



# Criminal Procedure Act 1865

1865 CHAPTER 18 28 and 29 Vict

## 6 Proof of previous conviction of witness may be given. **E+W+N.I.**

[<sup>F1</sup>(1)] [<sup>F2</sup>If, upon a witness being lawfully] questioned as to whether he has been convicted of any felony or misdemeanor, <sup>F3</sup> . . . he either denies or does not admit the fact, or refuses to answer, it shall be lawful for the cross-examining party to prove such conviction; [<sup>F4</sup>and a certificate containing the substance and effect only (omitting the formal part) of the indictment and conviction for such offence, purporting to be signed by [<sup>F5</sup>the proper officer of the court where the offender was convicted] (for which certificate a fee of [<sup>F6</sup>25 p] and no more shall be demanded or taken,) shall, upon proof of the identity of the person, be sufficient evidence of the said conviction, without proof of the signature or official character of the person appearing to have signed the same.]

[<sup>F7</sup>(2) In subsection (1) “proper officer” means—

- (a) in relation to a magistrates’ court in England and Wales, the [<sup>F8</sup>designated officer] for the court; and
- (b) in relation to any other court, the clerk of the court or other officer having the custody of the records of the court, or the deputy of such clerk or other officer.]

### Textual Amendments

- F1** S. 6 renumbered as s. 6(1) (1.4.2001) by 1999 c. 22, s. 90, **Sch. 13 para. 3** (with Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)**
- F2** Words in s. 6(1) substituted (15.12.2004 for E.W. and 3.4.2006 for N.I.) by Criminal Justice Act 2003 (c. 44), ss. 331, 336(3), **Sch. 36 para. 79(a)**; The Criminal Justice (Evidence) (Northern Ireland) Order 2004 (S.I. 2004/1501), arts. 1, 46(1) {Sch. 1 para. 1(a)} (with art. 43); S.I. 2004/3033, **art. 3(2)(b)(d)**; S.R. 2006/63, **art. 2**
- F3** Words in s. 6(1) repealed (15.12.2004 for E.W. and 3.4.2006 for N.I.) by Criminal Justice Act 2003 (c. 44), ss. 331, 332, 336(3), **Sch. 36 para. 79(b)**, **Sch. 37 Pt. 5**; The Criminal Justice (Evidence) (Northern Ireland) Order 2004 (S.I. 2004/1501), arts. 1, 46, Sch. 1 para. 1(b); **Sch. 2**; S.I. 2004/3033, **art. 3(2)(b)(d)(e)(i)**; S.R. 2006/53, **art. 2**
- F4** Words from “and a certificate” onwards repealed in relation to criminal proceedings by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 119, **Sch. 7 Pt. IV**
- F5** Words substituted (1.4.2001) by 1999 c. 22, s. 90, **Sch. 13 para. 3** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 2(a)(ii)**

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*Changes to legislation: There are currently no known outstanding effects for the Criminal Procedure Act 1865, Section 6. (See end of Document for details)*

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- F6** Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\), s. 10\(1\)](#)
- F7** [S. 6\(2\)](#) inserted (1.4.2001) by [1999 c. 22, s. 90, Sch. 13 para. 3](#) (with [Sch. 14 para. 7\(2\)](#)); S.I. [2001/916, art. 2\(a\)\(ii\)](#)
- F8** Words in [s. 6\(2\)\(a\)](#) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\), ss. 109\(1\), 110\(1\), Sch. 8 para. 47](#); S.I. [2005/910, art. 3\(y\)](#)

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