



Criminal Law Amendment Act 1867

1867 CHAPTER 35 30 and 31 Vict

[^{F1}6 †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.

.....^{F2}[^{F3}an.....^{F4} officer to whom a statement taken under [^{F5}section 105 of the Magistrates' Courts Act 1980], is sent in pursuance of rules made under [^{F5}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

- F1** S. 6 repealed (E.W.) (4.7.1996 with effect as mentioned in Sch. 1 Pt.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
- F2** Recital omitted under authority of Statute Law Revision Act 1893 (c. 14) and words repealed by Magistrates' Courts Act 1952 (c. 55), **Sch. 6**
- F3** Words substituted by Magistrates' Courts Act 1952 (c. 55), **Sch. 5**
- F4** Words repealed by Courts Act 1971 (c. 23), **Sch. 11 Pt. IV**
- F5** Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154, **Sch. 7 para. 2**

Modifications etc. (not altering text)

- C1** Unreliable marginal note.

Changes to legislation:

There are currently no known outstanding effects for the Criminal Law Amendment Act 1867, Section 6.