

Status: Point in time view as at 24/07/2002.

Changes to legislation: Criminal Procedure and Investigations Act 1996, Part II is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 1

COMMITTAL PROCEEDINGS

PART II

OTHER PROVISIONS

Criminal Law Amendment Act 1867

- 14 Sections 6 and 7 of the ^{M1}Criminal Law Amendment Act 1867 (statements taken under section 105 of the ^{M2}Magistrates' Courts Act 1980) shall be omitted.

Marginal Citations

- M1** 1867 c. 35.
M2 1980 c. 43.

Bankers' Books Evidence Act 1879

- 15 The following shall be inserted at the end of section 4 of the ^{M3}Bankers' Books Evidence Act 1879—
- “Where the proceedings concerned are proceedings before a magistrates' court inquiring into an offence as examining justices, this section shall have effect with the omission of the words “orally or”.”

Marginal Citations

- M3** 1879 c. 11.

- 16 The following shall be inserted at the end of section 5 of the Bankers' Books Evidence Act 1879—
- “Where the proceedings concerned are proceedings before a magistrates' court inquiring into an offence as examining justices, this section shall have effect with the omission of the words “either orally or”.”

Administration of Justice (Miscellaneous Provisions) Act 1933

- 17 In section 2 of the ^{M4}Administration of Justice (Miscellaneous Provisions) Act 1933 (procedure for indictment of offenders) in proviso (i) to subsection (2) for the words “in any examination or deposition taken before a justice in his presence” there shall

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be substituted “ to the magistrates’ court inquiring into that offence as examining justices ”.

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Marginal Citations
M4 1933 c. 36.

Criminal Justice Act 1948

18 In section 41 of the ^{M5}Criminal Justice Act 1948 (evidence by certificate) the following subsection shall be inserted after subsection (5)—

“(5A) Where the proceedings mentioned in subsection (1) above are proceedings before a magistrates’ court inquiring into an offence as examining justices this section shall have effect with the omission of—

- (a) subsection (4), and
- (b) in subsection (5), paragraph (b) and the word “or” immediately preceding it.”

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Marginal Citations
M5 1948 c. 58.

Theft Act 1968

19 In section 27 of the ^{M6}Theft Act 1968 (evidence on charge of theft or handling stolen goods) the following subsection shall be inserted after subsection (4)—

“(4A) Where the proceedings mentioned in subsection (4) above are proceedings before a magistrates’ court inquiring into an offence as examining justices that subsection shall have effect with the omission of the words from “subject to the following conditions” to the end of the subsection.”

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Marginal Citations
M6 1968 c. 60.

^{F1}20

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Textual Amendments
F1 Sch. 1 para. 20 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168, Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

Children and Young Persons Act 1969

21 In Schedule 5 to the ^{M7}Children and Young Persons Act 1969, in paragraph 55 for the words “section 102” there shall be substituted “ section 5B ”.

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Marginal Citations

M7 1969 c. 54.

Criminal Justice Act 1972

22 (1) Section 46 of the ^{M7}Criminal Justice Act 1972 (written statements made outside England and Wales) shall be amended as follows.

(2) In subsection (1) the following words shall be omitted—

- (a) “Section 102 of the Magistrates’ Courts Act 1980 and”;
- (b) “which respectively allow”;
- (c) “committal proceedings and in other”;
- (d) “and section 106 of the said Act of 1980”;
- (e) “which punish the making of”;
- (f) “102 or”;
- (g) “, as the case may be”.

(3) The following subsections shall be inserted after subsection (1)—

“(1A) The following provisions, namely—

- (a) so much of section 5A of the Magistrates’ Courts Act 1980 as relates to written statements and to documents or other exhibits referred to in them,
- (b) section 5B of that Act, and
- (c) section 106 of that Act,

shall apply where written statements are made in Scotland or Northern Ireland as well as where written statements are made in England and Wales.

(1B) The following provisions, namely—

- (a) so much of section 5A of the Magistrates’ Courts Act 1980 as relates to written statements and to documents or other exhibits referred to in them, and
- (b) section 5B of that Act,

shall (subject to subsection (1C) below) apply where written statements are made outside the United Kingdom.

(1C) Where written statements are made outside the United Kingdom—

- (a) section 5B of the Magistrates’ Courts Act 1980 shall apply with the omission of subsections (2)(b) and (3A);
- (b) paragraph 1 of Schedule 2 to the Criminal Procedure and Investigations Act 1996 (use of written statements at trial) shall not apply.”

(4) Subsection (2) shall be omitted.

Marginal Citations

M8 1972 c. 71.

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Sexual Offences (Amendment) Act 1976

F²23

Textual Amendments
F2 Sch. 1 para. 23 repealed (4.12.2000) by 1999 c. 23, s. 67, Sch. 6 (with Sch. 7 paras. 3(3), 5(2)); S.I. 2000/3075, art. 2(2)(c)

Police and Criminal Evidence Act 1984

24 The following shall be inserted at the end of section 71 of the ^{M9}Police and Criminal Evidence Act 1984 (microfilm copies)—

“Where the proceedings concerned are proceedings before a magistrates’ court inquiring into an offence as examining justices this section shall have effect with the omission of the words “authenticated in such manner as the court may approve.””

Marginal Citations
M9 1984 c. 60.

25 In section 76 of the Police and Criminal Evidence Act 1984 (confessions) the following subsection shall be inserted after subsection (8)—

“(9) Where the proceedings mentioned in subsection (1) above are proceedings before a magistrates’ court inquiring into an offence as examining justices this section shall have effect with the omission of—
(a) in subsection (1) the words “and is not excluded by the court in pursuance of this section”, and
(b) subsections (2) to (6) and (8).”

26 In section 78 of the Police and Criminal Evidence Act 1984 (exclusion of unfair evidence) the following subsection shall be inserted after subsection (2)—

“(3) This section shall not apply in the case of proceedings before a magistrates’ court inquiring into an offence as examining justices.”

F³27

Textual Amendments
F3 Sch. 1 para. 27 repealed (14.4.2000) by 1999 c. 23, s. 67, Sch. 6 (with Sch. 7 paras. 3(3), 5(2)); S.I. 2000/1034, art. 2(c), Sch.

Criminal Justice Act 1988

28 In section 23 of the ^{M10}Criminal Justice Act 1988 (first-hand hearsay) the following subsection shall be inserted after subsection (4)—

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“(5) This section shall not apply to proceedings before a magistrates’ court inquiring into an offence as examining justices.”

Marginal Citations

M10 1988 c. 33.

29 In section 24 of the Criminal Justice Act 1988 (business etc. documents) the following subsection shall be inserted after subsection (4)—

“(5) This section shall not apply to proceedings before a magistrates’ court inquiring into an offence as examining justices.”

30 The following shall be inserted at the end of section 26 of the Criminal Justice Act 1988 (statements in certain documents)—

“This section shall not apply to proceedings before a magistrates’ court inquiring into an offence as examining justices.”

31 The following shall be inserted at the end of section 27 of the Criminal Justice Act 1988 (proof of statements contained in documents)—

“This section shall not apply to proceedings before a magistrates’ court inquiring into an offence as examining justices.”

32 In section 30 of the Criminal Justice Act 1988 (expert reports) the following subsection shall be inserted after subsection (4)—

“(4A) Where the proceedings mentioned in subsection (1) above are proceedings before a magistrates’ court inquiring into an offence as examining justices this section shall have effect with the omission of—

- (a) in subsection (1) the words “whether or not the person making it attends to give oral evidence in those proceedings”, and
- (b) subsections (2) to (4).”

33 **F4**

Textual Amendments

F4 Sch. 1 para. 33 repealed (24.7.2002) by 1999 c. 23, s. 67, Sch. 6 (with Sch. 7 paras. 3(3), 5(2)); S.I. 2002/1739, art. 2(g)(vii)

34 In section 40 of the Criminal Justice Act 1988 (power to join in indictment count for common assault etc.) in subsection (1) for the words from “in an examination” to the end of the subsection there shall be substituted “to a magistrates’ court inquiring into the offence as examining justices”.

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Road Traffic Offenders Act 1988

35 In section 11 of the ^{M11}Road Traffic Offenders Act 1988 (evidence by certificate as to driver, user or owner) the following subsection shall be inserted after subsection (3)—

“(3A) Where the proceedings mentioned in subsection (1) above are proceedings before a magistrates’ court inquiring into an offence as examining justices this section shall have effect with the omission of—

- (a) subsection (2), and
- (b) in subsection (3), paragraph (b) and the word “or” immediately preceding it.”

Marginal Citations

M11 1988 c. 53.

36 In section 13 of the Road Traffic Offenders Act 1988 (admissibility of records as evidence) the following subsection shall be inserted after subsection (6)—

“(7) Where the proceedings mentioned in subsection (2) above are proceedings before a magistrates’ court inquiring into an offence as examining justices this section shall have effect as if—

- (a) in subsection (2) the words “to the same extent as oral evidence of that fact is admissible in those proceedings” were omitted;
- (b) in subsection (4) the word “and” were inserted at the end of paragraph (a);
- (c) in subsection (4), paragraphs (c) and (d) and the words “as if the accused had appeared and admitted it” were omitted.”

37 In section 16 of the Road Traffic Offenders Act 1988 (specimens) the following subsection shall be inserted after subsection (6)—

“(6A) Where the proceedings mentioned in section 15(1) of this Act are proceedings before a magistrates’ court inquiring into an offence as examining justices this section shall have effect with the omission of subsection (4).”

38 In section 20 of the Road Traffic Offenders Act 1988 (speeding etc.) the following subsection shall be inserted after subsection (8)—

“(8A) Where the proceedings for an offence to which this section applies are proceedings before a magistrates’ court inquiring into an offence as examining justices this section shall have effect as if in subsection (8) the words from “and nothing” to the end of the subsection were omitted.”

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