



# Criminal Procedure and Investigations Act 1996

## 1996 CHAPTER 25

### PART VII

#### MISCELLANEOUS AND GENERAL

##### *Other miscellaneous provisions*

#### **68 Use of written statements and depositions at trial**

Schedule 2 to this Act (which relates to the use at the trial of written statements and depositions admitted in evidence in committal proceedings) shall have effect.

#### **69 Proof by written statement**

- (1) In section 9 of the Criminal Justice Act 1967 (proof by written statement) in subsection (3)(a) (statement by person under 21 must give his age) for “twenty-one” there shall be substituted “eighteen”.
- (2) This section applies in relation to statements tendered in evidence on or after the appointed day.
- (3) The reference in subsection (2) to the appointed day is to such day as is appointed for the purposes of this section by the Secretary of State by order.

#### **70 Indemnification of justices and justices' clerks**

- (1) In section 53 of the Justices of the Peace Act 1979 (indemnification of justices and justices' clerks) the following subsection shall be inserted after subsection (1)—

“(1A) So far as the duty mentioned in subsection (1) above relates to criminal matters, that subsection shall have effect as if—

- (a) for the word “may” there were substituted “shall”, and

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- (b) for the words following paragraph (c) there were substituted “unless it is proved, in respect of the matters giving rise to the proceedings or claim, that he acted in bad faith”.

- (2) This section applies in relation to things done or omitted on or after the appointed day.
- (3) The reference in subsection (2) to the appointed day is to such day as is appointed for the purposes of this section by the Secretary of State by order.

## **71 Meaning of preliminary stage of criminal proceedings**

- (1) Section 22 of the Prosecution of Offences Act 1985 (power of Secretary of State to set time limits in relation to preliminary stages of criminal proceedings) shall be amended as mentioned in subsections (2) and (3).

- (2) In subsection (11) the following shall be substituted for the definition of “preliminary stage”—

““preliminary stage”, in relation to any proceedings, does not include any stage after the start of the trial (within the meaning given by subsections (11A) and (11B) below);”.

- (3) The following subsections shall be inserted after subsection (11)—

“(11A) For the purposes of this section, the start of a trial on indictment shall be taken to occur when a jury is sworn to consider the issue of guilt or fitness to plead or, if the court accepts a plea of guilty before a jury is sworn, when that plea is accepted; but this is subject to section 8 of the Criminal Justice Act 1987 and section 30 of the Criminal Procedure and Investigations Act 1996 (preparatory hearings).

(11B) For the purposes of this section, the start of a summary trial shall be taken to occur—

- (a) when the court begins to hear evidence for the prosecution at the trial or to consider whether to exercise its power under section 37(3) of the Mental Health Act 1983 (power to make hospital order without convicting the accused), or
- (b) if the court accepts a plea of guilty without proceeding as mentioned above, when that plea is accepted.”

- (4) The Prosecution of Offences (Custody Time Limits) Regulations 1987 shall be amended as follows, but without prejudice to the power to make further regulations amending or revoking the provisions amended—

- (a) in regulation 2 (interpretation) for paragraph (3) there shall be substituted—

“(3) In these Regulations any reference to the start of the trial shall be construed in accordance with section 22(11A) and (11B) of the 1985 Act.”;

- (b) in regulation 4 (custody time limits in magistrates' courts) in paragraphs (2) and (3) for “commencement” there shall be substituted “start”;
- (c) in regulation 5 (custody time limits in Crown Court) for “his arraignment” in paragraphs (3)(a) and (b) and (6)(a) and (b), and for “the accused’s arraignment” in paragraph (5), there shall be substituted “the start of the trial”;
- (d) regulation 5(7) (when arraignment occurs) shall be omitted.

- (5) This section applies in relation to—
- (a) any time limit which begins to run on or after the appointed day, and
  - (b) any time limit which has begun to run and has not expired before that day, except that it does not apply in relation to proceedings for an offence for which the accused has been duly arraigned in the Crown Court before that day.
- (6) The reference in subsection (5) to the appointed day is to such day as is appointed for the purposes of this section by the Secretary of State by order.

## **72 Fraud**

Schedule 3 (which amends provisions relating to serious or complex fraud) shall have effect.

## **73 Amendments to the Criminal Procedure (Scotland) Act 1995**

- (1) The Criminal Procedure (Scotland) Act 1995 shall be amended as follows.
- (2) In section 27 (breach of bail conditions: offences) the following subsection shall be inserted after subsection (4)—
- “(4A) The fact that the subsequent offence was committed while the accused was on bail shall, unless challenged—
- (a) in the case of proceedings on indictment, by giving notice of a preliminary objection under paragraph (b) of section 72(1) of this Act or under that paragraph as applied by section 71(2) of this Act; or
  - (b) in summary proceedings, by preliminary objection before his plea is recorded,
- be held as admitted.”.
- (3) In subsection (1) of section 65 (prevention of delay in trials), for the words from “shall be discharged forthwith” to the end of the subsection there shall be substituted—
- “(a) shall be discharged forthwith from any indictment as respects the offence; and
- (b) shall not at any time be proceeded against on indictment as respects the offence”.
- (4) In Schedule 9 (certificates as to proof of certain routine matters), in the entry relating to the Social Security Administration Act 1992, for “Section 114(4)” in column 1 there shall be substituted “Section 112(1)”.

## **74 Alibi**

- (1) Section 11 of the Criminal Justice Act 1967 (notice of alibi) shall cease to have effect, but subject to the following provisions of this section.
- (2) Subsection (1) does not affect the application of section 11 of the Criminal Justice Act 1967 to proceedings before courts martial by virtue of section 12 of that Act.
- (3) The reference in section 12 of the Criminal Justice Act 1967 to section 11 as it applies to proceedings on indictment shall be construed as a reference to it as it would apply to proceedings on indictment apart from subsection (1) of this section.

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- (4) In section 9(6) of the Criminal Justice Act 1987 (disclosure in cases involving fraud) in paragraph (a) for the words “section 11 of the Criminal Justice Act 1967” there shall be substituted “section 5(7) of the Criminal Procedure and Investigations Act 1996”.
- (5) This section applies in relation to alleged offences into which no criminal investigation, within the meaning given by section 1(4), has begun before the day appointed under section 1(5).