

## SCHEDULES

### SCHEDULE 2

#### STATEMENTS AND DEPOSITIONS

##### *Depositions*

- 2 (1) Sub-paragraph (2) applies if—
- (a) in pursuance of section 97A of the Magistrates' Courts Act 1980 (summons or warrant to have evidence taken as a deposition etc.) a person has had his evidence taken as a deposition for the purposes of proceedings before a magistrates' court inquiring into an offence as examining justices,
  - (b) the deposition has been admitted in evidence in those proceedings,
  - (c) in those proceedings a person has been committed for trial,
  - (d) for the purposes of section 5A of the Magistrates' Courts Act 1980 the deposition complied with section 5C of that Act prior to the committal for trial,
  - (e) the deposition purports to be signed by the justice before whom it purports to have been taken, and
  - (f) sub-paragraph (3) does not prevent sub-paragraph (2) applying.
- (2) Where this sub-paragraph applies the deposition may without further proof be read as evidence on the trial of the accused, whether for the offence for which he was committed for trial or for any other offence arising out of the same transaction or set of circumstances.
- (3) Sub-paragraph (2) does not apply if—
- (a) it is proved that the deposition was not signed by the justice by whom it purports to have been signed,
  - (b) the court of trial at its discretion orders that sub-paragraph (2) shall not apply, or
  - (c) a party to the proceedings objects to sub-paragraph (2) applying.
- (4) If a party to the proceedings objects to sub-paragraph (2) applying the court of trial may order that the objection shall have no effect if the court considers it to be in the interests of justice so to order.