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*Changes to legislation: There are currently no known outstanding effects for the Criminal Appeal Act 1968, Cross Heading: Evidence. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 2

#### PROCEDURAL AND OTHER PROVISIONS APPLICABLE ON ORDER FOR RETRIAL

*[<sup>F1</sup>Evidence]*

##### Textual Amendments

- F1** Sch. 2 para. 1 and cross-heading substituted (4.4.2005) for Sch. 2 paras. 1, 1A by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 131, 336(3)(4) (with s. 141); S.I. 2005/950, art. 2(1), Sch. 1 para. 6 (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(1))

- 1 On a retrial, [<sup>F2</sup>paragraphs 1 and 2 of Schedule 2 to the Criminal Procedure and Investigations Act 1996 (use of written statements and depositions) shall not apply to any written statement or deposition read as evidence at the original trial]; but a transcript of the record of the evidence given by any witness at the original trial may, with the leave of the judge, be read as evidence—
- (a) by agreement between the prosecution and the defence; or
  - (b) if the judge is satisfied that the witness is dead or unfit to give evidence or to attend for that purpose, or that all reasonable efforts to find him or to secure his attendance have been made without success,
- and in either case may be so read without further proof, if verified in accordance with rules of court.

##### Textual Amendments

- F2** Words in Sch. 2 para. 1 substituted (4.7.1996 but with effect as mentioned in Sch. 2 para. 7 of the amending Act) by 1996 c. 25, s. 68, Sch. 2 paras. 5, 7; S.I. 1997/683, art. 1(2)

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