



**Isle of Man**

*Ellan Vannin*

**AT 1 of 1946**

**CRIMINAL EVIDENCE ACT 1946**





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## CRIMINAL EVIDENCE ACT 1946

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## CRIMINAL EVIDENCE ACT 1946

<i>Received Royal Assent:</i>	<i>24 September 1946</i>
<i>Passed:</i>	<i>25 September 1946</i>
<i>Commenced:</i>	<i>25 September 1946</i>

**AN ACT** to amend the Law of Evidence.

### 1 Competency of witnesses in criminal cases

Every person charged with an offence shall be a competent witness for the defence at every stage of the proceedings, whether the person so charged is charged solely or jointly with any other person. Provided as follows: —

- (a) A person so charged shall not be called as a witness in pursuance of this Act except upon his own application;
- (b) The failure of any person charged with an offence to give evidence shall not be made the subject of any comment by the prosecution;<sup>1</sup>
- (c) and (d) [Repealed]<sup>2</sup>
- (e) A person charged and being a witness in pursuance of this Act may be asked any question in cross-examination notwithstanding that it would tend to criminate him as to the offence charged;
- (f) [Repealed]<sup>3</sup>
- (g) Every person called as a witness in pursuance of this Act shall, unless otherwise ordered by the court, give his evidence from the witness box, or other place from which the other witnesses give their evidence;
- (h) [Repealed]<sup>4 5</sup>

### 2 Evidence of person charged

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

**3 Right of reply**

The fact that the person charged has been called as a witness shall not of itself confer on the prosecution the right of reply.<sup>6</sup>

**4 [Repealed]<sup>7</sup>****5 Application**

This Act shall apply to all criminal proceedings.<sup>8</sup>

**6 Interpretation**

For the purpose of this Act unless the context otherwise requires —

“**Child**” means a person under the age of fourteen years;

“**Young Person**” means a person who has attained the age of fourteen years and is under the age of seventeen years.

**7 [Repealed]<sup>9</sup>****8 Short title**

This Act may be cited as the Criminal Evidence Act, 1946.

**9 Commencement of Act**

This Act shall come into operation when the Royal Assent thereto has been by the Governor announced to Tynwald and a certificate thereof has been signed by the Governor and the Speaker of the House of Keys.

**SCHEDULE<sup>10</sup>**





## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement

### Table of Renumbered Provisions

Original	Current

### Table of Endnote References

<sup>1</sup> Para (b) amended by Criminal Justice Act 1991 Sch 5.

<sup>2</sup> Paras (c) and (d) repealed by Criminal Justice Act 1991 Sch 5.

<sup>3</sup> Para (f) repealed by Criminal Evidence Act 2019 s 40.

<sup>4</sup> Para (h) repealed by Criminal Evidence Act 2019 s 40.

<sup>5</sup> S 1 amended by Criminal Justice Act 1991 Sch 5.

<sup>6</sup> S 3 amended by Criminal Procedure (Right of Reply) Act 1968 s 1.

<sup>7</sup> S 4 repealed by Criminal Justice Act 1991 Sch 5.

<sup>8</sup> S 5 amended by Criminal Justice Act 1991 Sch 5.

<sup>9</sup> S 7 repealed by Statute Law Revision Act 1983 Sch 2.

<sup>10</sup> Sch repealed by Criminal Justice Act 1991 Sch 5.