



Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968

1968 CHAPTER 28

1 Proof by written statement.

- ^{F1}(1) In any criminal proceedings to which this section applies, a written statement by any person shall, if such of the conditions mentioned in subsection (2) as are applicable are satisfied, be admissible as evidence to the like extent as oral evidence to the like effect by that person.
- (2) Subject to subsection (3), the said conditions are—
- the statement shall purport to be signed by the person who made it;
 - the statement shall contain a declaration by that person to the effect that it is true to the best of his knowledge and belief and that he made the statement knowing that, if it were tendered in evidence, he would be liable to prosecution if he wilfully said in it anything which he knew to be false or did not believe to be true;
 - not less than fourteen days before the hearing at which the statement is tendered in evidence, a copy of the statement is served, by or on behalf of the party proposing to tender it, on each of the other parties to the proceedings; and
 - none of the other parties or their solicitors, within seven days from the service of the copy of the statement, serves a notice on the party so proposing objecting to the statement being tendered in evidence under this section.
- (3) The conditions mentioned in subsection (2)(c) and (d) shall not apply if the parties agree before or during the hearing that the statement shall be tendered in evidence under this section.
- (4) The following provisions shall also have effect in relation to any statement tendered in evidence under this section, namely—
- if the statement is made by a person under the age of [^{F2}eighteen] years, his age shall be set forth in the statement;
 - if it is made by a person who cannot read, it shall be read to him before he signs it and shall be accompanied by a declaration by the person who so read

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968, Section 1. (See end of Document for details)

the statement to the effect that it was so read and that after it was so read the maker of the statement assented to it;

- (c) if it refers to any other document as an exhibit, the copy served on any other party to the proceedings under subsection (2)(c) shall be accompanied by a copy of that other document or, if it is not possible to make a copy of that other document or if an exhibit other than a document is referred to in the statement, a copy of the statement served under subsection (2)(c) shall be accompanied by a notice of the time and place when the exhibit may be examined by that other party and his solicitor and any expert witness whom the party may wish to call at the trial to give evidence relating to the exhibit, or by any one or more of those persons.
- (5) Notwithstanding that a written statement made by any person may be admissible as evidence under this section—
- (a) the party by whom or on whose behalf a copy of the statement was served may call that person to give evidence; and
 - (b) the court may, of its own motion or on the application (which application may be made before or during the hearing) of any party to the proceedings, require that person to attend before the court and give oral evidence.
- (6) So much of any statement as is admitted in evidence under this section shall, unless the court otherwise directs, be read aloud at the hearing and, where the court so directs, an account shall be given orally of so much of any statement as is not read aloud.
- (7) Any document or object referred to as an exhibit and identified in a written statement tendered in evidence under this section shall be treated as if it had been produced as an exhibit and identified in court, or identified, as the case may be, by the maker of the statement.
- (8) [^{F3}Subject to section 1A and] Notwithstanding section 24 of the Interpretation Act (Northern Ireland) 1954, a document required by this section to be served on any person may be served—
- (a) by delivering it to him or to his solicitor; or
 - (b) by addressing it to him and leaving it at his usual or last known place of abode or place of business or by addressing it to his solicitor and leaving it at his office; or
 - (c) by sending it in a registered letter or by the recorded delivery service addressed to him at his usual or last known place of abode or place of business or addressed to his solicitor at his 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 in a registered letter or by the recorded delivery service addressed to the secretary or clerk of that body at that office^{F4}; and in this paragraph references to the secretary, in relation to a limited liability partnership, are to any designated member of the limited liability partnership.
- (9) This section shall apply to every criminal proceeding other than a preliminary [^{F5}inquiry into] an indictable offence conducted under the [^{F6}Magistrates' Courts (Northern Ireland) Order 1981].

Subs. (10) rep. by 1975 c. 59

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- F2** Words in s. 1(4)(a) substituted (4.7.1996 with application (1.1.1998) as mentioned in s. 69(2) of the amending Act) by Criminal Procedure and Investigations Act 1996 (c. 25), s. 69(1) (as modified in its application to Northern Ireland by Sch. 4 para. 29); S.I. 1997/3108, art. 2
- F3** 1989 NI 12
- F4** SR 2004/307
- F5** Words in s. 1(9) substituted (17.10.2022) by Criminal Justice (Committal Reform) Act (Northern Ireland) 2022 (c. 4), s. 5(2), Sch. para. 4; S.R. 2022/221, art. 2(d)
- F6** 1981 NI 26

Modifications etc. (not altering text)

- C1** S. 1 modified (8.2.2007) by Wireless Telegraphy Act 2006 (c. 36), ss. 96, 126(2), Sch. 4 para. 10(3)(b) (with Sch. 8 paras. 20, 27)
- C2** S. 1(2)(c) modified (8.2.2007) by Wireless Telegraphy Act 2006 (c. 36), ss. 96, 126(2), Sch. 4 para. 10(5)(b) (with Sch. 8 paras. 20, 27)
- C3** S. 1(2)(d) applied (with modifications) (8.2.2007) by Wireless Telegraphy Act 2006 (c. 36), ss. 96, 126(2), Sch. 4 para. 10(6)(b) (with Sch. 8 paras. 20, 27)

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