

Changes to legislation: Criminal Justice Act 1988, SCHEDULE 13 is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 13

Section 146.

EVIDENCE BEFORE [F1SERVICE COURTS].

Textual Amendments

- F1** Sch. 13: words in title substituted (28.3.2009 for certain purposes and 31.10.2009 insofar as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 16 para. 115\(2\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

Interpretation

- 1 In this Schedule—
- “procedural instruments” means—
- [F2(a) Court Martial rules within the meaning of the Armed Forces Act 2006;
 - (b) SCC rules within the meaning of that Act; and
 - (c) rules under section 49 of the Court Martial Appeals Act 1968;]

“Service courts” means—

 - [F3(a) the Court Martial;
 - (b) the Service Civilian Court; and
 - (c) the Court Martial Appeal Court.]

Textual Amendments

- F2** Words in [Sch. 13 para. 1](#) substituted (28.3.2009 for certain purposes and 31.10.2009 insofar as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 16 para. 115\(3\)\(a\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F3** Words in [Sch. 13 para. 1](#) substituted (28.3.2009 for certain purposes and 31.10.2009 insofar as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 16 para. 115\(3\)\(b\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

Modifications etc. (not altering text)

- C1** [Sch. 13 para. 1](#) applied (2.10.2000) by S.I. 2000/2372, [Rule 27\(1\)\(e\)](#)
[Sch. 13 para. 1](#) applied (2.10.2000) by S.I. 2000/2370, [Rule 27\(1\)\(f\)](#)

First-hand hearsay

- 2 [F4

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Textual Amendments

F4 Sch. 13 para. 2 repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 136(b), 332, 336, **Sch. 37 Pt. 6**; S.I. 2005/950, **art. 2(1)**, Sch. 1 paras. 6, 27, 44(3) (subject to art. 2(2), Sch. 2 (as amended by S.I. 2005/2122, art. 2))

Modifications etc. (not altering text)

C2 Sch. 13 para. 2 applied (2.10.2000) by S.I. 2000/2372, **Rule 27(1)(e)**
Sch. 13 para. 2 applied by S.I. 2000/2370, **Rule 27(1)(f)**

Documentary evidence

3 **F5**

Textual Amendments

F5 Sch. 13 para. 3 repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 136(b), 332, 336, **Sch. 37 Pt. 6**; S.I. 2005/950, **art. 2(1)**, Sch. 1 paras. 6, 27, 44(3) (subject to art. 2(2), Sch. 2 (as amended by S.I. 2005/2122, art. 2))

Modifications etc. (not altering text)

C3 Sch. 13 para. 3 applied (2.10.2000) by S.I. 2000/2372, **Rule 27(1)(e)**
Sch. 13 para. 3 applied (2.10.2000) by S.I. 2000/2370, **Rule 27(1)(f)**

4 **F6**

Textual Amendments

F6 Sch. 13 para. 4 repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 136(b), 332, 336, **Sch. 37 Pt. 6**; S.I. 2005/950, **art. 2(1)**, Sch. 1 paras. 6, 27, 44(3) (subject to art. 2(2), Sch. 2 (as amended by S.I. 2005/2122, art. 2))

Modifications etc. (not altering text)

C4 Sch. 13 para. 4 applied (2.10.2000) by S.I. 2000/2372, **Rule 27(1)(e)**
Sch. 13 para. 4 applied (2.10.2000) by S.I. 2000/2370, **Rule 27(1)(f)**

5 **F7**

Textual Amendments

F7 Sch. 13 para. 5 repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 136(b), 332, 336, **Sch. 37 Pt. 6**; S.I. 2005/950, **art. 2(1)**, Sch. 1 paras. 6, 27, 44(3) (subject to art. 2(2), Sch. 2 (as amended by S.I. 2005/2122, art. 2))

Modifications etc. (not altering text)

C5 Sch. 13 para. 5 applied (2.10.2000) by S.I. 2000/2372, **Rule 27(1)(e)**
Sch. 13 para. 5 applied (2.10.2000) by S.I. 2000/2370, **Rule 27(1)(f)**

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Letters of request etc.

- 6 (1) [^{F8}No application shall be made under [^{F9}section 7 of the Crime (International Co-operation) Act 2003]^{F10} ... in relation to any offence which is or is to be the subject of proceedings before a Service court], but the Secretary of State may by order make provision as to [^{F11}requests for assistance in obtaining outside the United Kingdom evidence] for such proceedings.
- (2) An order under this paragraph may make different provision for different classes of case.
- (3) The power to make an order under this paragraph shall be exercisable by statutory instrument and a statutory instrument containing any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Without prejudice to the generality of any enactment conferring power to make procedural instruments, procedural instruments may make such provision as appears to the authority making them to be necessary or expedient in relation to [^{F12}requests for assistance in obtaining evidence] for proceedings before a Service court.

Textual Amendments

- F8** Words in Sch. 13 para. 6(1) substituted (10.6.1991) by [Criminal Justice \(International Co-operation\) Act 1990](#) (c. 5, SIF 39:1), s. 31(1), **Sch. 4 para. 6(3)**; S.I. 1991/1072, art. 2(a), **Schedule Pt. I**
- F9** Words in Sch. 13 para. 6(1) substituted (26.4.2004) by [Crime \(International Co-operation\) Act 2003](#) (c. 32), ss. 91, 94, **Sch. 5 para. 16(a)(i)**; S.I. 2004/786, **art. 3(2)** (with S.I. 2004/787, art. 3(3))
- F10** Words in Sch. 13 para. 6(1) omitted (31.12.2020) by virtue of [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/742), regs. 1, **76**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Words in Sch. 13 para. 6(1) substituted (26.4.2004) by [Crime \(International Co-operation\) Act 2003](#) (c. 32), ss. 91, 94, **Sch. 5 para. 16(a)(ii)**; S.I. 2004/786, **art. 3(2)** (with S.I. 2004/787, art. 3(3))
- F12** Words in Sch. 13 para. 6(4) substituted (26.4.2004) by [Crime \(International Co-operation\) Act 2003](#) (c. 32), ss. 91, 94, **Sch. 5 para. 16(b)**; S.I. 2004/786, **art. 3(2)** (with S.I. 2004/787, art. 3(3))

Modifications etc. (not altering text)

- C6** Sch. 13 para. 6 applied (2.10.2000) by S.I. 2000/2372, **Rule 27(1)(e)**
Sch. 13 para. 6 applied (2.10.2000) by S.I. 2000/2370, **Rule 27(1)(f)**

Form of evidence and glossaries

- 7 ^{F13}

Textual Amendments

- F13** [Sch. 13 para. 7](#) repealed (28.3.2009 for certain purposes and otherwise prosp.) by [Armed Forces Act 2006](#) (c. 52), ss. 378, 383, [Sch. 16 para. 115\(4\)](#), **Sch. 17**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059)

Use of television links

- 8 (1) The Secretary of State may by order direct that section 32(1) to (3) above shall have effect in relation—
- (a) to proceedings before Service courts; or

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- (b) to proceedings or proceedings of specified descriptions before Service courts in specified places.
- (2) If an order is made under this paragraph—
 - (a) subsection (1) of section 32 above shall have effect in relation to any court to which the order applies with the substitution of the following paragraph for paragraph (a)—
 - “(a) the witness is not in the country where the court is sitting; or”
 - F14
 - (b) F14
- (3) An order under this paragraph may provide that section 32(1), ^{F15} . . . or (3) above shall have effect in relation to any court to which the order applies subject to such modifications as may be specified in the order, in addition to the modifications for which sub-paragraph (2) above provides.
- (4) The power to make an order conferred by this paragraph shall be exercisable by statutory instrument and a statutory instrument containing any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Without prejudice to the generality of any enactment conferring power to make procedural instruments, procedural instruments may make such provision as appears to the authority making them to be necessary or expedient for the purposes of section 32(1) to (3) above in their application to proceedings such as are mentioned in sub-paragraph (1) above by virtue of an order under that sub-paragraph.
- (6) In this paragraph “modifications” includes additions, omissions and amendments.

Textual Amendments

F14 Sch. 13 para. 8(2)(b) and word preceding it repealed (6.12.2006) by 1999 c. 23, ss. 67, 68(3), Sch. 6 (with Sch. 7 para. 5(2)); S.I. 2006/2885, **art. 2(b)(vii)(cc)**

F15 Word in Sch. 13 para. 8(3) repealed (6.12.2006) by 1999 c. 23, ss. 67, 68(3), Sch.6 (with Sch. 7 para. 5(2)); S.I. 2006/2885, **art. 2(b)(vii)(cc)**

^{F16} Video recordings of evidence

Textual Amendments

F16 Sch. 13 paras. 9, 10 added (1.10.1996) by 1996 c. 46, s.7; S.I. 1996/2474, **art.2.**

9 ^{F17}

Textual Amendments

F17 Sch. 13 para. 9 repealed (28.3.2009 for certain purposes and otherwise prosp.) by **Armed Forces Act 2006** (c. 52), ss. 378, 383, Sch. 16 para. 115(4), **Sch. 17**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059)

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^{F18}*Cross -examination of children*

Textual Amendments

F18 Sch. 13 paras. 9, 10 added (1.10.1996) by 1996 c. 46, s.7; S.I. 1996/2474, art.2.

10

^{F19}

Textual Amendments

F19 Sch. 13 para. 10 repealed (28.3.2009 for certain purposes and otherwise prosp.) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, Sch. 16 para. 115(4), [Sch. 17](#); S.I. 2009/812, art. 3 (with transitional provisions in S.I. 2009/1059)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 36(2)(b)(v) and word inserted by [2019 c. 17 s. 13\(3\)\(b\)](#)
- s. 36(3A)(3B) substituted for s. 36(3A) by [2008 c. 4 s. 46\(2\)](#)
- s. 41(4A) inserted by [2004 c. 28 Sch. 10 para. 28](#)
- s. 139AZA(1)(a)(iii) and word inserted by [2019 c. 17 s. 13\(4\)\(b\)](#)