



# Criminal Procedure Act 1865

1865 CHAPTER 18 28 and 29 Vict

## 2 Summing up of evidence in cases of felony and misdemeanor.

If any prisoner or prisoners, defendant or defendants, shall be defended by counsel, but not otherwise, it shall be the duty of the presiding judge, at the close of the case for the prosecution, to ask the counsel for each prisoner or defendant so defended by counsel whether he or they intend to adduce evidence; and in the event of none of them thereupon announcing his intention to adduce evidence, the counsel for the prosecution shall be allowed to address the jury a second time in support of his case, for the purpose of summing up the evidence against such prisoner or prisoners, or defendant or defendants; and upon every trial . . . . .<sup>F1</sup>, whether the prisoners or defendants, or any of them, shall be defended by counsel or not, each and every such prisoner or defendant, or his or their counsel respectively, shall be allowed, if he or they shall think fit, to open his or their case or cases respectively; and after the conclusion of such opening or of all such openings, if more than one, such prisoner or prisoners, or defendant or defendants, or their counsel, shall be entitled to examine such witnesses as he or they may think fit, and when all the evidence is concluded to sum up the evidence respectively; and the right of reply, and practice and course of proceedings, save as hereby altered, shall be as at present.

### Textual Amendments

**F1** Words repealed by (E.W.) Criminal Law Act 1967 (c. 58), **Sch. 3 Pt. III** and (N.I.) Criminal Law Act (Northern Ireland) 1967 (c. 18), **Sch. 2 Pt. II**

### Modifications etc. (not altering text)

**C1** S. 2 excluded (E.W.) by Criminal Justice Act 1948 (c. 58), **s. 42(1)** and Criminal Procedure (Right of Reply) Act 1964 (c. 34), **s. 1(1)(b)**

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Procedure Act 1865, Section 2.