



# Criminal Procedure (Attendance of Witnesses) Act 1965

## 1965 CHAPTER 69

### *[<sup>F1</sup> Issue of witness summons on application*

#### **[<sup>F1</sup>2C Application to make summons ineffective.**

- (1) If a witness summons issued under section 2 above is directed to a person who—
  - (a) applies to the Crown Court,
  - (b) satisfies the court that he was not served with notice of the application to issue the summons and that he was neither present nor represented at the hearing of the application, and
  - (c) satisfies the court that he cannot give any evidence likely to be material evidence or, as the case may be, produce any document or thing likely to be material evidence,the court may direct that the summons shall be of no effect.
- (2) For the purposes of subsection (1) above it is immaterial—
  - (a) whether or not [<sup>F2</sup>Criminal Procedure Rules] require the person to be served with notice of the application to issue the summons;
  - (b) whether or not [<sup>F2</sup>Criminal Procedure Rules] enable the person to be present or represented at the hearing of the application.
- (3) In subsection (1)(b) above “served” means—
  - (a) served in accordance with [<sup>F2</sup>Criminal Procedure Rules], in a case where such rules require the person to be served with notice of the application to issue the summons;
  - (b) served in such way as appears reasonable to the court to which the application is made under this section, in any other case.
- (4) The Crown Court may refuse to make a direction under this section if any requirement relating to the application under this section is not fulfilled.

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*Changes to legislation: There are currently no known outstanding effects for the Criminal Procedure (Attendance of Witnesses) Act 1965, Section 2C. (See end of Document for details)*

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- (5) An application under this section must be made in accordance with [<sup>F3</sup>Criminal Procedure Rules]; and different provision may be made for different cases or descriptions of case.
- (6) [<sup>F3</sup>Criminal Procedure Rules] may, in such cases as the rules may specify, require the service of notice of an application under this section on the person on whose application the witness summons was issued.
- (7) [<sup>F4</sup>Criminal Procedure Rules] may, in such cases as the rules may specify, require that where—
- (a) a person applying under this section can produce a particular document or thing, but
  - (b) he seeks to satisfy the court that the document or thing is not likely to be material evidence,
- he must arrange for the document or thing to be available at the hearing of the application.
- (8) Where a direction is made under this section that a witness summons shall be of no effect, the person on whose application the summons was issued may be ordered to pay the whole or any part of the costs of the application under this section.
- (9) Any costs payable under an order made under subsection (8) above shall be taxed by the proper officer of the court, and payment of those costs shall be enforceable in the same manner as an order for payment of costs made by the High Court in a civil case or as a sum adjudged summarily to be paid as a civil debt.]

#### Textual Amendments

- F1** Ss. 2-2E and relevant cross-headings substituted for s. 2 (4.7.1996, with effect at 1.4.1999, (E.W.) and 21.8.2000 (N.I.)) by 1996 c. 25, s. 66(2)(7) (with s. 78(1)); S.I. 1999/718, art. 2; S.I. 2000/1968, art. 2
- F2** Words in s. 2C(2)(3) substituted (1.9.2004) by Courts Act 2003 (c. 39), s. 110(1), Sch. 8 para. 126(c); S.I. 2004/2066, art. 2(c)(vi) (with art. 3)
- F3** Words in s. 2C(5)(6) substituted (1.9.2004) by Courts Act 2003 (c. 39), s. 110(1), Sch. 8 para. 126(c); S.I. 2004/2066, art. 2(c)(vi) (with art. 3)
- F4** Words in s. 2C(7) substituted (1.9.2004) by Courts Act 2003 (c. 39), s. 110(1), Sch. 8 para. 126(c); S.I. 2004/2066, art. 2(c)(vi) (with art. 3)

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Procedure (Attendance of Witnesses) Act 1965, Section 2C.