Criminal Justice Act 1967

1967 CHAPTER 80

PART I

CRIMINAL PROCEDURE, ETC.

Miscellaneous provisions as to evidence, procedure and trial

9 Proof by written statement.

(1) In any criminal proceedings**[**[F1], other than committal proceedings under sections 4 to 6 of the Magistrates' Courts Act 1980,**]** a written statement by any person shall, if such of the conditions mentioned in the next following subsection as are applicable 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;

(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 hearing at which the statement is tendered in evidence, a copy of the statement is served, by or on behalf of the party proposing to tender it, on each of the other parties to the proceedings; and

(d) none of the other parties or their solicitors, **[**[F2]within the relevant period**]**, serves a notice on the party so proposing objecting to the statement being tendered in evidence under this section:

Provided that the conditions mentioned in paragraphs (*c*) and (*d*) of this subsection shall not apply if the parties agree before or during the hearing that the statement shall be so tendered.

[[F3](2A) For the purposes of subsection (2)(d), "the relevant period" is—

(a) such number of days, which may not be less than seven, from the service of the copy of the statement as may be prescribed by Criminal Procedure Rules, or

(b) if no such number is prescribed, seven days from the service of the copy of the statement.**]**

[F4](3) . . . . . .

(4) Notwithstanding that a written statement made by any person may be admissible as evidence by virtue of this section—

(a) the party by whom or on whose behalf a copy of the statement was served may call that person to give evidence; and

(b) the court 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) An application under paragraph (*b*) of the last foregoing subsection to a court other than a magistrates' court may be made before the hearing and on any such application the powers of the court shall be exercisable

[[F5](a) by a puisne judge of the High Court, a Circuit judge or Recorder sitting alone.**][**[F6]; or

(b) subject to subsection (5A), by a qualifying judge advocate (within the meaning of the Senior Courts Act 1981) sitting alone.

(5A) Subsection (5)(b) applies only where the application in question is to the Crown Court.**]**

[F7](6) . . . . . .

(7) 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.

[F8](8) . . . . . .

Textual Amendments

F1 Words in s. 9(1) repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 3 para. 43(2), **Sch. 37 Pt. 4**; S.I. 2012/1320, art. 4(1)(c)(d)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c)(d), Sch. (with arts. 34) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(d)(2)(3) (with arts. 34)

F2 Words in s. 9(2)(d) substituted (26.5.2015) by Deregulation Act 2015 (c. 20), **ss. 80(2)**, 115(7); S.I. 2015/994, art. 6(m)

F3 S. 9(2A) inserted (26.5.2015) by Deregulation Act 2015 (c. 20), **ss. 80(3)**, 115(7); S.I. 2015/994, art. 6(m)

F4 S. 9(3) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), **ss. 80(4)(a)**, 115(7); S.I. 2015/994, art. 6(m); S.I. 2015/994, art. 6(m)

F5 Words in s. 9(5) renumbered as s. 9(5)(a) (temp.) (2.4.2012) by Armed Forces Act 2011 (c. 18), s. 32(3), **Sch. 2 para. 8(2)(b)(3)**; S.I. 2012/669, **art. 4(c)**

F6 S. 9(5)(b)(5A) and word inserted (temp.) (2.4.2012) by Armed Forces Act 2011 (c. 18), s. 32(3), **Sch. 2 para. 8(2)(b)(4)**; S.I. 2012/669, **art. 4(c)**

F7 S. 9(6) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), **ss. 80(4)(b)**, 115(7); S.I. 2015/994, art. 6(m)

F8 S. 9(8) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), **ss. 80(4)(c)**, 115(7); S.I. 2015/994, art. 6(m)

Modifications etc. (not altering text)

C1 S. 9 excluded by Medicines Act 1968 (c. 67), **Sch. 3 para. 26**; extended with modifications by Army Act 1955 (c. 18), **s. 99A** and Air Force Act 1955 (c. 19), **s. 99A**

C2 S. 9 extended with modifications by Isle of Man Act 1979 (c. 58, SIF 29:4), **s. 5(3)**

C3 S. 9 excluded by S.I. 1985/273, reg. 3, **Sch. 2 Pt. VI**, para. 12

C4 S. 9 modified by Road Traffic Offenders Act 1988 (c. 53, SIF 107:1), **ss. 79(4)**, 99(2)(3)(4)

C5 S. 9 applied (1.4.1997) by 1957 c. 53, **ss. 64A-64D** (as inserted (1.4.1997) by 1996 c. 46, s. 5, **Sch. 1 Pt. III para. 63**; S.I. 1997/304, **art. 2**)
S. 9: power to apply (with modifications) conferred (1.4.1997) by 1957 c. 53, **ss. 63A-64D** (as inserted (1.4.1997) by 1996 c. 46, s. 5, **Sch. 1 Pt. III para. 63**; S.I. 1997/304, **art. 2**)
S. 9 modified (2.10.2000) by S.I. 2000/2370, rule 27(2), **Sch. 3 Pt. I**
S. 9 modified (2.10.2000) by S.I. 2000/2371, rule 27(2), **Sch. 3 Pt. I**
S. 9 modified (2.10.2000) by S.I. 2000/2372, rule 27(2), **Sch. 3 Pt. I**

C6 S. 9 applied (with modifications) (1.4.1997) by S.I. 1997/173, reg. 2, **Sch.**

C7 S. 9 applied (1.1.2004) by Extradition Act 2003 (c. 41), **s. 205(1)**(2)(a), 221; S.I. 2003/3103, art. 2 (with arts. 34) (as amended (18.12.2003) by S.I. 2003/3312, art. 2)

C8 S. 9 modified (8.2.2007) by Wireless Telegraphy Act 2006 (c. 36), s. 126(2), **Sch. 4 para. 10(3)(a)**(5)(a)(6)(a) (with Sch. 8 paras. 20, 27)

C9 S. 9 applied (with modifications) (31.10.2009) by The Armed Forces (Court Martial) Rules 2009 (S.I. 2009/2041), rules 1, **75(1)**(2)

C10 S. 9 applied (with modifications) (31.10.2009) by The Armed Forces (Summary Appeal Court) Rules 2009 (S.I. 2009/1211), rules 1, **61(1)**(2)

C11 S. 9 applied (with modifications) (31.10.2009) by The Armed Forces (Service Civilian Court) Rules 2009 (S.I. 2009/1209), rules 1, **60(1)**(2)

C12 S. 9 excluded (14.8.2012) by The Human Medicines Regulations 2012 (S.I. 2012/1916), reg. 1(2), **Sch. 31 para. 26(1)** (with Sch. 32)

C13 S. 9(2A) applied (with modifications) by Wireless Telegraphy Act 2006 (c. 36), Sch. 4 para. 10(5A) (as inserted (26.5.2015) by Deregulation Act 2015 (c. 20), **ss. 80(5)(c)**, 115(7); S.I. 2015/994, art. 6(m))

Changes to legislation:
There are currently no known outstanding effects for the Criminal Justice Act 1967, Section 9.