



Criminal Procedure and Investigations Act 1996

1996 CHAPTER 25

PART VII

MISCELLANEOUS AND GENERAL

Evidence: special provisions

62 Television links and video recordings

(1) In section 32 of the Criminal Justice Act 1988 (evidence through television links) the following subsections shall be inserted after subsection (3B)—

“(3C) Where—

- (a) the court gives leave for a person to give evidence through a live television link, and
- (b) the leave is given by virtue of subsection (1)(b) above,

then, subject to subsection (3D) below, the person concerned may not give evidence otherwise than through a live television link.

(3D) In a case falling within subsection (3C) above the court may give permission for the person to give evidence otherwise than through a live television link if it appears to the court to be in the interests of justice to give such permission.

(3E) Permission may be given under subsection (3D) above—

- (a) on an application by a party to the case, or
- (b) of the court’s own motion;

but no application may be made under paragraph (a) above unless there has been a material change of circumstances since the leave was given by virtue of subsection (1)(b) above.”

Status: This is the original version (as it was originally enacted).

- (2) In section 32A of the Criminal Justice Act 1988 (video recordings of testimony from child witnesses) the following subsections shall be inserted after subsection (6)—
- “(6A) Where the court gives leave under subsection (2) above the child witness shall not give relevant evidence (within the meaning given by subsection (6D) below) otherwise than by means of the video recording; but this is subject to subsection (6B) below.
- (6B) In a case falling within subsection (6A) above the court may give permission for the child witness to give relevant evidence (within the meaning given by subsection (6D) below) otherwise than by means of the video recording if it appears to the court to be in the interests of justice to give such permission.
- (6C) Permission may be given under subsection (6B) above—
- (a) on an application by a party to the case, or
 - (b) of the court’s own motion;
- but no application may be made under paragraph (a) above unless there has been a material change of circumstances since the leave was given under subsection (2) above.
- (6D) For the purposes of subsections (6A) and (6B) above evidence is relevant evidence if—
- (a) it is evidence in chief on behalf of the party who tendered the video recording, and
 - (b) it relates to matter which, in the opinion of the court, is dealt with in the recording and which the court has not directed to be excluded under subsection (3) above.”

(3) This section applies where the leave concerned is given on or after the appointed day.

(4) The reference in subsection (3) to the appointed day is to such day as is appointed for the purposes of this section by the Secretary of State by order.

63 Road traffic and transport: provision of specimens

- (1) In section 7(3) of the Road Traffic Act 1988 (provision of blood or urine in course of investigating whether certain road traffic offences have been committed) after paragraph (b) there shall be inserted—
- “(bb) a device of the type mentioned in subsection (1)(a) above has been used at the police station but the constable who required the specimens of breath has reasonable cause to believe that the device has not produced a reliable indication of the proportion of alcohol in the breath of the person concerned, or”.
- (2) In section 31(4) of the Transport and Works Act 1992 (provision of blood or urine in course of investigating whether certain offences have been committed by persons working on transport systems) the word “or” at the end of paragraph (b) shall be omitted and after that paragraph there shall be inserted—
- “(bb) a device of the type mentioned in subsection (1)(a) above has been used at the police station but the constable who required the specimens of breath has reasonable cause to believe that the device has not produced a reliable indication of the proportion of alcohol in the breath of the person concerned, or”.

- (3) This section applies where it is proposed to make a requirement mentioned in section 7(3) of the 1988 Act or section 31(3) of the 1992 Act after the appointed day.
- (4) The reference in subsection (3) to the appointed day is to such day as is appointed for the purposes of this section by the Secretary of State by order.

64 Checks against fingerprints etc

- (1) In section 63A of the Police and Criminal Evidence Act 1984 the following subsections shall be substituted for subsection (1) (checks against fingerprints etc. where a person has been arrested on suspicion of being involved in a recordable offence)—

“(1) Where a person has been arrested on suspicion of being involved in a recordable offence or has been charged with such an offence or has been informed that he will be reported for such an offence, fingerprints or samples or the information derived from samples taken under any power conferred by this Part of this Act from the person may be checked against—

- (a) other fingerprints or samples to which the person seeking to check has access and which are held by or on behalf of a police force (or police forces) falling within subsection (1A) below or are held in connection with or as a result of an investigation of an offence;
- (b) information derived from other samples if the information is contained in records to which the person seeking to check has access and which are held as mentioned in paragraph (a) above.

(1A) Each of the following police forces falls within this subsection—

- (a) a police force within the meaning given by section 62 of the Police Act 1964 (which relates to England and Wales);
- (b) a police force within the meaning given by section 50 of the Police (Scotland) Act 1967;
- (c) the Royal Ulster Constabulary and the Royal Ulster Constabulary Reserve;
- (d) the States of Jersey Police Force;
- (e) the salaried police force of the Island of Guernsey;
- (f) the Isle of Man Constabulary.”

- (2) This section applies where a person—
 - (a) is arrested on suspicion of being involved in a recordable offence,
 - (b) is charged with a recordable offence, or
 - (c) is informed that he will be reported for a recordable offence,after the day on which this Act is passed.