These notes refer to the Criminal Justice Act 2003 (c.44) which received Royal Assent on 20th November 2003

CRIMINAL JUSTICE ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 11 - Evidence

Chapter 2: Hearsay evidence

Section 119: Inconsistent statements.

413. This section clarifies the relationship between hearsay evidence and previous inconsistent statements. It provides that if a witness admits that he has made a previous inconsistent statement or it has been proved that he made such an inconsistent statement, it is not only evidence which undermines his ‘credibility’ (as someone who makes inconsistent statements) but it is also evidence of the truth of its contents.

414. Subsection (2) envisages the following type of situation. A makes a statement to the police that she saw B ‘outside the jewellers’ at midday on Monday’. A does not testify at trial but her statement is admitted under Section 116. As explained below, Section 124 provides that evidence can be admitted in this type of situation in relation to the credibility of A. Subsection (2)(c) of Section 124 provides that evidence can be admitted to prove that A had made another statement inconsistent with this statement (for example, A had said earlier that she did not see B on Monday at all). Section 119(2) provides that if there is such an inconsistent statement, it not only goes to the credibility of A, but it is also admissible as to the truth of its contents (that A did not see B on Monday).