



Criminal Procedure (Attendance of Witnesses) Act 1965

1965 CHAPTER 69

1 Order by examining justices for attendance of witness at court of trial

- (1) A magistrates' court acting as examining justices shall in respect of each witness examined by the court, other than the accused and any witness of his merely to his character, make an order (in this Act referred to as a witness order) requiring him to attend and give evidence before the court of assize or quarter sessions before which the accused is to be tried.
- (2) Where it appears to the court, after taking into account any representation made by the accused or the prosecutor, that the attendance at the trial of any witness is unnecessary on the ground that his evidence is unlikely to be required or is unlikely to be disputed, then—
 - (a) any witness order to be made by the court in his case shall be a conditional order requiring him to attend the trial if notice in that behalf is given to him and not otherwise; and
 - (b) if a witness order other than a conditional order has previously been made by the court in his case, the court shall direct that that order be treated as a conditional order.
- (3) A magistrates' court on committing any person for trial shall inform him of his right to require the attendance at the trial of any witness in respect of whom a conditional witness order, or an order treated as a conditional witness order, has been made, and of the steps he must take for the purpose of enforcing the attendance.
- (4) Section 5 of the Magistrates' Courts Act 1952 (which requires a magistrates' court acting as examining justices to bind over witnesses to attend and give evidence before the court at which the accused is to be tried and also to bind over the prosecutor to prosecute the accused before that court) shall cease to have effect, but without prejudice to any recognisance entered into under that section before the commencement of this Act.