

2. The 15th day of October 2008 is hereby fixed as the day on which the following sections of the Criminal Evidence Act 1992 (No. 12 of 1992) shall come into operation

(*a*) section 16(1)(b), and

(*b*) section 19 in so far as it relates to the reference in it to section 16(1)(b).

E7 Power pursuant to subs. (3) exercised (20.08.2007) by *Criminal Evidence Act, 1992 (Section 13) (Commencement) (No. 2) Order 2007* (S.I. No. 572 of 2007).

2. The 20th day of August 2007 is fixed as the day on which section 13 of the Criminal Evidence Act 1992 (No. 12 of 1992) shall come into operation for—

(*a*) the Circuit Court sitting in the Midland Circuit, and

(*b*) the District Court sitting in District No. 9.

E8 Power pursuant to subs. (3) exercised (12.02.2007) by *Criminal Evidence Act 1992 (Section 13) (Commencement) Order 2007* (S.I. No. 52 of 2007).

2. The 12th day of February 2007 is fixed as the day on which section 13 of the Criminal Evidence Act 1992 (No. 12 of 1992) shall come into operation for —

(*a*) the Circuit Court sitting in the South Eastern Circuit, and

(*b*) the District Court sitting in District No. 8.

E9 Power pursuant to subs. (3) exercised (8.07.2005) by *Criminal Evidence Act, 1992 (Sections 13) (Commencement) (No. 2) Order 2005* (S.I. No. 296 of 2005).

2. The 8th day of July 2005 is fixed as the day on which section 13 of the Criminal Evidence Act 1992 shall come into operation for the District Court sitting in District No. 19.

E10 Power pursuant to subs. (3) exercised (2.05.2005) by *Criminal Evidence Act, 1992 (Section 13) (Commencement) Order 2005* (S.I. No. 221 of 2005).

2. The 2nd day of May 2005 is fixed as the day on which section 13 of the Criminal Evidence Act 1992 shall come into operation for the Circuit Court sitting in the Cork Circuit.

E11 Power pursuant to subs. (3) exercised (6.10.1997) by *Criminal Evidence Act, 1992 (Sections 29) (Commencement) Order 1997* (S.I. No. 371 of 1997).

2. The 6th day of October, 1997, is hereby fixed as the day on which section 29 of the Criminal Evidence Act, 1992 (No. 12 of 1992), shall generally come into operation.

E12 Power pursuant to subs. (3) exercised (3.03.1997) by *Criminal Evidence Act, 1992 (Sections 14 and 19) (Commencement) Order 1997* (S.I. No. 66 of 1997).

2. The 3rd day of March, 1997, is hereby fixed as the day on which the following sections of Part III of the Criminal Evidence Act, 1992 (No. 12 of 1992), shall come into operation—

(*a*) section 14, and

(*b*) section 19 in so far as it relates to the reference in it to section 14 (1) (b).

E13 Power pursuant to subs. (3) exercised (30.09.1993) by *Criminal Evidence Act, 1992 (Sections 13, 15 (4), 16, 17 and 19) (Commencement) Order 1993* (S.I. No. 288 of 1993).

2. The 30th day of September, 1993, is hereby fixed as the day on which the following sections of Part III of the Criminal Evidence Act, 1992 (No. 12 of 1992), shall come into operation—

(*a*) section 13 for the Dublin Metropolitan District of the District Court

(*b*) subsection (4) of section 15 for the Dublin Metropolitan District of the District Court,

(*c*) section 16, except subsection (1) (b), for the Dublin Metropolitan District of the District Court,

(*d*) section 17, and

(*e*) section 19 in so far as it relates to the reference in it to section 16 (1) (a).

E14 Power pursuant to subs. (3) exercised (15.02.1993) by *Criminal Evidence Act, 1992 (Sections 12, 13, 18 and 19) (Commencement) Order* 1993 (S.I. No. 38 of 1993).

2. The 15th day of February, 1993, is hereby fixed as the day on which the following sections of Part III of the Criminal Evidence Act, 1992 (No. 12 of 1992), shall come into operation—

(*a*) sections 12 and 18,

(*b*) section 13 for the Central Criminal Court and the Dublin Circuit Criminal Court, and

(*c*) section 19 in so far as it relates to the reference in it to section 13 (1) (a).

Interpretation (general).

2.—(1) In this Act—

"the Act of 1935" means the Criminal Law Amendment Act, 1935;

"court" includes court-martial;

"criminal proceedings" includes proceedings before a court-martial and proceedings on appeal;

"document" includes—

(i) a map, plan, graph, drawing or photograph, or

(ii) a reproduction in permanent legible form, by a computer or other means (including enlarging), of information in non-legible form;

"information" includes any representation of fact, whether in words or otherwise;

"information in non-legible form" includes information on microfilm, microfiche, magnetic tape or disk;

F3**[**"sexual offence" means rape, sexual assault (within the meaning of section 2 of the Criminal Law (Rape) (Amendment) Act 1990), aggravated sexual assault (within the meaning of section 3 of that Act), rape under section 4 of that Act or an offence under—

(*a*) section 3 or 6 of the Criminal Law Amendment Act 1885,

(*b*) section 5 of the Criminal Law (Sexual Offences) Act 1993,

(*c*) section 6 of the Criminal Law (Sexual Offences) Act 1993,

(*d*) section 1 or *2* of the Punishment of Incest Act 1908,

(*e*) section 4A or 5A of the Child Trafficking and Pornography Act 1998,

(*f*) section 249 of the Children Act 2001,

(*g*) the Criminal Law (Sexual Offences) Act 2006, or

(*h*) section 3, 4, 5, 6, 7 or 8 of the Criminal Law (Sexual Offences) Act 2017,

excluding an attempt to commit any such offence;**]**

"videorecording" means any recording, on any medium, from which a moving image may by any means be produced and includes the accompanying soundtrack (if any), and cognate words shall be construed accordingly.

(2) Nothing in *Part II* or in *section 30* shall prejudice the admissibility in evidence in any criminal proceedings of information contained in a document that is otherwise so admissible.

(3) Where in any criminal proceedings the age of a person at any time is material for the purposes of any provision of this Act, his age at that time shall for the purposes

of that provision be deemed, unless the contrary is proved, to be or to have been that which appears to the court to be or to have been his age at that time.

(4) In this Act—

(*a*) a reference to a Part or section is to a Part or section of this Act, unless it is indicated that reference to some other enactment is intended,

(*b*) a reference to a subsection or paragraph is to the subsection or paragraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended.

(5) A reference in this Act to any enactment shall be construed as a reference to that enactment as amended, adapted or extended by or under any subsequent enactment (including this Act).

Annotations

Amendments:

F3 Substituted (30.05.2018) by *Criminal Law (Sexual Offences) Act 2017* (2/2017), s. 34, S.I. No. 172 of 2018.

Editorial Notes:

E15 Previous affecting provision: definition of "sexual offence" substituted (4.03.1997) by *Criminal Justice (Miscellaneous Provisions) Act 1997* (4/1997), s. 16, commenced on enactment; para. (aa) inserted (7.03.2007) by *Criminal Law (Sexual Offences) (Amendment) Act 2007* (6/2007), s. 4(1), commenced on enactment; and para. (e) substituted (7.06.2008) by *Criminal Law (Human Trafficking) Act 2008* (8/2008), s. 12(a)(ii), commenced as per s. 15(2); definition substituted as per F-note above.

E16 Definition of "sexual offence" para. (iv) inserted (2.06.2006) by *Criminal Law (Sexual Offences) Act 2006* (15/2006), s. 7(2), commenced on enactment; deleted (7.06.2008) by *Criminal Law (Human Trafficking) Act 2008* (8/2008), s. 12(a)(i), commenced as per s. 15(2).

Repeals.

3.—The enactments specified in the *Schedule* to this Act are hereby repealed to the extent specified in *column (3)* thereof.

PART II

Admissibility of Documentary Evidence

Definition *(Part II)*.

4.—In this Part "business" includes any trade, profession or other occupation carried on, for reward or otherwise, either within or outside the State and includes also the performance of functions by or on behalf of—

(*a*) any person or body remunerated or financed wholly or partly out of moneys provided by the Oireachtas,

(*b*) any institution of the European Communities,

(*c*) any national or local authority in a jurisdiction outside the State, or

(*d*) any international organisation.

Admissibility of documentary evidence.

5.—(1) Subject to this Part, information contained in a document shall be admissible in any criminal proceedings as evidence of any fact therein of which direct oral evidence would be admissible if the information—

(*a*) was compiled in the ordinary course of a business,

(*b*) was supplied by a person (whether or not he so compiled it and is identifiable) who had, or may reasonably be supposed to have had, personal knowledge of the matters dealt with, and

(*c*) in the case of information in non-legible form that has been reproduced in permanent legible form, was reproduced in the course of the normal operation of the reproduction system concerned.

(2) *Subsection (1)* shall apply whether the information was supplied directly or indirectly but, if it was supplied indirectly, only if each person (whether or not he is identifiable) through whom it was supplied received it in the ordinary course of a business.

(3) *Subsection (1)* shall not apply to—

(*a*) information that is privileged from disclosure in criminal proceedings,

(*b*) information supplied by a person who would not be compellable to give evidence at the instance of the party wishing to give the information in evidence by virtue of this section, or

(*c*) subject to *subsection (4)*, information compiled for the purposes or in contemplation of any—

(i) criminal investigation,

(ii) investigation or inquiry carried out pursuant to or under any enactment,

(iii) civil or criminal proceedings, or

(iv) proceedings of a disciplinary nature.

(4) *Subsection (3) (c)* shall not apply where—

(*a*) (i) the information contained in the document was compiled in the presence of a judge of the District Court and supplied on oath by a person in respect of whom an offence was alleged to have been committed and who is ordinarily resident outside the State,

(ii) either F4[section 4F] (which deals with the taking of a deposition in the presence of such a judge and the accused) of the Criminal Procedure Act, 1967, could not be invoked or it was not practicable to do so, and

(iii) the person in respect of whom the offence was alleged to have been committed either has died or is outside the State and it is not reasonably practicable to secure his attendance at the criminal proceedings concerned,

or

(*b*) the document containing the information is—

(i) a map, plan, drawing or photograph (including any explanatory material in or accompanying the document concerned),

(ii) a record of a direction given by a member of the Garda Síochána pursuant to any enactment,

F5[(ii*a*) a record of the receipt, handling, transmission or storage of anything by the Forensic Science Laboratory of the Department of Justice, Equality

and Law Reform in connection with the performance of its functions to examine and analyse things or samples of things for the purposes of criminal investigations or proceedings or both,**]**

(iii) a record of the receipt, handling, transmission, examination or analysis of any thing by any person acting on behalf of any party to the proceedings, or

(iv) a record by a registered medical practitioner of an examination of a living or dead person.

(5) Without prejudice to *subsection (1)*—

(*a*) where a document purports to be a birth certificate issued in pursuance of the Births and Deaths Registration Acts, 1863 to 1987, and

(*b*) a person is named therein as father or mother of the person to whose birth the certificate relates,

the document shall be admissible in any criminal proceedings as evidence of the relationship indicated therein.

(6) Where information is admissible in evidence by virtue of this section but is expressed in terms that are not intelligible to the average person without explanation, an explanation of the information shall also be admissible in evidence if either—

(*a*) it is given orally by a person who is competent to do so, or

(*b*) it is contained in a document and the document purports to be signed by such a person.

Annotations

Amendments:

F4 Substituted (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 18(1), S.I. No. 193 of 2001.

F5 Inserted (1.01.2003) by *Criminal Justice Act 2006* (26/2006), s. 188(1), commenced as per subs. (2).

Modifications (not altering text):

C1 "Forensic Science Laboratory" construed as "Forensic Science Ireland" (22.06.2014) by *Criminal Justice (Forensic Evidence and DNA Database System) Act 2014 (11/2014)*, s. 172, commenced on enactment.

Change of name of Forensic Science Laboratory of Department of Justice and Equality

172. The part of the Department of Justice and Equality known as the Forensic Science Laboratory before the passing of this Act shall, on and after that passing, be known as Forensic Science Ireland and references in any enactment to the Forensic Science Laboratory of that Department of State shall be construed accordingly.

C2 Term "registered medical practitioner" construed as (3.07.2008) by *Medical Practitioners Act 2007* (25/2007), s. 108(1), S.I. No. 231 of 2008.

Construction of references to registered medical practitioner and Medical Council, etc.

108. —(1) Every reference to a registered medical practitioner contained in any enactment or any statutory instrument shall be construed as a reference to a registered medical practitioner within the meaning of section 2.

...

Editorial Notes:

E17 Certain presumptions in relation documents in any proceedings for relevant offences as defined, to which section applies or would apply, provided (9.08.2011) by *Criminal Justice Act 2011* (22/2011), s. 18, S.I. No. 411 of 2011.

Evidence of admissibility.

6.—(1) In relation to information contained in a document which a party to criminal proceedings wishes to give in evidence by virtue of *section 5*, a certificate—

(*a*) stating that the information was compiled in the ordinary course of a specified business,

(*b*) stating that the information is not of a kind mentioned in *paragraph (a)* or *(b)* of *section 5 (3)*,

(*c*) either stating that the information was not compiled for the purposes or in contemplation of any investigation, inquiry or proceedings referred to in *section 5 (3) (c)* or, as the case may be, specifying which of the provisions of *section 5 (4)* applies in relation to the document containing the information,

(*d*) stating that the information was supplied, either directly or, as the case may be, indirectly through an intermediary or intermediaries (who, or each of whom, received it in the ordinary course of a specified business), by a person who had, or may reasonably be supposed to have had, personal knowledge of the matters dealt with in the information and, where the intermediary, intermediaries or person can be identified, specifying them,

(*e*) in case the information is information in non-legible form that has been reproduced in permanent legible form, stating that the reproduction was effected in the course of the normal operation of a specified system,

(*f*) where appropriate, stating that the person who supplied the information cannot reasonably be expected to have any, or any adequate, recollection of the matters dealt with in the information, having regard to the time that has elapsed since he supplied it or to any other specified circumstances,

(*g*) unless the date on which the information was compiled is already shown on the document, specifying the date (or, if that date is not known, the approximate date) on which it was compiled,

(*h*) stating any other matter that is relevant to the admissibility in evidence of the information and is required by rules of court to be certified for the purposes of this subsection,

and purporting to be signed by a person who occupies a position in relation to the management of the business in the course of which the information was compiled or who is otherwise in a position to give the certificate shall be evidence of any matter stated or specified therein.

(2) For the purposes of *subsection (1)* it shall be sufficient for a matter to be stated or specified to the best of the knowledge and belief of the person stating or specifying it.

(3) Notwithstanding that a certificate may have been given pursuant to *subsection (1)*, the court—

(*a*) shall, where a notice has been served pursuant to *section 7 (2)* objecting to the admissibility in evidence of the whole or any specified part of the information concerned, and

(*b*) may, in any other case,

require oral evidence to be given of any matter stated or specified in the certificate.

(4) If any person in a certificate given in evidence in any proceedings by virtue of *subsection (1)* makes a statement material in those proceedings which he knows to be false or does not believe to be true, he shall be guilty of an offence and shall be liable—

(*a*) on summary conviction, to a fine not exceeding £500 or imprisonment for a term not exceeding 6 months or both, or

(*b*) on conviction on indictment, to a fine or imprisonment for a term not exceeding 2 years or both.

Annotations

Editorial Notes:

E18 Offence under section deemed to be a serious offence for purposes of *Communications (Retention of Data) Act 2011* (26.01.2011) by *Communications (Retention of Data) Act 2011* (3/2011), s. 1 and sch. 1, commenced on enactment.

E19 A fine of £500 converted (1.01.1999) to €634.86. This translates into a class D fine, not greater than €1,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 7(2) and table ref. no. 1, S.I. No. 662 of 2010.

Notice of documentary evidence.

7.—(1) Information in a document shall not, without the leave of the court, be admissible in evidence by virtue of *section 5* at a trial unless—

(*a*) a copy of the document and, where appropriate, of a certificate pursuant to *section 6 (1)* has been served on the accused F6**[**pursuant to section 4B(1) or 4C(1) of the Criminal Procedure Act, 1967,**]** or

(*b*) not later than 21 days before the commencement of the trial, a notice of intention so to give the information in evidence, together with a copy of the document and, where appropriate, of the certificate, is served by or on behalf of the party proposing to give it in evidence on each of the other parties to the proceedings.

(2) A party to the proceedings on whom a notice has been served pursuant to *subsection (1)* shall not, without the leave of the court, object to the admissibility in evidence of the whole or any specified part of the information concerned unless, not later than 7 days before the commencement of the trial, a notice objecting to its admissibility is served by or on behalf of that party on each of the other parties to the proceedings.

(3) A document required by this section to be served on any person may, subject to *subsection (4)*, be served—

(*a*) by delivering it to him or to his solicitor,

(*b*) by addressing it to him and leaving it at his usual or last known residence or place of business or by addressing it to his solicitor and leaving it at the solicitor's office,

(*c*) by sending it by registered post to him at his usual or last known residence or place of business or to his solicitor at the solicitor's office, or

(*d*) in the case of a body corporate, by delivering it to the secretary or clerk of the body at its registered or principal office or sending it by registered post to the secretary or clerk of that body at that office.

(4) A document required by this section to be served on an accused shall be served personally on him if he is not represented by a solicitor.

Annotations

Amendments:

F6 Substituted (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 18(2), S.I. No. 193 of 2001.

Modifications (not altering text):

C3 References in section to certain documents or information contained in them construed by *Taxes Consolidation Act 1997* (39/1997), s. 908D(6)(b), as inserted (2.04.2007) by *Finance Act 2007* (11/2007), s. 124(c), commenced on enactment.

[Order to produce evidential material.

908D.— ...

(6) (*a*) Information contained in books, documents or records which were produced to an authorised officer, or to which an authorised officer was given access, in accordance with an order under this section, shall be admissible in any criminal proceedings as evidence of any fact therein of which direct oral evidence would be admissible unless the information —

(i) is privileged from disclosure in such proceedings,

(ii) was supplied by a person who would not be compellable to give evidence at the instance of the prosecution,

(iii) was compiled for the purposes of, or in contemplation of, any—

(I) criminal investigation,

(II) investigation or inquiry carried out pursuant to or under any enactment,

(III) civil or criminal proceedings, or

(IV) proceedings of a disciplinary nature,

or unless the requirements of the provisions mentioned in paragraph (b) are not complied with.

(*b*) References in sections 7 (notice of documentary evidence to be served on accused), 8 (admission and weight of documentary evidence) and 9 (admissibility of evidence as to credibility of supplier of information) of the Criminal Evidence Act 1992 to a document or information contained in it shall be construed as including references to books, documents and records mentioned in paragraph (a) and the information contained in them, and those provisions shall have effect accordingly with any necessary modifications.**]**

...

C4 References in section to certain documents or information contained in them construed (19.12.2001) by *Criminal Justice (Theft and Fraud Offences) Act 2001* (50/2001), s. 52(6)(b), commenced on enactment as per s. 1(3).

Order to produce evidential material.

52.— ...

(6) (*a*) Information contained in a document which was produced to a member of the Garda Síochána, or to which such a member was given access, in accordance with an order under this section shall be admissible in any criminal proceedings as evidence of any fact therein of which direct oral evidence would be admissible unless the information —

(i) is privileged from disclosure in such proceedings,

(ii) was supplied by a person who would not be compellable to give evidence at the instance of the prosecution,

(iii) was compiled for the purposes or in contemplation of any —

(I) criminal investigation,

(II) investigation or inquiry carried out pursuant to or under any enactment,

(III) civil or criminal proceedings, or

(IV) proceedings of a disciplinary nature,

or unless the requirements of the provisions mentioned in paragraph (b) are not complied with.

(*b*) References in sections 7 (notice of documentary evidence to be served on accused), 8 (admission and weight of documentary evidence) and 9 (admissibility of evidence as to credibility of supplier of information) of the Criminal Evidence Act, 1992, to a document or information contained in it shall be construed as including references to a document mentioned in paragraph (a) and the information contained in it, and those provisions shall have effect accordingly with any necessary modifications.

...

Admission and weight of documentary evidence.

8.—(1) In any criminal proceedings information or any part thereof that is admissible in evidence by virtue of *section 5* shall not be admitted if the court is of opinion that in the interests of justice the information or that part ought not to be admitted.

(2) In considering whether in the interests of justice all or any part of such information ought not to be admitted in evidence the court shall have regard to all the circumstances, including—

(*a*) whether or not, having regard to the contents and source of the information and the circumstances in which it was compiled, it is a reasonable inference that the information is reliable,

(*b*) whether or not, having regard to the nature and source of the document containing the information and to any other circumstances that appear to the court to be relevant, it is a reasonable inference that the document is authentic, and

(*c*) any risk, having regard in particular to whether it is likely to be possible to controvert the information where the person who supplied it does not attend to give oral evidence in the proceedings, that its admission or exclusion will result in unfairness to the accused or, if there is more than one, to any of them.

(3) In estimating the weight, if any, to be attached to information given in evidence by virtue of this Part, regard shall be had to all the circumstances from which any inference can reasonably be drawn as to its accuracy or otherwise.

Modifications (not altering text):

C5 References in section to certain documents or information contained in them construed by *Taxes Consolidation Act 1997* (39/1997), s. 908D(6)(b), as inserted (2.04.2007) by *Finance Act 2007* (11/2007), s. 124(c), commenced on enactment.

[Order to produce evidential material.

908D.— ...

(6) (*a*) Information contained in books, documents or records which were produced to an authorised officer, or to which an authorised officer was given access, in accordance with an order under this section, shall be admissible in any criminal proceedings as evidence of any fact therein of which direct oral evidence would be admissible unless the information —

(i) is privileged from disclosure in such proceedings,

(ii) was supplied by a person who would not be compellable to give evidence at the instance of the prosecution,

(iii) was compiled for the purposes of, or in contemplation of, any—

(I) criminal investigation,

(II) investigation or inquiry carried out pursuant to or under any enactment,

(III) civil or criminal proceedings, or

(IV) proceedings of a disciplinary nature,

or unless the requirements of the provisions mentioned in paragraph (b) are not complied with.

(*b*) References in sections 7 (notice of documentary evidence to be served on accused), 8 (admission and weight of documentary evidence) and 9 (admissibility of evidence as to credibility of supplier of information) of the Criminal Evidence Act 1992 to a document or information contained in it shall be construed as including references to books, documents and records mentioned in paragraph (a) and the information contained in them, and those provisions shall have effect accordingly with any necessary modifications.**]**

...

C6 References in section to certain documents or information contained in them construed (19.12.2001) by *Criminal Justice (Theft and Fraud Offences) Act 2001* (50/2001), s. 52(6)(b), commenced on enactment as per s. 1(3).

Order to produce evidential material.

52.— ...

(6) (*a*) Information contained in a document which was produced to a member of the Garda Síochána, or to which such a member was given access, in accordance with an order under this section shall be admissible in any criminal proceedings as evidence of any fact therein of which direct oral evidence would be admissible unless the information —

(i) is privileged from disclosure in such proceedings,

(ii) was supplied by a person who would not be compellable to give evidence at the instance of the prosecution,

(iii) was compiled for the purposes or in contemplation of any —

(I) criminal investigation,

(II) investigation or inquiry carried out pursuant to or under any enactment,

(III) civil or criminal proceedings, or

(IV) proceedings of a disciplinary nature,

or unless the requirements of the provisions mentioned in paragraph (b) are not complied with.

(*b*) References in sections 7 (notice of documentary evidence to be served on accused), 8 (admission and weight of documentary evidence) and 9 (admissibility of evidence as to credibility of supplier of information) of the Criminal Evidence Act, 1992, to a document or information contained in it shall be construed as including references to a document mentioned in paragraph (a) and the information contained in it, and those provisions shall have effect accordingly with any necessary modifications.

...

Evidence as to credibility of supplier of information.

9.—Where information is given in evidence by virtue of this Part—

(*a*) any evidence which, if the person who originally supplied the information had been called as a witness, would have been admissible as relevant to his credibility as a witness shall be admissible for that purpose,

(*b*) evidence may, with the leave of the court, be given of any matter which, if that person had been called as a witness, could have been put to him in cross-examination as relevant to his credibility as a witness but of which evidence could not have been adduced by the cross-examining party, and

(*c*) evidence tending to prove that that person, whether before or after supplying the information, made (whether orally or not) a statement which is inconsistent with it shall, if not already admissible by virtue of *section 5*, be admissible for the purpose of showing that he has contradicted himself.

Modifications (not altering text):

C7 References in section to certain documents or information contained in them construed by *Taxes Consolidation Act 1997* (39/1997), s. 908D(6)(b), as inserted (2.04.2007) by *Finance Act 2007* (11/2007), s. 124(c), commenced on enactment.

[Order to produce evidential material.

908D.— ...

(6) (*a*) Information contained in books, documents or records which were produced to an authorised officer, or to which an authorised officer was given access, in accordance with an order under this section, shall be admissible in any criminal proceedings as evidence of any fact therein of which direct oral evidence would be admissible unless the information —

(i) is privileged from disclosure in such proceedings,

(ii) was supplied by a person who would not be compellable to give evidence at the instance of the prosecution,

(iii) was compiled for the purposes of, or in contemplation of, any—

(I) criminal investigation,

(II) investigation or inquiry carried out pursuant to or under any enactment,

(III) civil or criminal proceedings, or

(IV) proceedings of a disciplinary nature,

or unless the requirements of the provisions mentioned in paragraph (b) are not complied with.

(*b*) References in sections 7 (notice of documentary evidence to be served on accused), 8 (admission and weight of documentary evidence) and 9 (admissibility of evidence as to credibility of supplier of information) of the Criminal Evidence Act 1992 to a document or information contained in it shall be construed as including references to books, documents and records mentioned in paragraph (a) and the information contained in them, and those provisions shall have effect accordingly with any necessary modifications.**]**

...

C8 References in section to certain documents or information contained in them construed (19.12.2001) by *Criminal Justice (Theft and Fraud Offences) Act 2001* (50/2001), s. 52(6)(b), commenced on enactment as per s. 1(3).

Order to produce evidential material.

52.— ...

(6) (*a*) Information contained in a document which was produced to a member of the Garda Síochána, or to which such a member was given access, in accordance with an order under this section shall be admissible in any criminal proceedings as evidence of any fact therein of which direct oral evidence would be admissible unless the information —

(i) is privileged from disclosure in such proceedings,

(ii) was supplied by a person who would not be compellable to give evidence at the instance of the prosecution,

(iii) was compiled for the purposes or in contemplation of any —

(I) criminal investigation,

(II) investigation or inquiry carried out pursuant to or under any enactment,

(III) civil or criminal proceedings, or

(IV) proceedings of a disciplinary nature,

or unless the requirements of the provisions mentioned in paragraph (b) are not complied with.

(*b*) References in sections 7 (notice of documentary evidence to be served on accused), 8 (admission and weight of documentary evidence) and 9 (admissibility of evidence as to credibility of supplier of information) of the Criminal Evidence Act, 1992, to a document or information contained in it shall be construed as including references to a document mentioned in paragraph (a) and the information contained in it, and those provisions shall have effect accordingly with any necessary modifications.

...

Amendment of Criminal Procedure Act, 1967.

10.—The Criminal Procedure Act, 1967, is hereby amended—

(*a*) by the substitution, for paragraphs (*d*) and (*e*) of section 6 (1) of that Act (which provides for the service of documents on an accused), of the following paragraphs:

"(*d*) a statement of the evidence that is to be given by each of them,

(*e*) a copy of any document containing information which it is proposed to give in evidence by virtue of *Part II* of the *Criminal Evidence Act, 1992*,

(*f*) where appropriate, a copy of a certificate pursuant to *section 6 (1)* of that Act, and

(*g*) a list of exhibits (if any).",

and

(*b*) by the substitution, for section 11 of that Act (which provides for service of additional documents on an accused after he has been sent forward for trial), of the following section:

"Additional documents.

11. (1) Where the accused has been sent forward for trial the Director of Public Prosecutions shall cause to be served on him a list of any further witnesses whom he proposes to call at the trial, with a statement of the evidence that is to be given by each of them, a list of any further exhibits, a statement of any further evidence that is to be given by any witness whose name appears on the list of witnesses already supplied, any notice of intention to give information contained in a document in evidence pursuant to *section 7 (1) (b)* of the *Criminal Evidence Act, 1992*, together with a copy of the document and any certificate pursuant to *section 6 (1)* of that Act, and copies of any statement recorded under section 7 and any deposition taken under that section or under section 14.

(2) Copies of the documents shall also be furnished to the trial court.".

Evidence of resolution of Dáil or Seanad.

11.—In any criminal proceedings evidence of the passing of a resolution by either House of the Oireachtas, whether before or after the commencement of this section, may be given by the production of a copy of the Journal of the proceedings of that House relating to the resolution and purporting to have been published by the Stationery Office.

PART III

Evidence in Certain Proceedings

F7[Interpretation and application - *Part III*

12. (1) In this Part—

"family member", in relation to a victim, means—

(*a*) a spouse, civil partner or cohabitant of the victim,

(*b*) a child or step-child of the victim,

(*c*) a parent or grandparent of the victim,

(*d*) a brother, sister, half brother or half sister of the victim,

(*e*) a grandchild of the victim,

(*f*) an aunt, uncle, nephew or niece of the victim, and

(*g*) any other person—

(i) who is or, where the victim is deceased, was dependent on the victim, or

(ii) who a court considers has or, where the victim is deceased, had a sufficiently close connection with the victim as to warrant his or her being treated as a family member;

"relevant offence" means—

(*a*) a sexual offence;

(*b*) an offence involving violence or the threat of violence to a person;

F8[(*ba*) an offence under section 10 (amended by section 23 of the Criminal Justice (Miscellaneous Provisions) Act 2023) of the Non-Fatal Offences against the Person Act 1997;]

(*c*) an offence under section 3, 4, 5 or 6 of the Child Trafficking and Pornography Act 1998;

(*d*) an offence under section 2, 4 or 7 of the Criminal Law (Human Trafficking) Act 2008;

F9[(*da*) an offence under section 33, 38 or 39 of the Domestic Violence Act 2018;]

F8[(*db*) an offence under section 44 (1) of the Criminal Justice (Miscellaneous Provisions) Act 2023;]

(*e*) an offence consisting of attempting or conspiring to commit, or of aiding or abetting, counselling, procuring or inciting the commission of, an offence mentioned in *paragraph (a)*, *(b)*, F8[*(ba), (c), (d), (da)* or ...];

"victim" means—

(*a*) a natural person, other than an accused, who has suffered harm, including physical, mental or emotional harm, or economic loss, which was directly caused by an offence, and

(*b*) where the death of a person referred to in paragraph (a) is caused directly by the offence, a family member, provided that the family member concerned has not been charged with, or is not under investigation for, an offence in connection with the death of the person.

(2) The application of this Part is not dependent on the commission of an offence having to be established (nor is it dependent on establishing whether the person concerned suffered any harm caused by an offence).**]**

Annotations

Amendments:

F7 Substituted (30.05.2018) by *Criminal Justice (Victims of Crime) Act 2017* (28/2017), s. 30(a), S.I. No. 173 of 2018.

F8 Inserted and substituted (1.11.2023) by *Criminal Justice (Miscellaneous Provisions) Act 2023* (24/2023), s. 60(a)(i)-(iii), S.I. No. 525 of 2023, art. 2(f).

F9 Inserted (1.01.2019) by *Domestic Violence Act 2018* (6/2018), s. 44(a), S.I. No. 532 of 2018.

F10 Substituted by *Criminal Justice (Miscellaneous Provisions) Act 2023* (24/2023), s. 60(a)(iii), not commenced as of date of revision.

Modifications (not altering text):

C9 Prospective affecting provision: definition of relevant offence, para. (e) amended by *Criminal Justice (Miscellaneous Provisions) Act 2023* (24/2023), s. 60(a)(iii), not commenced as of date of revision.

(*e*) an offence consisting of attempting or conspiring to commit, or of aiding or abetting, counselling, procuring or inciting the commission of, an offence mentioned in *paragraph (a)*, *(b)*, F8**[***(ba), (c), (d), (da)* or F10**[***(db)*]**]**;

Editorial Notes:

E20 Previous affecting provision: subs. (1), definition of "relevant offence", para. (e) amended (1.01.2019) by *Domestic Violence Act 2018* (6/2018), s. 44(b), S.I. No. 532 of 2018; substituted (1.11.2023) as per F-note above.

E21 Previous affecting provision: section substituted (7.06.2008) by *Criminal Law (Human Trafficking) Act 2008* (8/2008), s. 12(b), commenced as per s. 15(2); substituted as per F-note above.

E22 Previous affecting provision: section amended (29.07.1998) by *Child Trafficking and Pornography Act 1998* (22/1998), s. 10, commenced as per s. 1(2); section substituted as per F-note above.

Evidence through television link.

13.—(1) In any proceedings F11**[**(including proceedings under section 4E or 4F of the Criminal Procedure Act, 1967)**]** for F12**[**a relevant offence**]** a person other than the accused may give evidence, whether from within or outside the State, through a live television link—

(*a*) if the person is under F13**[**18 years**]** of age, unless the court sees good reason to the contrary,

(*b*) in any other case, with the leave of the court.

F14**[**(1A) In any proceedings (including proceedings under section 4E or 4F of the Criminal Procedure Act 1967) relating to an offence, other than a relevant offence,

a court may, subject to *section 14AA*, grant leave for a victim of the offence to give evidence, whether from within or outside the State, through a live television link.**]**

(2) Evidence given under *subsection (1)* F14**[**or *(1A)***]** shall be videorecorded.

(3) F15**[**...**]**

Annotations

Amendments:

F11 Inserted (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 18(3), S.I. No. 193 of 2001.

F12 Substituted (30.05.2018) by *Criminal Justice (Victims of Crime) Act 2017* (28/2017), s. 30(b)(i), S.I. No. 173 of 2018.

F13 Substituted (1.05.2002) by *Children Act 2001* (24/2001), s. 257(3), S.I. No. 151 of 2002.

F14 Inserted (30.05.2018) by *Criminal Justice (Victims of Crime) Act 2017* (28/2017), s. 30(b)(ii), (iii), S.I. No. 173 of 2018.

The commencement of the insertion of subs. (1A) relates to certain courts listed (30.05.2018) in S.I. No. 173 of 2018: the Central Criminal Court, the Circuit Court, the Dublin Metropolitan District of the District Court, and the District Courts sitting in District Nos. 1-3, 5-10, 12, 13, 15, 19, 22-25.

The commencement of the insertion of subs. (1A) further relates to certain courts listed (15.12.2021) in S.I. No. 694 of 2021: the District Court sitting as District Nos. 4, 16, 17, 20, 21.

The commencement of the insertion of subs. (1A) further relates to the Special Criminal Court as provided (30.06.2022) by *Criminal Justice (Victims of Crime) Act 2017 (Commencement) Order 2022* (S.I. No. 309 of 2022).

The commencement of the insertion of subs. (1A) further relates to District Court No. 18 as provided (30.11.2023) by *Criminal Justice (Victims of Crime) Act 2017 (Commencement) Order 2023* (S.I. No. 588 of 2023).

F15 Deleted (30.05.2018) by *Criminal Law (Sexual Offences) Act 2017* (2/2017), s. 35, S.I. No. 172 of 2018.

Evidence through intermediary.

14.—(1) Where—

(*a*) a person is accused of F16**[**a relevant offence**]**, and

(*b*) a person under F17**[**18 years**]** of age is giving, or is to give, evidence through a live television link,

the court may, on the application of the prosecution or the accused, if satisfied that, having regard to the age or mental condition of the witness, the interests of justice require that any questions to be put to the witness be put through an intermediary, direct that any such questions be so put.

F18**[**(1A) Subject to *section 14AA*, where—

(*a*) a person is accused of an offence, other than a relevant offence, and

(*b*) a victim of the offence who is under 18 years of age, is giving, or is to give, evidence through a live television link,

the court may, on the application of the prosecution or the accused, if satisfied that the interests of justice require that any questions to be put to the victim be put through an intermediary, direct that any such questions be so put.**]**

(2) Questions put to a witness through an intermediary under this section shall be either in the words used by the questioner or so as to convey to the witness in a way

which is appropriate to his age and mental condition the meaning of the questions being asked.

(3) An intermediary referred to in *subsection (1)* F18**[**or *(1A)***]** shall be appointed by the court and shall be a person who, in its opinion, is competent to act as such.

Annotations

Amendments:

F16 Substituted (30.05.2018) by *Criminal Justice (Victims of Crime) Act 2017* (28/2017), s. 30(c)(i), S.I. No. 173 of 2018.

F17 Substituted (1.05.2002) by *Children Act 2001* (24/2001), s. 257(3), S.I. No. 151 of 2002.

F18 Inserted (30.05.2018) by *Criminal Justice (Victims of Crime) Act 2017* (28/2017), s. 30(c)(ii), (iii), S.I. No. 173 of 2018.

F19**[**Placement of screen etc. for giving of evidence

14A.—(1) Where a person who is under 18 years of age is to give evidence other than through a live television link in respect of a relevant offence, the court may, on the application of the prosecution or the accused, direct that a screen or other similar device be positioned, in an appropriate place, so as to prevent the witness from seeing the accused when giving evidence, unless the court is satisfied that in all the circumstances of the case such a direction would be contrary to the interests of justice.

(2) Subject to *section 14AA*, where—

(*a*) a person who is a victim of an offence, other than a relevant offence, is under 18 years of age and the person is to give evidence, other than through a live television link, in respect of the offence, or

(*b*) a person who is a victim of any offence has attained the age of 18 years and the person is to give evidence, other than through a live television link, in respect of such an offence,

the court may, on the application of the prosecution or the accused, if satisfied that the interests of justice so require, direct that a screen or other similar device be positioned, in an appropriate place, so as to prevent the victim from seeing the accused when giving evidence.

(3) A witness giving evidence under *subsection (1)* or *(2)* shall be capable of seeing and hearing and being seen and heard by—

(*a*) the judge and jury (if any),

(*b*) legal representatives acting in the proceedings,

(*c*) any interpreter, intermediary appointed under section 14 or any other person appointed to assist the witness,

and shall be capable of being heard by the accused.**]**

Annotations

Amendments:

F19 Inserted (30.05.2018) by *Criminal Justice (Victims of Crime) Act 2017* (28/2017), s. 30(d), S.I. No. 173 of 2018, in relation to the Central Criminal Court, the Dublin Circuit Criminal Court and the Dublin Metropolitan District of the District Court only.

Editorial Notes:

E23 Previous affecting provision: section inserted by *Criminal Law (Sexual Offences) Act 2017* (2/2017), s. 36, not commenced; repealed (27.11.2017) by *Criminal Justice (Victims of Crime) Act 2017* (28/2017), s. 6(a), S.I. No. 530 of 2017.

F20[Matters to be taken into account under *sections 13, 14* and *14A* regarding victims

14AA.—The court, in deciding—

(*a*) whether to grant leave under *section 13(1A)* for a victim to give evidence through a live television link,

(*b*) whether, under *section 14(1A)*, the interests of justice require that it direct that questions be put to the victim through an intermediary, or

(*c*) whether, under *section 14A(2)*, the interests of justice require that it direct that a screen or other similar device be positioned, in an appropriate place, so as to prevent the victim from seeing the accused when giving evidence,

shall have regard to the need to protect the victim from secondary and repeat victimisation, intimidation or retaliation, taking into account—

(i) the nature and circumstances of the case, and

(ii) the personal characteristics of the victim.**]**

Annotations

Amendments:

F20 Inserted (30.05.2018) by *Criminal Justice (Victims of Crime) Act 2017* (28/2017), s. 30(e), S.I. No. 173 of 2018.

F21[Wigs and gowns

14B.—Where a person who is under 18 years of age—

(*a*) is giving evidence in respect of a relevant offence, or

(*b*) is giving evidence in respect of any other offence of which he or she is a victim,

neither the judge nor the barrister or solicitor concerned in the examination of the witness shall wear a wig or gown.**]**

Annotations

Amendments:

F21 Inserted (30.05.2018) by *Criminal Justice (Victims of Crime) Act 2017* (28/2017), s. 30(f), S.I. No. 173 of 2018.

Editorial Notes:

E24 Previous affecting provision: section inserted by *Criminal Law (Sexual Offences) Act 2017* (2/2017), s. 36, not commenced; repealed (27.11.2017) by *Criminal Justice (Victims of Crime) Act 2017* (28/2017), s. 6(a), S.I. No. 530 of 2017.

F22[Protection against cross-examination by accused

14C.—(1) Where—

(*a*) a person is accused of F23[a relevant offence**]**, and

(*b*) a person under the age of 18 years is to give evidence,

the court shall direct that the accused may not personally cross-examine the witness unless the court is of the opinion that the interests of justice require the accused to conduct the cross-examination personally.

(2) Where—

(*a*) a person is accused of a F24**[**relevant offence**]**, and

F24**[**(*b*) a victim of the relevant offence who has attained the age of 18 years is to give evidence,**]**

the court may direct that the accused may not personally cross- examine the witness unless the court is of the opinion that the interests of justice require the accused to conduct the cross-examination personally.

F25**[**(2A) The court, in performing its functions under *subsection (2)*, shall have regard to the need to protect the victim from secondary and repeat victimisation, intimidation or retaliation, taking into account—

(*a*) the nature and circumstances of the case, and

(*b*) the personal characteristics of the victim.**]**

(3) Where an accused person is prevented from cross-examining a witness by virtue of *subsection (1)* or *(2)*, the court shall—

(*a*) invite the accused person to arrange for a legal representative to act for him or her for the purpose of cross-examining the witness, and

(*b*) require the accused person to notify the court, by the end of such period as it may specify, as to whether a legal representative is to act for the accused for that purpose.

(4) If by the end of the period referred to in *subsection (3)(b)*, the accused has notified the court that no legal representative is to act for him or her for the purpose of cross-examining the witness or no notification has been received by the court and it appears to the court that no legal representative is to so act, the court shall consider whether it is necessary, in the interests of justice, for the witness to be cross-examined by a legal representative appointed to represent the interests of the accused person.

(5) If the court decides it is necessary, in the interests of justice, for the witness to be so cross-examined, the court shall appoint a legal representative (chosen by the court) to cross-examine the witness on behalf of the accused.

(6) Where, in a jury trial, an accused person is prevented from cross-examining a witness in person by virtue of this section, the court shall give the jury such warning (if any) as it considers necessary to ensure that the accused person is not prejudiced—

(*a*) by any inferences that might be drawn from the fact that the accused has been prevented from cross-examining the witness in person, or

(*b*) where the witness has been cross-examined by a legal representative appointed under *subsection (5)*, by the fact that the cross-examination was carried out by such a legal representative and not by a person acting as the legal representative of the accused.

(7) In addition to the meaning assigned to that expression by section 27 of the Civil Legal Aid Act 1995, "legal aid" in that Act means representation by a solicitor or barrister, engaged by the Legal Aid Board under section 11 of that Act on behalf of the accused in relation to the cross-examination of a witness under *subsection (3)*.**]**

Annotations

Amendments:

F22 Inserted (30.05.2018) by *Criminal Law (Sexual Offences) Act 2017* (2/2017), s. 36, S.I. No. 172 of 2018.

F23 Substituted (30.05.2018) by *Criminal Justice (Victims of Crime) Act 2017* (28/2017), s. 30(g), S.I. No. 173 of 2018.

F24 Substituted (1.11.2023) by *Criminal Justice (Miscellaneous Provisions) Act 2023* (24/2023), s. 60(b)(i)(I), (II), S.I. No. 525 of 2023, art. 3(f).

F25 Inserted (1.11.2023) by *Criminal Justice (Miscellaneous Provisions) Act 2023* (24/2023), s. 60(b)(ii), S.I. No. 525 of 2023, art. 3(f).

Editorial Notes:

E25 Entitlement of accused to legal aid certificate in respect of cross-examinations to which section applies prescribed by *Civil Legal Aid Act 1995* (32/1995), s. 28(5B), as inserted (30.05.2018) by *Criminal Law (Sexual Offences) Act 2017* (2/2017), s. 40, S.I. No. 172 of 2018.

F26**[**Procedure in relation to certain offences.

15.—(1) Where—

F27**[**(*a*) under Part IA of the Criminal Procedure Act 1967, the prosecutor consents to the sending forward for trial of an accused person F28**[**...**]**,

(*b*) F28**[**...**]** a person who has made a videorecording under F29**[***section 16(1)(b)***]**, is under 18 years of age on the date consent is given to the accused being sent forward for trial, and

(*c*) it is proposed that a videorecording of a statement made by the person concerned during an interview as mentioned in *section 16(1)(b)* shall be given in evidence pursuant to that section, **]**

(*d*) it is proposed, pursuant to *section 16 (1) (b)*, that a videorecording of a statement made by that person during an interview as mentioned in that provision shall be given in evidence at the trial,

the prosecutor shall, in addition to causing the documents mentioned in section 4B(1) of that Act to be served on the accused —

(i) notify the accused that it is proposed so to give evidence, and

(ii) give the accused an opportunity of seeing the videorecording of the interview.

F27**[**(2) The judge hearing an application under section 4E of the Criminal Procedure Act 1967 may consider any statement made, in relation to an offence, by a person in a videorecording mentioned in *section 16(1)(b)* if the person is available for cross-examination at the hearing of the application.**]**

(3) If the accused consents, an edited version of the videorecording of an interview mentioned in *section 16(1)(b)*, may, with leave of the judge hearing an application referred to in *subsection (2)* of this section, be shown at the hearing of the application, and, in that event, *subsection (2)* and *section 16(1)(b)* shall apply in relation to that version as it applies in relation to the original videorecording.**]**

Annotations

Amendments:

F26 Substituted (1.10.2001) by *Criminal Justice Act 1999* (10/1999) s. 19, S.I. No. 193 of 2001.

F27 Substituted (9.08.2013) by *Criminal Law (Human Trafficking) (Amendment) Act 2013* (24/2013) s. 4(a)(i), (ii), commenced as per s. 5(2).

F28 Deleted (30.05.2018) by *Criminal Justice (Victims of Crime) Act 2017* (28/2017), s. 30(h)(i), (ii)(I), S.I. No. 173 of 2018.

F29 Substituted (30.05.2018) by *Criminal Justice (Victims of Crime) Act 2017* (28/2017), s. 30(h)(ii)(II), S.I. No. 173 of 2018.

Videorecording as evidence at trial.

16.—(1) Subject to *subsection (2)*—

F30**[**(*a*) a videorecording of any evidence given, in relation to F31**[**a relevant offence**]**, by a person under F32**[**18 years**]** of age through a live television link in proceedings under Part IA of the Criminal Procedure Act, 1967, and**]**

F33**[**(*b*) a video recording of any statement made during an interview with a member of the Garda Síochána or any other person who is competent for the purpose—

F31**[**(i) by a person who is under 18 years of age in relation to an offence of which he or she is a victim, or**]**

(ii) by a person under 18 years of age (being a person other than the accused) in relation to—

(I) a sexual offence, or

(II) an offence under section 3(1), (2) or (3) of the Child Trafficking and Pornography Act 1998, or

(III) an offence under section 2, 4 or 7 of the Criminal Law (Human Trafficking) Act 2008,**]**

shall be admissible at the trial of the offence as evidence of any fact stated therein of which direct oral evidence by him would be admissible:

F30**[**Provided that, in the case of a videorecording mentioned in *paragraph (b)*, the person whose statement was videorecorded is available at the trial for crossexamination**]**

(2) (*a*) Any such videorecording or any part thereof shall not be admitted in evidence as aforesaid if the court is of opinion that in the interests of justice the videorecording concerned or that part ought not to be so admitted.

(*b*) In considering whether in the interests of justice such videorecording or any part thereof ought not to be admitted in evidence, the court shall have regard to all the circumstances, including any risk that its admission will result in unfairness to the accused or, if there is more than one, to any of them.

(3) In estimating the weight, if any, to be attached to any statement contained in such a videorecording regard shall be had to all the circumstances from which any inference can reasonably be drawn as to its accuracy or otherwise.

(4) In this section "statement" includes any representation of fact, whether in words or otherwise.

Annotations

Amendments:

F30 Substituted (1.10.2001) by *Criminal Justice Act 1999* (10/1999), s. 20(a)(b), S.I. No. 193 of 2001.

F31 Substituted (30.05.2018) by *Criminal Justice (Victims of Crime) Act 2017* (28/2017), s. 30(i), S.I. No. 173 of 2018.

F32 Substituted (1.05.2002) by *Children Act 2001* (24/2001), s. 257(3), S.I. No. 151 of 2002.

F33 Substituted (30.05.2018) by *Criminal Law (Sexual Offences) Act 2017* (2/2017), s. 37, S.I. No. 172 of 2018.

Editorial Notes:

E26 Previous affecting provision: subs. (1)(b) substituted (9.08.2013) by *Criminal Law (Human Trafficking) (Amendment) Act 2013* (24/2013), s. 4(b), commenced as per s. 5(2); substituted as per F-note above.

Transfer of proceedings.

17.—In any proceedings for an offence F34**[**...**]** in any circuit or district court district in relation to which any of the provisions of *sections 13* to *16* or *section 29* is not in operation the court concerned may, if in its opinion it is desirable that evidence be given in the proceedings F35**[**through a live television link or by means of a videorecording or that a screen or other similar device be used in the giving of evidence**]**, by order transfer the proceedings to a circuit or district court district in relation to which those provisions are in operation and, where such an order is made, the jurisdiction of the court to which the proceedings have been transferred may be exercised—

(*a*) in the case of the Circuit Court, by the judge of the circuit concerned, and

(*b*) in the case of the District Court, by the judge of that court for the time being assigned to the district court district concerned.

Annotations

Amendments:

F34 Deleted (30.05.2018) by *Criminal Justice (Victims of Crime) Act 2017* (28/2017), s. 30(j)(i), S.I. No. 173 of 2018.

F35 Substituted (30.05.2018) by *Criminal Justice (Victims of Crime) Act 2017* (28/2017), s. 30(j)(ii), S.I. No. 173 of 2018.

Editorial Notes:

E27 Previous affecting provision: section amended by *Criminal Law (Sexual Offences) Act 2017* (2/2017), s. 38, not commenced; repealed (27.11.2017) by *Criminal Justice (Victims of Crime) Act 2017* (28/2017), s. 6(b), S.I. No. 530 of 2017.

F36**[**Identification evidence.

18.—Where a person (in this section referred to as "the witness")—

(*a*) gives evidence in respect of a relevant offence, or

(*b*) gives evidence in respect of any other offence of which he or she is a victim,

through a live television link pursuant to *section 13(1)* or *(1A)* or using a screen or other similar device pursuant to *section 14A*, then—

(i) in case evidence is given that the accused was known to the witness before the date on which the offence is alleged to have been committed, the witness shall not be required to identify the accused at the trial of the offence, unless the court in the interests of justice directs otherwise, and

(ii) in any other case, evidence by a person other than the witness that the witness identified the accused at an identification parade as being the offender shall be admissible as evidence that the accused was so identified.**]**

Annotations

Amendments:

F36 Substituted (30.05.2018) by *Criminal Justice (Victims of Crime) Act 2017* (28/2017), s. 30(k), S.I. No. 173 of 2018.

Application of *Part III* to persons with mental handicap.

19.—The references in F37**[**sections *14*, *14B*, *15* and *16***]** F38**[**to a person under 18 years of age**]** F39**[**...**]** shall include references to a person with F37**[**a mental disorder, within the meaning of section 5 of the Criminal Justice Act 1993,**]** who has reached the age concerned.

Annotations

Amendments:

F37 Substituted (30.05.2018) by *Criminal Justice (Victims of Crime) Act 2017* (28/2017), s. 30(l)(i), (iii), S.I. No. 173 of 2018.

F38 Substituted (9.08.2013) by *Criminal Law (Human Trafficking) (Amendment) Act 2013* (24/2013), s. 4(c), commenced as per s. 5(2).

F39 Deleted (30.05.2018) by *Criminal Justice (Victims of Crime) Act 2017* (28/2017), s. 30(l)(ii), S.I. No. 173 of 2018.

F40**[**Disclosure of third party records in certain trials

19A.—(1) In this section—

"Act of 1995" means the Civil Legal Aid Act 1995;

"competent person" means a person who has undertaken training or study or has experience relevant to the process of counselling;

"counselling" means listening to and giving verbal or other support or encouragement to a person, or advising or providing therapy or other treatment to a person (whether or not for remuneration);

"counselling record" means any record, or part of a record, made by any means, by a competent person in connection with the provision of counselling to a person in respect of whom a sexual offence is alleged to have been committed ("the complainant"), which the prosecutor has had sight of, or about which the prosecutor has knowledge, and in relation to which there is a reasonable expectation of privacy;

"court" means the Circuit Criminal Court or the Central Criminal Court;

"sexual offence" means an offence referred to in the Schedule to the Sex Offenders Act 2001.

(2) In criminal proceedings for a sexual offence the prosecutor shall notify the accused of the existence of any counselling record but shall not disclose the content of the record without the leave of the court given in accordance with this section.

(3) An accused who seeks disclosure of the content of a counselling record may make an application ("disclosure application"), in writing, to the court—

(*a*) providing particulars identifying the record sought, and

(*b*) stating the reasons grounding the application, including grounds relied on to establish that the record is likely to be relevant to an issue at trial.

(4) An accused who intends to make a disclosure application shall, not later than the beginning of such period as may be prescribed in rules of court, notify the person who has possession or control of the counselling record, the complainant, the prosecutor and any other person to whom the accused believes the counselling record relates of his or her intention to make the application.

(5) Where no disclosure application has been made by the accused in respect of a counselling record under *subsection (3)* and the prosecutor believes that it is in the interests of justice that the record should be disclosed, the prosecutor may make a disclosure application in writing to the court.

(6) Where the prosecutor intends to make a disclosure application under *subsection (5)*, he or she shall, not later than the beginning of such period as may be prescribed in rules of court, notify the person who has possession or control of the relevant record, the complainant, the accused and any other person to whom the prosecutor believes the counselling record relates of his or her intention to make the application.

(7) The court may, at any time, order that a disclosure application be notified to any person to whom it believes the counselling record may relate.

(8) The court shall hold a hearing to determine whether the content of the counselling record should be disclosed to the accused and the person who has possession or control of the counselling record shall produce the counselling record at the hearing for examination by the court.

(9) The person who has possession or control of the counselling record, the complainant and any other person to whom the counselling records relates shall be entitled to appear and be heard at the hearing referred to in *subsection (8)*.

(10) In determining, at the hearing referred to in *subsection (8)*, whether the content of the counselling record should be disclosed to the accused under *subsection (11)*, the court shall take the following factors, in particular, into account:

(*a*) the extent to which the record is necessary for the accused to defend the charges against him;

(*b*) the probative value of the record;

(*c*) the reasonable expectation of privacy with respect to the record;

(*d*) the potential prejudice to the right to privacy of any person to whom the record relates;

(*e*) the public interest in encouraging the reporting of sexual offences;

(*f*) the public interest in encouraging complainants of sexual offences to seek counselling;

(*g*) the effect of the determination on the integrity of the trial process;

(*h*) the likelihood that disclosing, or requiring the disclosure of, the record will cause harm to the complainant including the nature and extent of that harm.

(11) (*a*) Subject to *paragraph (b)* and *subsection (12)*, after the hearing referred to in *subsection (8)*, the court may order disclosure of the content of the counselling record to the accused and the prosecutor where it is in the interests of justice to do so.

(*b*) The court shall order disclosure of the content of the counselling record to the accused where there would be a real risk of an unfair trial in the absence of such disclosure.

(12) (*a*) Where an order is made pursuant to *subsection (11)*, in the interests of justice and to protect the right to privacy of any person to whom the counselling record relates, the court may impose any condition it considers necessary on the disclosure of the record.

(*b*) Without prejudice to the generality of *paragraph (a)*, one or more of the following conditions may be included in an order made pursuant to *subsection (11)*—

(i) that a part of the content of the counselling record be redacted,

(ii) that a copy of the counselling record and not the original be disclosed,

(iii) that the accused and any legal representative for the accused not disclose the content of the counselling record to any person without leave of the court,

(iv) that the counselling record be viewed only at the offices of the court,

(v) that no copies, or only a limited number of copies, of the counselling record, be made,

(vi) that information concerning the address, telephone number or place of employment of any person named in the counselling record be redacted from the record,

(vii) that the counselling record be returned to the person who owns or controls the said record,

(viii) that the counselling record is used solely for the purposes of the criminal proceedings for which the record has been disclosed.

(13) The court shall provide reasons for ordering, or refusing to order, disclosure of the content of a counselling record pursuant to F41**[***subsection (11)***]**.

(14) (*a*) Subject to *paragraph (b)*, a disclosure application shall be made before the commencement of the trial of the accused.

(*b*) Where, upon application by the accused, the court considers that the interests of justice require the making of a disclosure application after the commencement of the trial, the court may direct that such an application may be made.

(15) For the purposes of a hearing pursuant to *subsection (8)*, all persons, other than officers of the court, persons directly concerned in the hearing and such other persons (if any) as the court may determine, shall be excluded from the court during the hearing.

(16) In addition to the meaning assigned to that expression by section 27 of the Act of 1995, "legal aid" in that Act means representation by a solicitor or barrister, engaged by the Legal Aid Board under section 11 of that Act, on behalf of a complainant or witness in relation to a disclosure application that concerns the complainant or witness.

(17) This section does not apply where a complainant or witness has expressly waived his or her right to non-disclosure of a counselling record without leave of the court.**]**

Annotations

Amendments:

F40 Inserted (30.05.2018) by *Criminal Law (Sexual Offences) Act 2017* (2/2017), s. 39, S.I. No. 172 of 2018.

F41 Substituted (30.05.2018) by *Criminal Justice (Victims of Crime) Act 2017* (28/2017), s. 30(m), S.I. No. 173 of 2018.

Editorial Notes:

E28 Entitlement of complainant or witness to legal aid certificate in respect of applications under subs. (3) prescribed by *Civil Legal Aid Act 1995* (32/1995), s. 28(5C), as inserted (30.05.2018) by *Criminal Law (Sexual Offences) Act 2017* (2/2017), s. 40, S.I. No. 172 of 2018.

E29 The section heading is taken from the amending section in the absence of one provided in the amendment.

PART IV

Competence and Compellability of Spouses and Former Spouses to give Evidence

Definitions *(Part IV)*.

20.—In this Part—

F42**[**"decree of divorce" means a decree under section 5 of the Family Law (Divorce) Act, 1996 or any decree that was granted under the law of a country or jurisdiction other than the State and is recognised in the State;**]**

"decree of judicial separation" includes a decree of divorce *a mensa et thoro* or any decree made by a court outside the State and recognised in the State as having the like effect;

F43**[**"former spouse" includes a person who, in respect of his or her marriage to an accused—

(*a*) has been granted a decree of judicial separation, or

(*b*) has entered into a separation agreement, or

(*c*) has been granted a decree of divorce;**]**

"separation agreement" means an agreement in writing which provides for the spouses concerned living separately and apart from each other.

Annotations

Amendments:

F42 Inserted (27.02.1997) by *Family Law (Divorce) Act 1996* (33/1996), s. 49(a), commenced as per s. 1(2).

F43 Substituted (27.11.1996) by *Family Law (Divorce) Act 1996* (33/1996), s. 49(b), commenced on enactment.

Competence of spouses and former spouses to give evidence.

21.—In any criminal proceedings the spouse or a former spouse of an accused shall be competent to give evidence at the instance—

(*a*) subject to *section 25*, of the prosecution, and

(*b*) of the accused or any person charged with him in the same proceedings.

Compellability to give evidence at instance of prosecution.

22.—(1) In any criminal proceedings the spouse of an accused shall, subject to *section 25*, be compellable to give evidence at the instance of the prosecution only in the case of an offence which—

(*a*) involves violence, or the threat of violence, to—

(i) the spouse,

(ii) a child of the spouse or of the accused, or

(iii) any person who was at the material time under the age of F44**[**18 years**]**,

(*b*) is a sexual offence alleged to have been committed in relation to a person referred to in *subparagraph (ii)* or *(iii)* of *paragraph (a)*, or

(*c*) consists of attempting or conspiring to commit, or of aiding, abetting, counselling, procuring or inciting the commission of, an offence falling within *paragraph (a)* or *(b)*.

(2) In any criminal proceedings a former spouse of an accused shall, subject to *section 25*, be compellable to give evidence at the instance of the prosecution unless—

(*a*) the offence charged is alleged to have been committed at a time when the marriage was subsisting and no decree of judicial separation or separation agreement was in force, and

(*b*) it is not an offence mentioned in *subsection (1)*.

(3) The reference in *subsection (1)* to a child of the spouse or the accused shall include a reference to—

(*a*) a child who has been adopted by the spouse or the accused under the Adoption Acts, 1952 to 1991, or, in the case of a child whose adoption by the spouse or the accused has been effected outside the State, whose adoption is recognised in the State by virtue of those Acts, and

(*b*) a person in relation to whom the spouse or the accused is *in loco parentis*.

Annotations

Amendments:

F44 Substituted (1.05.2002) by *Children Act 2001* (24/2001), s. 257(3), S.I. No. 151 of 2002.

Compellability to give evidence at instance of accused.

23.—Subject to *section 25*, in any criminal proceedings the spouse or a former spouse of an accused shall be compellable to give evidence at the instance of the accused.

Compellability to give evidence at instance of co-accused.

24.—(1) Subject to *section 25*, in any criminal proceedings—

(*a*) the spouse of an accused shall be compellable to give evidence at the instance of any person charged with the accused in the same proceedings only in the case of an offence mentioned in *section 22 (1)*,

(*b*) a former spouse of an accused shall be compellable to give evidence at the instance of any person charged with the accused in the same proceedings unless—

(i) the offence charged is alleged to have been committed at a time when the marriage was subsisting and no decree of judicial separation or separation agreement was in force, and

(ii) it is not an offence mentioned in *section 22 (1)*.

(2) *Subsection (1)* is without prejudice to the power of a court to order separate trials of persons charged in the same proceedings if it appears to it to be desirable in the interests of justice to do so.

Saving.

25.—Where persons F45**[**(being either spouses of each other or persons who were formerly spouses of each other)**]** are charged in the same proceedings, neither shall at the trial be competent by virtue of *section 21 (a)* to give evidence at the instance of the prosecution, or be compellable by virtue of *section 22*, *23* or *24* to give evidence, unless the person concerned is not, or is no longer, liable to be convicted at the trial as a result of pleading guilty or for any other reason.

Annotations

Amendments:

F45 Substituted (16.10.2015) by *Marriage Act 2015* (35/2015), s. 20, S.I. No. 504 of 2015.

Right to marital privacy.

26.—Nothing in this Part shall affect any right of a spouse or former spouse in respect of marital privacy.

PART V

Miscellaneous

Oath or affirmation not necessary for child etc., witness.

27.—(1) Notwithstanding any enactment, in any criminal proceedings the evidence of a person under 14 years of age may be received otherwise than on oath or affirmation if the court is satisfied that he is capable of giving an intelligible account of events which are relevant to those proceedings.

(2) If any person whose evidence is received as aforesaid makes a statement material in the proceedings concerned which he knows to be false or does not believe to be true, he shall be guilty of an offence and on conviction shall be liable to be dealt with as if he had been guilty of perjury.

(3) *Subsection (1)* shall apply to a person with mental handicap who has reached the age of 14 years as it applies to a person under that age.

Annotations

Modifications (not altering text):

C10 Reference in subs. (2) to perjury construed (28.07.2021) by *Criminal Justice (Perjury and Related Offences) Act 2021* (13/2021), s. 4(2) and sch. 2 item no. 36, S.I. No. 378 of 2021.

References to perjury or subornation of perjury

4. ...

(2) A reference in an enactment specified in Schedule 2 to perjury or to subornation of perjury, howsoever described, in relation to an act committed on or after the coming into operation of this subsection, shall be construed as a reference to perjury or to subornation of perjury, as the case may be, within the meaning of this Act.

SCHEDULE 2

Section 4(2)

...

36. Criminal Evidence Act 1992, section 27(2)

...

Abolition of requirement of corroboration for unsworn evidence of child, etc.

28.—(1) The requirement in section 30 of the Children Act, 1908, of corroboration of unsworn evidence of a child given under that section is hereby abolished.

(2) (*a*) Any requirement that at a trial on indictment the jury be given a warning by the judge about convicting the accused on the uncorroborated evidence of a child is also hereby abolished in relation to cases where such a warning is required by reason only that the evidence is the evidence of a child and it shall be for the judge to decide, in his discretion, having regard to all the evidence given, whether the jury should be given the warning.

(*b*) If a judge decides, in his discretion, to give such a warning as aforesaid, it shall not be necessary to use any particular form of words to do so.

(3) Unsworn evidence received by virtue of *section 27* may corroborate evidence (sworn or unsworn) given by any other person.

Evidence through television link by persons outside State.

29.—F46**[**(1) Without prejudice to F47**[***section 13(1)* and *(1A)*, in any criminal proceedings or proceedings under the Extradition Acts, 1965 to 2001, a person other than the accused or the person whose extradition is being sought, as the case may be, may, with the leave of the court, give evidence through a live television link.**]**

(2) Evidence given under *subsection (1)* shall be videorecorded.

(3) Any person who while giving evidence pursuant to *subsection (1)* makes a statement material in the proceedings which he knows to be false or does not believe to be true shall, whatever his nationality, be guilty of perjury.

(4) Proceedings for an offence under *subsection (3)* may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the State.

Annotations

Amendments:

F46 Substituted (20.03.2002) by *Extradition (European Union Conventions) Act 2001* (49/2001), s. 24, S.I. No. 85 of 2002).

F47 Substituted (30.05.2018) by *Criminal Justice (Victims of Crime) Act 2017* (28/2017), s. 30(n), S.I. No. 173 of 2018.

Modifications (not altering text):

C11 Reference in subs. (3) to perjury construed (28.07.2021) by *Criminal Justice (Perjury and Related Offences) Act 2021* (13/2021), s. 4(1) and sch. 1 item no. 19, S.I. No. 378 of 2021.

References to perjury or subornation of perjury

4. (1) Where, on or after the coming into operation of this subsection, a person commits an offence referred to as perjury, howsoever described, in an enactment specified in Schedule 1 , he or she shall be liable to be proceeded against and punished as if he or she were guilty of perjury under this Act.

...

SCHEDULE 1

Section 4(1)

...

19. Criminal Evidence Act 1992, section 29(3)

...

Copies of documents in evidence.

30.—(1) Where information contained in a document is admissible in evidence in criminal proceedings, the information may be given in evidence, whether or not the document is still in existence, by producing a copy of the document, or of the material part of it, authenticated in such manner as the court may approve.

(2) It is immaterial for the purposes of *subsection (1)* how many removes there are between the copy and the original, or by what means (which may include facsimile transmission) the copy produced or any intermediate copy was made.

(3) In *subsection (1)* "document" includes a film, sound recording or videorecording.

Section 3.

SCHEDULE

Enactments Repealed

Session and Chapter or Number and Year (1)	Short Title (2)	Extent of Repeal (3)
16 & 17 Vict., c. 83	Evidence Amendment Act, 1853	Section 3
35 & 36 Vict., c. 94	Licensing Act, 1872	In paragraph 4 of section 51, the words "and in all cases of summary proceedings under this Act, the defendant and his wife shall be competent to give evidence"
38 & 39 Vict., c. 63	Sale of Food and Drugs Act, 1875	In section 21, the words "and the defendant may, if he think fit, tender himself and his wife to be examined on his behalf, and he or she shall, if he so desires, be examined accordingly"
38 & 39 Vict., c. 86	Conspiracy, and Protection of Property Act, 1875	Section 11
40 & 41 Vict., c. 14	Evidence Act, 1877	The whole Act
46 & 47 Vict., c. 3	Explosive Substances Act, 1883	Section 4 (2)
46 & 47 Vict., c. 51	Corrupt and Illegal Practices Prevention Act, 1883	Section 53 (2)
48 & 49 Vict., c. 69	Criminal Law Amendment Act, 1885	Section 20
50 & 51 Vict., c. 28	Merchandise Marks Act, 1887	Paragraph (1) of section 10
55 & 56 Vict., c. 4	Betting and Loans (Infants) Act, 1892	Section 6
60 & 61 Vict., c. 60	Chaff-Cutting Machines (Accidents) Act, 1897	Section 5
8 Edw. 7, c. 24	Summary Jurisdiction (Ireland) Act, 1908	Section 12
8 Edw. 7, c. 67	Children Act, 1908	Sections 30 and 133 (28)
2 & 3 Geo. 5, c. 20	Criminal Law Amendment Act, 1912	Section 7 (6)
4 & 5 Geo. 5, c. 58	Criminal Justice Administration Act, 1914	Section 28 (2)
No. 37 of 1924	Criminal Justice (Evidence) Act, 1924	In section 1, the words ", and the wife or husband, as the case may be, of the person so charged,", where they first occur, and paragraphs (*c*) and (*d*) of the proviso Section 4 (1) Schedule
No. 5 of 1957	Married Women's Status Act, 1957	Section 9 (4)
No. 7 of 1988	Social Welfare Act, 1988	Section 20 (7)

Number 12 *of* 1992

CRIMINAL EVIDENCE ACT 1992

REVISED

Updated to 30 November 2023

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

This Act is not collectively cited with any other Act.

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Criminal Justice (Miscellaneous Provisions) Act 2023* (24/2023)
- *Criminal Justice (Perjury and Related Offences) Act 2021* (13/2021)
- *Domestic Violence Act 2018* (6/2018)
- *Criminal Justice (Victims of Crime) Act 2017* (28/2017)
- *Criminal Law (Sexual Offences) Act 2017* (2/2017)
- *Marriage Act 2015* (35/2015)

- *Criminal Law (Human Trafficking) (Amendment) Act 2013* (24/2013)
- *Communications (Retention of Data) Act 2011* (3/2011)
- *Criminal Justice Act 2011* (22/2011)
- *Criminal Law (Human Trafficking) Act 2008* (8/2008)
- *Criminal Law (Sexual Offences) (Amendment) Act 2007* (6/2007)
- *Finance Act 2007* (11/2007)
- *Defence (Amendment) Act 2007* (24/2007)
- *Criminal Law (Sexual Offences) Act 2006* (15/2006)
- *Criminal Justice Act 2006* (26/2006)
- *Children Act 2001* (24/2001)
- *Extradition (European Union Conventions) Act 2001* (49/2001)
- *Criminal Justice (Theft and Fraud Offences) Act 2001* (50/2001)
- *Criminal Justice Act 1999* (10/1999)
- *Child Trafficking and Pornography Act* (22/1998)
- *Criminal Justice (Miscellaneous Provisions) Act* (4/1997)
- *Family Law (Divorce) Act 1996* (33/1996)
- *Civil Legal Aid Act 1995* (32/1995)

All Acts up to and including *Domestic, Sexual and Gender-Based Violence Agency Act 2023* (31/2023), enacted 28 November 2023, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Criminal Evidence Act 1992 (Sections 13 and 16) (Commencement) Order 2023* (S.I. No. 589 of 2023)
- *Criminal Evidence Act 1992 (Section 13) (Commencement) Order 2022* (S.I. No. 308 of 2022)
- *Criminal Evidence Act 1992 (Section 13) (Commencement) Order 2021* (S.I. No. 693 of 2021)
- *Criminal Evidence Act 1992 (Section 13) (Commencement) Order 2018* (S.I. No. 186 of 2018)
- *Criminal Evidence Act 1992 (Section 13) (Commencement) Order 2015* (S.I. No. 205 of 2015)
- *Criminal Evidence Act 1992 (Section 16(1)(B)) (Commencement) Order 2008* (S.I. No. 401 of 2008)
- *Criminal Evidence Act 1992 (Section 13) (Commencement) (No. 2) Order 2007* (S.I. No. 572 of 2007)
- *Criminal Evidence Act 1992 (Section 13) (Commencement) Order 2007* (S.I. No. 52 of 2007)
- *Criminal Evidence Act 1992 (Section 13) (Commencement) (No. 2) Order 2005* (S.I. No. 296 of 2005)
- *Criminal Evidence Act 1992 (Section 13) (Commencement) Order 2005* (S.I. No. 221 of 2005)
- *Criminal Evidence Act 1992 (Section 29) (Commencement) Order 1997* (S.I. No. 371 of 1997)
- *Criminal Evidence Act 1992 (Sections 14 and 19) (Commencement) Order 1997* (S.I. No. 66 of 1997)
- *Criminal Evidence Act 1992 (Sections 13, 15 (4), 16, 17 and 19) (Commencement) Order 1993* (S.I. No. 288 of 1993)
- *Criminal Evidence Act 1992 (Sections 12, 13, 18 and 19) (Commencement) Order 1993* (S.I. No. 38 of 1993)

All statutory instruments up to and including *Criminal Evidence Act 1992 (Sections 13 and 16) (Commencement) Order 2023* (S.I. No. 589 of 2023), made 30 November 2023, were considered in the preparation of this revision.