



# Criminal Justice Act 1988

## 1988 CHAPTER 33

### PART II

#### DOCUMENTARY EVIDENCE IN CRIMINAL PROCEEDINGS

#### **25 Principles to be followed by court**

(1) If, having regard to all the circumstances—

- (a) the Crown Court—
  - (i) on a trial on indictment;
  - (ii) on an appeal from a magistrates' court; or
  - (iii) on the hearing of an application under section 6 of the Criminal Justice Act 1987 (applications for dismissal of charges of fraud transferred from magistrates' court to Crown Court); or
- (b) the criminal division of the Court of Appeal; or
- (c) a magistrates' court on a trial of an information,

is of the opinion that in the interests of justice a statement which is admissible by virtue of section 23 or 24 above nevertheless ought not to be admitted, it may direct that the statement shall not be admitted.

(2) Without prejudice to the generality of subsection (1) above, it shall be the duty of the court to have regard—

- (a) to the nature and source of the document containing the statement and to whether or not, having regard to its nature and source and to any other circumstances that appear to the court to be relevant, it is likely that the document is authentic;
- (b) to the extent to which the statement appears to supply evidence which would otherwise not be readily available;
- (c) to the relevance of the evidence that it appears to supply to any issue which is likely to have to be determined in the proceedings; and
- (d) to any risk, having regard in particular to whether it is likely to be possible to controvert the statement if the person making it does not attend to give

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*Status: This is the original version (as it was originally enacted).*

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oral evidence in the proceedings, that its admission or exclusion will result in unfairness to the accused or, if there is more than one, to any of them.