



# Criminal Law Amendment Act 1867

1867 CHAPTER 35 30 and 31 Vict

An Act to remove some defects in the Administration of the Criminal Law. [20th June 1867]

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

- C1 Short title given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 Preamble omitted under authority of [Statute Law Revision Act 1893 \(c. 14\)](#)

1 ..... F1

**Textual Amendments**

- F1 [S. 1](#) repealed by [Administration of Justice \(Miscellaneous Provisions\) Act 1933 \(c. 36\)](#), [Sch. 3](#)

2 ..... F2

**Textual Amendments**

- F2 [Ss. 2, 5](#) repealed by Costs in [Criminal Cases Act 1908 \(c. 15\)](#), [Sch.](#)

3 ..... F3

**Textual Amendments**

- F3 [S. 3](#) repealed by [Criminal Justice Act 1925 \(c. 86\)](#), [Sch. 3](#)

*Changes to legislation: There are currently no known outstanding effects for the Criminal Law Amendment Act 1867. (See end of Document for details)*

4 ..... F4

#### Textual Amendments

F4 Ss. 4, 9 repealed by Magistrates' Courts Act 1952 (c. 55), Sch. 6

5 ..... F5

#### Textual Amendments

F5 Ss. 2, 5 repealed by Costs in Criminal Cases Act 1908 (c. 15), Sch.

[<sup>F6</sup> †Power to take deposition of person dangerously ill, and not likely to recover, and to make same evidence in certain events, after death of such person.

.....<sup>F7</sup>[<sup>F8</sup> an.....<sup>F9</sup> officer to whom a statement taken under [<sup>F10</sup>section 105 of the Magistrates' Courts Act 1980], is sent in pursuance of rules made under [<sup>F10</sup>section 144 of the Act] , shall preserve] the same, and file it of record; and if afterwards, upon the trial of any offender or offence to which the same may relate, the person who made the same statement shall be proved to be dead, or if it shall be proved that there is no reasonable probability that such person will ever be able to travel or to give evidence, it shall be lawful to read such statement in evidence, either for or against the accused, without further proof thereof, if the same purports to be signed by the justice by or before whom it purports to be taken, and provided it be proved to the satisfaction of the court that reasonable notice of the intention to take such statement has been served upon the person (whether prosecutor or accused) against whom it is proposed to be read in evidence, and that such person, or his counsel or attorney, had or might have had, if he had chosen to be present, full opportunity of cross-examining the deceased person who made the same.]

#### Textual Amendments

F6 S. 6 repealed (E.W.) (4.7.1996 with effect as mentioned in Sch. 1 Pt. III para. 39 of the amending Act) by 1996 c. 25, ss.47, 65(4), 80, Sch. 1 Pt. II para. 14, Sch. 5 para. 10 (with s. 78(1)); S.I. 1997/683 art. 1

F7 Recital omitted under authority of Statute Law Revision Act 1893 (c. 14) and words repealed by Magistrates' Courts Act 1952 (c. 55), Sch. 6

F8 Words substituted by Magistrates' Courts Act 1952 (c. 55), Sch. 5

F9 Words repealed by Courts Act 1971 (c. 23), Sch. 11 Pt. IV

F10 Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154, Sch. 7 para. 2

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

C3 Unreliable marginal note.

[<sup>F117</sup> Provision for the prisoner being present at taking of statement.

Whenever a prisoner in actual custody shall have served or shall have received notice of an intention to take such statement as herein-before mentioned, the judge or justice

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of the peace by whom the prisoner was committed, or the visiting justices of the prison in which he is confined, may, by an order in writing, direct the gaoler having the custody of the prisoner to convey him to the place mentioned in the said notice for the purpose of being present at the taking of the statement; and such gaoler shall convey the prisoner accordingly, . . . <sup>F12</sup>]

.....  
**Textual Amendments**

- F11** S. 7 repealed (E.W.) (4.7.1996 but with effect as mentioned in Sch. 1 Pt. III para. 39) by 1996 c. 25, ss. 47, 65(4), 80, Sch. 1 Pt. II para. 14, **Sch. 5 para. 10** (with s. 78(1)); S.I. 1997/683 art. 1
- F12** Words repealed by Statute Law Revision Act 1893 (c. 14)

**8** ..... <sup>F13</sup>

.....  
**Textual Amendments**

- F13** S. 8 repealed by Oaths Act 1888 (c. 46), **Sch.**

**9** ..... <sup>F14</sup>

.....  
**Textual Amendments**

- F14** Ss. 4, 9 repealed by Magistrates' Courts Act 1952 (c. 55), **Sch. 6**

**10** **Governor of prison to bring up the body of any person indicted, without writ of habeas corpus, under order of court.**

[<sup>F15</sup>Where a person who has been granted bail in criminal proceedings is, while awaiting trial for the offence before the Crown Court, in prison] , under warrant of commitment, or under sentence for some other offence, it shall be lawful for the court, by order in writing, to direct the governor of the said prison to bring up the body of such person in order that he may be arraigned upon such indictment without writ of habeas corpus, and the said governor shall thereupon obey such order.

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**Textual Amendments**

- F15** Words substituted by Bail Act 1976 (c. 63), **Sch. 2 para. 3**

**11** **Extent of Act.**

This Act shall not extend to Ireland.

**12** ..... <sup>F16</sup>

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#### **Textual Amendments**

**F16** S. 12 repealed by [Statute Law Revision Act 1893 \(c. 14\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Law Amendment Act 1867.