

**Changes to legislation:** Criminal Procedure and Investigations Act 1996, SCHEDULE 2 is up to date with all changes known to be in force on or before 10 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

### [F<sup>1</sup>] SCHEDULE 2

Section 68.

#### STATEMENTS AND DEPOSITIONS

##### Textual Amendments

- F1** Sch. 2 repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 3 para. 66(8), Sch. 37 Pt. 4; S.I. 2012/1320, art. 4(1)(c)(d)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c)(d), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(d)(2)(3) (with arts. 3, 4)

##### Statements

- 1 (1) Sub-paragraph (2) applies if—
- a written statement has been admitted in evidence in proceedings before a magistrates' court inquiring into an offence as examining justices,
  - in those proceedings a person has been committed for trial,
  - for the purposes of section 5A of the <sup>M1</sup>Magistrates' Courts Act 1980 the statement complied with section 5B of that Act prior to the committal for trial,
  - the statement purports to be signed by a justice of the peace, and
  - sub-paragraph (3) does not prevent sub-paragraph (2) applying.
- (2) Where this sub-paragraph applies the statement may without further proof be read as evidence on the trial of the accused, whether for the offence for which he was committed for trial or for any other offence arising out of the same transaction or set of circumstances.
- (3) Sub-paragraph (2) does not apply if—
- it is proved that the statement was not signed by the justice by whom it purports to have been signed,
  - the court of trial at its discretion orders that sub-paragraph (2) shall not apply, or
  - a party to the proceedings objects to sub-paragraph (2) applying.
- (4) If a party to the proceedings objects to sub-paragraph (2) applying the court of trial may order that the objection shall have no effect if the court considers it to be in the interests of justice so to order.

##### Modifications etc. (not altering text)

- C1** Sch. 2 para. 1 excluded by 1972 c. 71, s. 46(1C)(b) (as inserted (4.7.1996 but with effect in accordance with S.I. 1997/683, art. 1(2)) by 1996 c. 25, s. 47, Sch. 1 Pt. II para. 22(3) (with s. 78(1)).

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Sch. 2 para. 1 excluded by 1968 c. 19, s. 8, **Sch. 2 para. 1** (as substituted (4.7.1996 but with effect in accordance with S.I. 1997/683, **art. 1(2)**) by 1996 c. 25, s. 68, **Sch. 2 para.5** (with s. 78(2))).

**Marginal Citations**

**M1** 1980 c. 43.

*Depositions*

- 2 (1) Sub-paragraph (2) applies if—
- (a) in pursuance of section 97A of the Magistrates' Courts Act 1980 (summons or warrant to have evidence taken as a deposition etc.) a person has had his evidence taken as a deposition for the purposes of proceedings before a magistrates' court inquiring into an offence as examining justices,
  - (b) the deposition has been admitted in evidence in those proceedings,
  - (c) in those proceedings a person has been committed for trial,
  - (d) for the purposes of section 5A of the Magistrates' Courts Act 1980 the deposition complied with section 5C of that Act prior to the committal for trial,
  - (e) the deposition purports to be signed by the justice before whom it purports to have been taken, and
  - (f) sub-paragraph (3) does not prevent sub-paragraph (2) applying.
- (2) Where this sub-paragraph applies the deposition may without further proof be read as evidence on the trial of the accused, whether for the offence for which he was committed for trial or for any other offence arising out of the same transaction or set of circumstances.
- (3) Sub-paragraph (2) does not apply if—
- (a) it is proved that the deposition was not signed by the justice by whom it purports to have been signed,
  - (b) the court of trial at its discretion orders that sub-paragraph (2) shall not apply, or
  - (c) a party to the proceedings objects to sub-paragraph (2) applying.
- (4) If a party to the proceedings objects to sub-paragraph (2) applying the court of trial may order that the objection shall have no effect if the court considers it to be in the interests of justice so to order.

**Modifications etc. (not altering text)**

**C2** Sch. 2 para. 2 excluded by 1968 c. 19, s. 8, **Sch. 2 para. 1** (as substituted (4.7.1996 but with effect in accordance with S.I. 1997/683, **art. 1(2)**) by 1996 c. 25, s. 68, **Sch. 2 para.5** (with s. 78(1))).

*Signatures*

- 3 (1) A justice who signs a certificate authenticating one or more relevant statements or depositions shall be treated for the purposes of paragraphs 1 and 2 as signing the statement or deposition or (as the case may be) each of them.
- (2) For this purpose—

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- (a) a relevant statement is a written statement made by a person for the purposes of proceedings before a magistrates' court inquiring into an offence as examining justices;
- (b) a relevant deposition is a deposition made in pursuance of section 97A of the <sup>M2</sup>Magistrates' Courts Act 1980 for the purposes of such proceedings.

**Marginal Citations**

**M2** 1980 c. 43.

*Time limit for objection*

- 4 [F<sup>2</sup>Criminal Procedure Rules may] make provision—
- (a) requiring an objection under paragraph 1(3)(c) or 2(3)(c) to be made within a period prescribed in the rules;
  - (b) allowing the court of trial at its discretion to permit such an objection to be made outside any such period.

**Textual Amendments**

**F2** Words in Sch. 2 para. 4 substituted (1.9.2004) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 380**; S.I. 2004/2066, **art. 2** (subject to art. 3)

*Retrial*

- 5 In Schedule 2 to the <sup>M3</sup>Criminal Appeal Act 1968 (procedural and other provisions applicable on order for retrial) in paragraph 1 for the words from “section 13(3)” to “before the original trial” there shall be substituted “ 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 ”.

**Marginal Citations**

**M3** 1968 c. 19.

*Repeals*

- 6 (1) Section 13(3) of the <sup>M4</sup>Criminal Justice Act 1925 (which relates to depositions taken before examining justices and is superseded by paragraph 2 above) shall be omitted.
- (2) Section 7 of the <sup>M5</sup>Criminal Justice Act 1967 (which is superseded by paragraph 3 above) shall be omitted.

**Marginal Citations**

**M4** 1925 c. 86.

**M5** 1967 c. 80.

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### Commencement

- 7 This Schedule shall have effect in accordance with provision made by the Secretary of State by order.]

#### Subordinate Legislation Made

**P1** Sch. 2 para. 7 power exercised (8.3.1997) by [S.I. 1997/683](#).

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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. 1(6) added by [1997 c. 39 s. 9\(4\)](#)
- s. 5(1A) amendment to earlier affecting provision 2015 c. 9 (N.I.), Sch. 2 para. 8 by [2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(i\)](#)
- s. 5(1A) inserted by [2015 c. 9 \(N.I.\) Sch. 2 para. 8](#)
- s. 5(1A) words substituted in earlier affecting provision 2015 c. 9 (N.I.), Sch. 2 para. 8(1) by [2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(ii\)](#)
- s. 13(1)(ba)(b) substituted for s. 13(1)(b) by 2015 c. 9 (N.I.), Sch. 2 para. 8(2) (as inserted) by [2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(iii\)](#)
- Sch. 4 para. 4(f) and word added by [S.I. 2003/1247 \(N.I.\) Sch. 1 para. 16](#)