



Criminal Justice Act 1967

1967 CHAPTER 80

PART I

CRIMINAL PROCEDURE, ETC.

Committal proceedings

1 Committal for trial without consideration of the evidence.

- (1) A magistrates' court inquiring into an offence as examining justices may, if satisfied that all the evidence before the court (whether for the prosecution or the defence) consists of written statements tendered to the court under the next following section, with or without exhibits, commit the defendant for trial for the offence without consideration of the contents of those statements, unless—
 - (a) the defendant or one of the defendants is not represented by counsel or a solicitor;
 - (b) counsel or a solicitor for the defendant or one of the defendants, as the case may be, has requested the court to consider a submission that the statements disclose insufficient evidence to put that defendant on trial by jury for the offence.
- (2) Section 7(1) of the Magistrates' Courts Act 1952 (committal for trial on consideration of the evidence) shall not apply to a committal for trial under this section.

2 Written statements before examining justices.

- (1) In committal proceedings a written statement by any person shall, if the conditions mentioned in the next following subsection are satisfied, be admissible as evidence to the like extent as oral evidence to the like effect by that person.
- (2) The said conditions are:—
 - (a) the statement purports to be signed by the person who made it;

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- (b) the statement contains a declaration by that person to the effect that it is true to the best of his knowledge and belief and that he made the statement knowing that, if it were tendered in evidence, he would be liable to prosecution if he wilfully stated in it anything which he knew to be false or did not believe to be true;
 - (c) before the statement is tendered in evidence, a copy of the statement is given, by or on behalf of the party proposing to tender it, to each of the other parties to the proceedings ; and
 - (d) none of the other parties, before the statement is tendered in evidence at the committal proceedings, objects to the statement being so tendered under this section.
- (3) The following provisions shall also have effect in relation to any written statement tendered in evidence under this section, that is to say—
 - (a) if the statement is made by a person under the age of twenty-one, it shall give his age;
 - (b) if it is made by a person who cannot read it, it shall be read to him before he signs it and shall be accompanied by a declaration by the person who so read the statement to the effect that it was so read; and
 - (c) if it refers to any other document as an exhibit, the copy given to any other party to the proceedings under paragraph (c) of the last foregoing subsection shall be accompanied by a copy of that document or by such information as may be necessary in order to enable the party to whom it is given to inspect that document or a copy thereof.
- (4) Notwithstanding that a written statement made by any person may be admissible in committal proceedings by virtue of this section, the court before which the proceedings are held may, of its own motion or on the application of any party to the proceedings, require that person to attend before the court and give evidence.
- (5) So much of any statement as is admitted in evidence by virtue of this section shall, unless the court commits the defendant for trial by virtue of the last foregoing section or the court otherwise directs, be read aloud at the hearing, and where the court so directs an account shall be given orally of so much of any statement as is not read aloud.
- (6) Any document or object referred to as an exhibit and identified in a written statement tendered in evidence under this section shall be treated as if it had been produced as an exhibit and identified in court by the maker of the statement.
- (7) Section 13(3) of the Criminal Justice Act 1925 (reading of deposition as evidence at the trial) shall apply to any written statement tendered in evidence in committal proceedings under this section, as it applies to a deposition taken in such proceedings, but in its application to any such statement that subsection shall have effect as if paragraph (b) thereof were omitted.
- (8) In section 2(2) of the Administration of Justice (Miscellaneous Provisions) Act 1933 (procedure for preferring bills of indictment) the reference in proviso (i) to facts disclosed in any deposition taken before a justice in the presence of the defendant shall be construed as including a reference to facts disclosed in any such written statement as aforesaid.
- (9) Section 23 of the Magistrates' Courts Act 1952 (use in summary trial of evidence given in committal proceedings) shall not apply to any such statement as aforesaid.

- (10) A person whose written statement is tendered in evidence in committal proceedings under this section shall be treated for the purposes of section 1 of the Criminal Procedure (Attendance of Witnesses) Act 1965 (witness orders) as a witness who has been examined by the court.

3 Restrictions on reports of committal proceedings.

- (1) Except as provided by subsections (2) and (3) of this section, it shall not be lawful to publish in Great Britain a written report, or to broadcast in Great Britain a report, of any committal proceedings in England and Wales containing any matter other than that permitted by subsection (4) of this section.
- (2) A magistrates' court shall, on an application for the purpose made with reference to any committal proceedings by the defendant or one of the defendants, as the case may be, order that the foregoing subsection shall not apply to reports of those proceedings.
- (3) It shall not be unlawful under this section to publish or broadcast a report of committal proceedings containing any matter other than that permitted by the next following subsection.—
- (a) where the magistrates' court determines not to commit the defendant or the defendants for trial, after it so determines;
- (b) where the court commits the defendant or any of the defendants for trial, after the conclusion of his trial or, as the case may be, the trial of the last to be tried; and where at any time during the inquiry the court proceeds to try summarily the case of one or more of the defendants under section 18, 19 or 20 of the Magistrates' Courts Act 1952 (summary trial of indictable offences), while committing the other defendant or one or more of the other defendants for trial, it shall not be unlawful under this section to publish or broadcast as part of a report of the summary trial, after the court determines to proceed as aforesaid, a report of so much of the committal proceedings containing any such matter as takes place before the determination.
- (4) The following matters may be contained in a report of committal proceedings published or broadcast without an order under subsection (2) of this section before the time authorised by the last foregoing subsection, that is to say.—
- (a) the identity of the court and the names of the examining justices;
- (b) the names, addresses and occupations of the parties and witnesses and the ages of the defendant or defendants and witnesses;
- (c) the offence or offences, or a summary of them, with which the defendant or defendants is or are charged;
- (d) the names of counsel and solicitors engaged in the proceedings;
- (e) any decision of the court to commit the defendant or any of the defendants for trial, and any decision of the court on the disposal of the case of any defendants not committed;
- (f) where the court commits the defendant or any of the defendants for trial, the charge or charges, or a summary of them, on which he is committed and the court to which he is committed;
- (g) where the committal proceedings are adjourned, the date and place to which they are adjourned;
- (h) any arrangements as to bail on committal or adjournment ;
- (i) whether legal aid was granted to the defendant or any of the defendants.

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- (5) If a report is published or broadcast in contravention of this section, the following persons, that is to say—
- (a) in the case of a publication of a written report as part of a newspaper or periodical, any proprietor, editor or publisher of the newspaper or periodical;
 - (b) in the case of a publication of a written report other wise than as part of a newspaper or periodical, the person who publishes it;
 - (c) in the case of a broadcast of a report, any body corporate which transmits or provides the programme in which the report is broadcast and any person having functions in relation to the programme corresponding to those of the editor of a newspaper or periodical;
- shall be liable on summary conviction to a fine not exceeding £500.
- (6) Proceedings for an offence under this section shall not, in England and Wales, be instituted otherwise than by or with the consent of the Attorney-General.
- (7) Subsection (1) of this section shall be in addition to, and not in derogation from, the provisions of any other enactment with respect to the publication of reports and proceedings of magistrates' and other courts.

4 Notice of result of committal proceedings.

Where a magistrates' court acting as examining justices commits any person for trial or determines to discharge him, the clerk of the court shall, on the day on which the committal proceedings are concluded or the next day, cause to be displayed in a part of the court house to which the public have access a notice—

- (a) in either case giving that person's name, address, and age (if known);
- (b) in a case where the court so commits him, stating the charge or charges on which he is committed and the court to which he is committed;
- (c) in a case where the court determines to discharge him, describing the offence charged and stating that it has so determined.

5 Privilege of newspaper reports of committal proceedings in libel actions.

Any report in a newspaper, and any broadcast report, of committal proceedings in a case where publication is permitted by virtue only of section 3(3) of this Act, published as soon as practicable after it is so permitted, shall be treated for the purposes of section 3 of the Law of Libel Amendment Act 1888 (privilege of contemporaneous newspaper reports of court proceedings) and section 9(2) of the Defamation Act 1952 (extension of the said section 3 to broadcasting) as having been published or broadcast contemporaneously with the committal proceedings.

6 Duty of examining justices to sit in open court.

- (1) Examining justices shall sit in open court except where any enactment contains an express provision to the contrary and except where it appears to them as respects the whole or any part of committal proceedings that the ends of justice would not be served by their sitting in open court.
- (2) Section 4(2) of the Magistrates' Courts Act 1952 (no obligation on examining justices to sit in open court) is hereby repealed.

7 Signature of depositions.

An examining justice who signs a certificate authenticating one or more depositions or statements tendered under section 2 of this Act shall be treated for the purposes of section 13(3)(c) of the Criminal Justice Act 1925 (requirement that depositions read at the trial must have been signed by an examining justice) as signing that deposition or statement or each of those depositions and statements.