

*These notes refer to the Deregulation Act 2015 (c.20)
which received Royal Assent on 26 March 2015*

DEREGULATION ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 80: Criminal procedure: written witness statements

373. This section amends section 9 of the Criminal Justice Act 1967 to provide that Criminal Procedure Rules can alter the period under which other parties can object to a written statement being tendered in evidence. That period may not be less than the current period in statute which is seven days. To allow for a longer period within which to object will remove any perceived need to enter a ‘holding’ objection and so will reduce the number of witnesses brought to court to give oral evidence when the other parties do not really need them to do so.
374. The section also removes certain procedural matters from section 9 relating to matters to be included in the statement, the serving of exhibits, the reading aloud at the hearing of the statement and the manner of service. Removing these elements of statute will allow the procedures to be governed instead by the Criminal Procedure Rules. In practice these changes will allow these procedures to be overseen by the Criminal Procedure Rule Committee, which was created by the Courts Act 2003 explicitly to make rules governing the practice and procedure to be followed in the criminal courts. The Committee will be able to ensure that the rules provide appropriate safeguards for defendants but do not require courts to follow procedures that are unnecessarily complex or lengthy.
375. Criminal Procedure Rules made under section 69 of the Courts Act 2003 govern procedure in criminal courts in England and Wales and this section affects the law of England and Wales only. The section will come into force on a day to be appointed by the Secretary of State in a commencement order.