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Changes to legislation: *Criminal Procedure and Investigations Act 1996 is up to date with all changes known to be in force on or before 19 July 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

Section 47.

COMMITTAL PROCEEDINGS

PART I

MAGISTRATES' COURTS ACT 1980

Introduction

1 The [M1]Magistrates' Courts Act 1980 shall be amended as mentioned in this Part of this Schedule.

Marginal Citations
M1 1980 c. 43.

Amendments

2 (1) Section 4 (general nature of committal proceedings) shall be amended as follows.

(2) The following subsection shall be substituted for subsection (3)—

"(3) Subject to subsection (4) below, evidence tendered before examining justices shall be tendered in the presence of the accused."

(3) In subsection (4) for the word "given" (in each place) there shall be substituted " tendered ".

3 The following sections shall be inserted after section 5—

"**5A Evidence which is admissible.**

(1) Evidence falling within subsection (2) below, and only that evidence, shall be admissible by a magistrates' court inquiring into an offence as examining justices.

(2) Evidence falls within this subsection if it—
(a) is tendered by or on behalf of the prosecutor, and
(b) falls within subsection (3) below.

(3) The following evidence falls within this subsection—
(a) written statements complying with section 5B below;
(b) the documents or other exhibits (if any) referred to in such statements;

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(c) depositions complying with section 5C below;
(d) the documents or other exhibits (if any) referred to in such depositions;
(e) statements complying with section 5D below;
(f) documents falling within section 5E below.

(4) In this section "document" means anything in which information of any description is recorded.

5B Written statements.

(1) For the purposes of section 5A above a written statement complies with this section if—
(a) the conditions falling within subsection (2) below are met, and
(b) such of the conditions falling within subsection (3) below as apply are met.

(2) The conditions falling within this subsection are that—
(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 statement is tendered in evidence a copy of the statement is given, by or on behalf of the prosecutor, to each of the other parties to the proceedings.

(3) The conditions falling within this subsection are that—
(a) if the statement is made by a person under 18 years old, it gives his age;
(b) if it is made by a person who cannot read it, it is read to him before he signs it and is accompanied by a declaration by the person who so read the statement to the effect that it was so read;
(c) if it refers to any other document as an exhibit, the copy given to any other party to the proceedings under subsection (2)(c) above is accompanied by a copy of that document or by such information as may be necessary to enable the party to whom it is given to inspect that document or a copy of it.

(4) So much of any statement as is admitted in evidence by virtue of this section shall, unless the court commits the accused for trial by virtue of section 6(2) below 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.

(5) Any document or other object referred to as an exhibit and identified in a statement admitted in evidence by virtue of this section shall be treated as if it had been produced as an exhibit and identified in court by the maker of the statement.

(6) In this section "document" means anything in which information of any description is recorded.

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5C Depositions.

(1) For the purposes of section 5A above a deposition complies with this section if—

(a) a copy of it is sent to the prosecutor under section 97A(9) below,

(b) the condition falling within subsection (2) below is met, and

(c) the condition falling within subsection (3) below is met, in a case where it applies.

(2) The condition falling within this subsection is that before the magistrates' court begins to inquire into the offence concerned as examining justices a copy of the deposition is given, by or on behalf of the prosecutor, to each of the other parties to the proceedings.

(3) The condition falling within this subsection is that, if the deposition refers to any other document as an exhibit, the copy given to any other party to the proceedings under subsection (2) above is accompanied by a copy of that document or by such information as may be necessary to enable the party to whom it is given to inspect that document or a copy of it.

(4) So much of any deposition as is admitted in evidence by virtue of this section shall, unless the court commits the accused for trial by virtue of section 6(2) below 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 deposition as is not read aloud.

(5) Any document or other object referred to as an exhibit and identified in a deposition admitted in evidence by virtue of this section shall be treated as if it had been produced as an exhibit and identified in court by the person whose evidence is taken as the deposition.

(6) In this section "document" means anything in which information of any description is recorded.

5D Statements.

(1) For the purposes of section 5A above a statement complies with this section if the conditions falling within subsections (2) to (4) below are met.

(2) The condition falling within this subsection is that, before the committal proceedings begin, the prosecutor notifies the magistrates' court and each of the other parties to the proceedings that he believes—

(a) that the statement might by virtue of section 23 or 24 of the [M2]Criminal Justice Act 1988 (statements in certain documents) be admissible as evidence if the case came to trial, and

(b) that the statement would not be admissible as evidence otherwise than by virtue of section 23 or 24 of that Act if the case came to trial.

(3) The condition falling within this subsection is that—

(a) the prosecutor's belief is based on information available to him at the time he makes the notification,

(b) he has reasonable grounds for his belief, and

(c) he gives the reasons for his belief when he makes the notification.

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(4) The condition falling within this subsection is that when the court or a party is notified as mentioned in subsection (2) above a copy of the statement is given, by or on behalf of the prosecutor, to the court or the party concerned.

(5) So much of any statement as is in writing and is admitted in evidence by virtue of this section shall, unless the court commits the accused for trial by virtue of section 6(2) below 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.

5E Other documents.

(1) The following documents fall within this section—

(a) any document which by virtue of any enactment is evidence in proceedings before a magistrates' court inquiring into an offence as examining justices;

(b) any document which by virtue of any enactment is admissible, or may be used, or is to be admitted or received, in or as evidence in such proceedings;

(c) any document which by virtue of any enactment may be considered in such proceedings;

(d) any document whose production constitutes proof in such proceedings by virtue of any enactment;

(e) any document by the production of which evidence may be given in such proceedings by virtue of any enactment.

(2) In subsection (1) above—

(a) references to evidence include references to prima facie evidence;

(b) references to any enactment include references to any provision of this Act.

(3) So much of any document as is admitted in evidence by virtue of this section shall, unless the court commits the accused for trial by virtue of section 6(2) below 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 document as is not read aloud.

(4) In this section "document" means anything in which information of any description is recorded.

5F Proof by production of copy.

(1) Where a statement, deposition or document is admissible in evidence by virtue of section 5B, 5C, 5D or 5E above it may be proved by the production of—

(a) the statement, deposition or document, or

(b) a copy of it or the material part of it.

(2) Subsection (1)(b) above applies whether or not the statement, deposition or document is still in existence.

(3) It is immaterial for the purposes of this section how many removes there are between a copy and the original.

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(4) In this section "copy", in relation to a statement, deposition or document, means anything onto which information recorded in the statement, deposition or document has been copied, by whatever means and whether directly or indirectly."

Marginal Citations

M2 1988 c. 33.

4 In section 6 (discharge or committal for trial) the following subsections shall be substituted for subsections (1) and (2)—

"(1) A magistrates' court inquiring into an offence as examining justices shall on consideration of the evidence—

(a) commit the accused for trial if it is of opinion that there is sufficient evidence to put him on trial by jury for any indictable offence;

(b) discharge him if it is not of that opinion and he is in custody for no other cause than the offence under inquiry;

but the preceding provisions of this subsection have effect subject to the provisions of this and any other Act relating to the summary trial of indictable offences.

(2) If a magistrates' court inquiring into an offence as examining justices is satisfied that all the evidence tendered by or on behalf of the prosecutor falls within section 5A(3) above, it may commit the accused for trial for the offence without consideration of the contents of any statements, depositions or other documents, and without consideration of any exhibits which are not documents, unless—

(a) the accused or one of the accused has no legal representative acting for him in the case, or

(b) a legal representative for the accused or one of the accused, as the case may be, has requested the court to consider a submission that there is insufficient evidence to put that accused on trial by jury for the offence;

and subsection (1) above shall not apply to a committal for trial under this subsection."

5 (1) Section 25 (change from summary trial to committal proceedings) shall be amended as follows.

(2) In subsections (2) and (6) for the words "may adjourn the hearing without remanding the accused" there shall be substituted " shall adjourn the hearing. "

(3) The following subsection shall be inserted after subsection (7)—

"(8) If the court adjourns the hearing under subsection (2) or (6) above it may (if it thinks fit) do so without remanding the accused."

6 Section 28 (using in summary trial evidence given in committal proceedings) shall be omitted.

7 In section 97 (summons to witness and warrant for his arrest) in subsection (1)—

(a) the words "at an inquiry into an indictable offence by a magistrates' court for that commission area or" shall be omitted;

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(b) for the words "such a court" there shall be substituted " a magistrates' court for that commission area ".

8 The following section shall be inserted after section 97—

"**97A Summons or warrant as to committal proceedings.**

(1) Subsection (2) below applies where a justice of the peace for any commission area is satisfied that—

(a) any person in England or Wales is likely to be able to make on behalf of the prosecutor a written statement containing material evidence, or produce on behalf of the prosecutor a document or other exhibit likely to be material evidence, for the purposes of proceedings before a magistrates' court inquiring into an offence as examining justices,

(b) the person will not voluntarily make the statement or produce the document or other exhibit, and

(c) the magistrates' court mentioned in paragraph (a) above is a court for the commission area concerned.

(2) In such a case the justice shall issue a summons directed to that person requiring him to attend before a justice at the time and place appointed in the summons to have his evidence taken as a deposition or to produce the document or other exhibit.

(3) If a justice of the peace is satisfied by evidence on oath of the matters mentioned in subsection (1) above, and also that it is probable that a summons under subsection (2) above would not procure the result required by it, the justice may instead of issuing a summons issue a warrant to arrest the person concerned and bring him before a justice at the time and place specified in the warrant.

(4) A summons may also be issued under subsection (2) above if the justice is satisfied that the person concerned is outside the British Islands, but no warrant may be issued under subsection (3) above unless the justice is satisfied by evidence on oath that the person concerned is in England or Wales.

(5) If—

(a) a person fails to attend before a justice in answer to a summons under this section,

(b) the justice is satisfied by evidence on oath that he is likely to be able to make a statement or produce a document or other exhibit as mentioned in subsection (1)(a) above,

(c) it is proved on oath, or in such other manner as may be prescribed, that he has been duly served with the summons and that a reasonable sum has been paid or tendered to him for costs and expenses, and

(d) it appears to the justice that there is no just excuse for the failure,

the justice may issue a warrant to arrest him and bring him before a justice at a time and place specified in the warrant.

(6) Where—

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(a) a summons is issued under subsection (2) above or a warrant is issued under subsection (3) or (5) above, and

(b) the summons or warrant is issued with a view to securing that a person has his evidence taken as a deposition,

the time appointed in the summons or specified in the warrant shall be such as to enable the evidence to be taken as a deposition before a magistrates' court begins to inquire into the offence concerned as examining justices.

(7) If any person attending or brought before a justice in pursuance of this section refuses without just excuse to have his evidence taken as a deposition, or to produce the document or other exhibit, the justice may do one or both of the following—

(a) commit him to custody until the expiration of such period not exceeding one month as may be specified in the summons or warrant or until he sooner has his evidence taken as a deposition or produces the document or other exhibit;

(b) impose on him a fine not exceeding £2,500.

(8) A fine imposed under subsection (7) above shall be deemed, for the purposes of any enactment, to be a sum adjudged to be paid by a conviction.

(9) If in pursuance of this section a person has his evidence taken as a deposition, the clerk of the justice concerned shall as soon as is reasonably practicable send a copy of the deposition to the prosecutor.

(10) If in pursuance of this section a person produces an exhibit which is a document, the clerk of the justice concerned shall as soon as is reasonably practicable send a copy of the document to the prosecutor.

(11) If in pursuance of this section a person produces an exhibit which is not a document, the clerk of the justice concerned shall as soon as is reasonably practicable inform the prosecutor of the fact and of the nature of the exhibit."

9 Section 102 (written statements before examining justices) shall be omitted.

10 (1) Section 103 (evidence of children in certain committal proceedings) shall be amended as follows.

(2) The following subsection shall be substituted for subsection (1)—

"(1) In any proceedings before a magistrates' court inquiring as examining justices into an offence to which this section applies, a statement made in writing by or taken in writing from a child shall be admissible in evidence of any matter."

(3) Subsections (3) and (4) (exclusion of subsection (1) and of section 28) shall be omitted.

11 Section 105 (deposition of person dangerously ill may be given in evidence before examining justices) shall be omitted.

12 In section 106 (false written statements tendered in evidence) in subsection (1) for "tendered" there shall be substituted " admitted " and for "section 102" there shall be substituted " section 5B ".

13 In Schedule 3 the following shall be substituted for paragraph 2(a) (representative may make statement on behalf of corporation before examining justices)—

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"(a) make before examining justices such representations as could be made by an accused who is not a corporation;".

PART II

OTHER PROVISIONS

Criminal Law Amendment Act 1867

14 Sections 6 and 7 of the [M3]Criminal Law Amendment Act 1867 (statements taken under section 105 of the [M4]Magistrates' Courts Act 1980) shall be omitted.

Marginal Citations
M3 1867 c. 35.
M4 1980 c. 43.

Bankers' Books Evidence Act 1879

15 The following shall be inserted at the end of section 4 of the [M5]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
M5 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 [M6]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 be substituted " to the magistrates' court inquiring into that offence as examining justices ".

Marginal Citations
M6 1933 c. 36.

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Criminal Justice Act 1948

18 In section 41 of the [M7]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."

Marginal Citations

M7 1948 c. 58.

Theft Act 1968

19 In section 27 of the [M8]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."

Marginal Citations

M8 1968 c. 60.

[F1]20 . . . . . .

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 [M9]Children and Young Persons Act 1969, in paragraph 55 for the words "section 102" there shall be substituted " section 5B ".

Marginal Citations

M9 1969 c. 54.

Criminal Justice Act 1972

22 (1) Section 46 of the [M10]Criminal Justice Act 1972 (written statements made outside England and Wales) shall be amended as follows.

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(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

M10 1972 c. 71.

Sexual Offences (Amendment) Act 1976

[F2]23 . . . . . .

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)**

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Police and Criminal Evidence Act 1984

24 The following shall be inserted at the end of section 71 of the [M11]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

M11 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."

[F3]27 . . . . . .

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 [F4]. . . . . .

Textual Amendments

F4 Sch. 1 para. 28 repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 332, 336, **Sch. 37 Pt. 6**; S.I. 2005/950, **art. 2**, Sch. 1 (subject to art. 2(2) and Sch. 2) and Sch. 1 paras. 28-32 repealed (18.6.2012 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 37 Pt. 4**; S.I. 2012/1320, art. 4(1)(d)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4)

29 [F5]. . . . . .

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Textual Amendments

F5 Sch. 1 para. 29 repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 332, 336, **Sch. 37 Pt. 6**; S.I. 2005/950, **art. 2**, Sch. 1 (subject to art. 2(2) and Sch. 2) (and expressed to be repealed (prosp.) by Criminal Justice Act 2003 (c. 44), s. 332, Sch. 37 Pt. 4)

30 [F6] . . . . . .

Textual Amendments

F6 Sch. 1 para. 30 repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 332, 336, **Sch. 37 Pt. 6**; S.I. 2005/950, **art. 2**, Sch. 1 (subject to art. 2(2) and Sch. 2) (and expressed to be repealed (prosp.) by Criminal Justice Act 2003 (c. 44), s. 332, Sch. 37 Pt. 4)

31 [F7] . . . . . .

Textual Amendments

F7 Sch. 1 para. 31 repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 332, 336, **Sch. 37 Pt. 6**; S.I. 2005/950, **art. 2**, Sch. 1 (subject to art. 2(2) and Sch. 2) (and expressed to be repealed (prosp.) by Criminal Justice Act 2003 (c. 44), s. 332, Sch. 37 Pt. 4)

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 [F8] . . . . . .

Textual Amendments

F8 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 ".

Road Traffic Offenders Act 1988

35 In section 11 of the [M12]Road Traffic Offenders Act 1988 (evidence by certificate as to driver, user or owner) the following subsection shall be inserted after subsection (3)—

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"(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

M12 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."

PART III

COMMENCEMENT

39 Parts I and II of this Schedule shall have effect in accordance with provision made by the Secretary of State by order.

Subordinate Legislation Made

P1 Sch. 1 para. 39 power exercised (8.3.1997) by S.I. 1997/683.

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Criminal Procedure and Investigations Act 1996 is up to date with all changes known to be in force on or before 19 July 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)*

[F9]SCHEDULE 2

Section 68.

STATEMENTS AND DEPOSITIONS

Textual Amendments

F9 Sch. 2 repealed (prosp.) by Criminal Justice Act 2003 (c. 44), ss. 41, 332, 336, Sch. 3 Pt. 2 para. 66(8), **Sch. 37**

Statements

1 (1) Sub-paragraph (2) applies if—

(a) a written statement has been admitted in evidence in proceedings before a magistrates' court inquiring into an offence as examining justices,

(b) in those proceedings a person has been committed for trial,

(c) for the purposes of section 5A of the [M13]Magistrates' Courts Act 1980 the statement complied with section 5B of that Act prior to the committal for trial,

(d) the statement purports to be signed by a justice of the peace, and

(e) sub-paragraph (3) does not prevent sub-paragraph (2) applying.

(2) Where this sub-paragraph applies the statement 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 statement 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.

Modifications etc. (not altering text)

C1 Sch. 2 para. 1 excluded by 1972 c. 71, **s. 46(1C)(b)** (as inserted (4.7.1996 but with effect in accordance with S.I. 1997/683, **art. 1(2)**) by 1996 c. 25, s. 47, **Sch. 1 Pt. II para. 22(3)** (with s. 78(1)).
Sch. 2 para. 1 excluded by 1968 c. 19, s. 8, **Sch. 2 para. 1** (as substituted (4.7.1996 but with effect in accordance with S.I. 1997/683, **art. 1(2)**) by 1996 c. 25, s. 68, **Sch. 2 para.5** (with s. 78(2))).

Marginal Citations

M13 1980 c. 43.

Depositions

2 (1) Sub-paragraph (2) applies if—

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Criminal Procedure and Investigations Act 1996 is up to date with all changes known to be in force on or before 19 July 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)*

(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.

Modifications etc. (not altering text)

C2 Sch. 2 para. 2 excluded by 1968 c. 19, s. 8, **Sch. 2 para. 1** (as substituted (4.7.1996 but with effect in accordance with S.I. 1997/683, **art. 1(2)**) by 1996 c. 25, s. 68, **Sch. 2 para.5** (with s. 78(1))).

Signatures

3 (1) A justice who signs a certificate authenticating one or more relevant statements or depositions shall be treated for the purposes of paragraphs 1 and 2 as signing the statement or deposition or (as the case may be) each of them.

(2) For this purpose—

(a) a relevant statement is a written statement made by a person for the purposes of proceedings before a magistrates' court inquiring into an offence as examining justices;

(b) a relevant deposition is a deposition made in pursuance of section 97A of the [M14]Magistrates' Courts Act 1980 for the purposes of such proceedings.

Marginal Citations

M14 1980 c. 43.

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Criminal Procedure and Investigations Act 1996 is up to date with all changes known to be in force on or before 19 July 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)*

Time limit for objection

4 [[F10]Criminal Procedure Rules may] make provision—

(a) requiring an objection under paragraph 1(3)(c) or 2(3)(c) to be made within a period prescribed in the rules;

(b) allowing the court of trial at its discretion to permit such an objection to be made outside any such period.

Textual Amendments

F10 Words in Sch. 2 para. 4 substituted (1.9.2004) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 380**; S.I. 2004/2066, **art. 2** (subject to art. 3)

Retrial

5 In Schedule 2 to the [M15]Criminal Appeal Act 1968 (procedural and other provisions applicable on order for retrial) in paragraph 1 for the words from "section 13(3)" to "before the original trial" there shall be substituted " paragraphs 1 and 2 of Schedule 2 to the Criminal Procedure and Investigations Act 1996 (use of written statements and depositions) shall not apply to any written statement or deposition read as evidence at the original trial ".

Marginal Citations

M15 1968 c. 19.

Repeals

6 (1) Section 13(3) of the [M16]Criminal Justice Act 1925 (which relates to depositions taken before examining justices and is superseded by paragraph 2 above) shall be omitted.

(2) Section 7 of the [M17]Criminal Justice Act 1967 (which is superseded by paragraph 3 above) shall be omitted.

Marginal Citations

M16 1925 c. 86.

M17 1967 c. 80.

Commencement

7 This Schedule shall have effect in accordance with provision made by the Secretary of State by order.

Subordinate Legislation Made

P2 Sch. 2 para. 7 power exercised (8.3.1997) by S.I. 1997/683.

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Criminal Procedure and Investigations Act 1996 is up to date with all changes known to be in force on or before 19 July 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)*

SCHEDULE 3

Section 72.

FRAUD

Extent Information

E1 In its application to Northern Ireland, this Schedule has effect subject to the modifications set out in Schedule 4; see s. 79

Introduction

1 The [M18]Criminal Justice Act 1987 shall be amended as provided by this Schedule.

Marginal Citations

M18 1987 c. 38.

Preparatory hearings

2 In section 7 (power to order preparatory hearing) subsections (3) to (5) (power to make order that could be made at the hearing) shall be omitted.

3 (1) Section 9 (the preparatory hearing) shall be amended as follows.

(2) In subsection (7) (warning of possible consequence under section 10(1)) the word "(1)" shall be omitted.

(3) In subsection (10) for the words "at or for the purposes of a preparatory hearing" there shall be substituted " under this section ".

4 The following section shall be inserted after section 9—

"**9A Orders before preparatory hearing.**

(1) Subsection (2) below applies where—

(a) a judge orders a preparatory hearing, and

(b) he decides that any order which could be made under section 9(4) or (5) above at the hearing should be made before the hearing.

(2) In such a case—

(a) he may make any such order before the hearing (or at the hearing), and

(b) subsections (4) to (10) of section 9 above shall apply accordingly."

5 The following section shall be substituted for section 10 (later stages of trial)—

"**10 Later stages of trial.**

(1) Any party may depart from the case he disclosed in pursuance of a requirement imposed under section 9 above.

(2) Where—

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Criminal Procedure and Investigations Act 1996 is up to date with all changes known to be in force on or before 19 July 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)*

(a) a party departs from the case he disclosed in pursuance of a requirement imposed under section 9 above, or

(b) a party fails to comply with such a requirement,

the judge or, with the leave of the judge, any other party may make such comment as appears to the judge or the other party (as the case may be) to be appropriate and the jury may draw such inference as appears proper.

(3) In deciding whether to give leave the judge shall have regard—

(a) to the extent of the departure or failure, and

(b) to whether there is any justification for it.

(4) Except as provided by this section no part—

(a) of a statement given under section 9(5) above, or

(b) of any other information relating to the case for the accused or, if there is more than one, the case for any of them, which was given in pursuance of a requirement imposed under section 9 above,

may be disclosed at a stage in the trial after the jury have been sworn without the consent of the accused concerned."

Reporting restrictions

6 The following sections shall be substituted for section 11 (reporting restrictions)—

"**11 Restrictions on reporting.**

(1) Except as provided by this section—

(a) no written report of proceedings falling within subsection (2) below shall be published in Great Britain;

(b) no report of proceedings falling within subsection (2) below shall be included in a relevant programme for reception in Great Britain.

(2) The following proceedings fall within this subsection—

(a) an application under section 6(1) above;

(b) a preparatory hearing;

(c) an application for leave to appeal in relation to such a hearing;

(d) an appeal in relation to such a hearing.

(3) The judge dealing with an application under section 6(1) above may order that subsection (1) above shall not apply, or shall not apply to a specified extent, to a report of the application.

(4) The judge dealing with a preparatory hearing may order that subsection (1) above shall not apply, or shall not apply to a specified extent, to a report of—

(a) the preparatory hearing, or

(b) an application to the judge for leave to appeal to the Court of Appeal under section 9(11) above in relation to the preparatory hearing.

(5) The Court of Appeal may order that subsection (1) above shall not apply, or shall not apply to a specified extent, to a report of—

(a) an appeal to the Court of Appeal under section 9(11) above in relation to a preparatory hearing,

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Changes to legislation: *Criminal Procedure and Investigations Act 1996 is up to date with all changes known to be in force on or before 19 July 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)*

(b) an application to that Court for leave to appeal to it under section 9(11) above in relation to a preparatory hearing, or

(c) an application to that Court for leave to appeal to the House of Lords under Part II of the [M19]Criminal Appeal Act 1968 in relation to a preparatory hearing.

(6) The House of Lords may order that subsection (1) above shall not apply, or shall not apply to a specified extent, to a report of—

(a) an appeal to that House under Part II of the Criminal Appeal Act 1968 in relation to a preparatory hearing, or

(b) an application to that House for leave to appeal to it under Part II of the [M20]Criminal Appeal Act 1968 in relation to a preparatory hearing.

(7) Where there is only one accused and he objects to the making of an order under subsection (3), (4), (5) or (6) above the judge or the Court of Appeal or the House of Lords shall make the order if (and only if) satisfied after hearing the representations of the accused that it is in the interests of justice to do so; and if the order is made it shall not apply to the extent that a report deals with any such objection or representations.

(8) Where there are two or more accused and one or more of them objects to the making of an order under subsection (3), (4), (5) or (6) above the judge or the Court of Appeal or the House of Lords shall make the order if (and only if) satisfied after hearing the representations of each of the accused that it is in the interests of justice to do so; and if the order is made it shall not apply to the extent that a report deals with any such objection or representations.

(9) Subsection (1) above does not apply to—

(a) the publication of a report of an application under section 6(1) above, or

(b) the inclusion in a relevant programme of a report of an application under section 6(1) above,

where the application is successful.

(10) Where—

(a) two or more persons are jointly charged, and

(b) applications under section 6(1) above are made by more than one of them,

subsection (9) above shall have effect as if for the words "the application is" there were substituted "all the applications are".

(11) Subsection (1) above does not apply to—

(a) the publication of a report of an unsuccessful application made under section 6(1) above,

(b) the publication of a report of a preparatory hearing,

(c) the publication of a report of an appeal in relation to a preparatory hearing or of an application for leave to appeal in relation to such a hearing,

(d) the inclusion in a relevant programme of a report of an unsuccessful application made under section 6(1) above,

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Criminal Procedure and Investigations Act 1996 is up to date with all changes known to be in force on or before 19 July 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)*

(e) the inclusion in a relevant programme of a report of a preparatory hearing, or

(f) the inclusion in a relevant programme of a report of an appeal in relation to a preparatory hearing or of an application for leave to appeal in relation to such a hearing,

at the conclusion of the trial of the accused or of the last of the accused to be tried.

(12) Subsection (1) above does not apply to a report which contains only one or more of the following matters—

(a) the identity of the court and the name of the judge;

(b) the names, ages, home addresses and occupations of the accused and witnesses;

(c) any relevant business information;

(d) the offence or offences, or a summary of them, with which the accused is or are charged;

(e) the names of counsel and solicitors in the proceedings;

(f) where the proceedings are adjourned, the date and place to which they are adjourned;

(g) any arrangements as to bail;

(h) whether legal aid was granted to the accused or any of the accused.

(13) The addresses that may be published or included in a relevant programme under subsection (12) above are addresses—

(a) at any relevant time, and

(b) at the time of their publication or inclusion in a relevant programme;

and "relevant time" here means a time when events giving rise to the charges to which the proceedings relate occurred.

(14) The following is relevant business information for the purposes of subsection (12) above—

(a) any address used by the accused for carrying on a business on his own account;

(b) the name of any business which he was carrying on on his own account at any relevant time;

(c) the name of any firm in which he was a partner at any relevant time or by which he was engaged at any such time;

(d) the address of any such firm;

(e) the name of any company of which he was a director at any relevant time or by which he was otherwise engaged at any such time;

(f) the address of the registered or principal office of any such company;

(g) any working address of the accused in his capacity as a person engaged by any such company;

and here "engaged" means engaged under a contract of service or a contract for services, and "relevant time" has the same meaning as in subsection (13) above.

(15) Nothing in this section affects any prohibition or restriction imposed by virtue of any other enactment on a publication or on matter included in a programme.

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Criminal Procedure and Investigations Act 1996 is up to date with all changes known to be in force on or before 19 July 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)*

(16) In this section—

(a) "publish", in relation to a report, means publish the report, either by itself or as part of a newspaper or periodical, for distribution to the public;

(b) expressions cognate with "publish" shall be construed accordingly;

(c) "relevant programme" means a programme included in a programme service, within the meaning of the [M21]Broadcasting Act 1990.

11A Offences in connection with reporting.

(1) If a report is published or included in a relevant programme in contravention of section 11 above each of the following persons is guilty of an offence—

(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 otherwise than as part of a newspaper or periodical, the person who publishes it;

(c) in the case of the inclusion of a report in a relevant programme, any body corporate which is engaged in providing the service in which the programme is included and any person having functions in relation to the programme corresponding to those of an editor of a newspaper.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine of an amount not exceeding level 5 on the standard scale.

(3) Proceedings for an offence under this section shall not be instituted in England and Wales otherwise than by or with the consent of the Attorney General.

(4) Subsection (16) of section 11 above applies for the purposes of this section as it applies for the purposes of that."

Marginal Citations

M19 1968 c. 19.
M20 1968 c. 19.
M21 1990 c. 42.

7 In the list in section 17(2) (provisions extending to Scotland) after the entry relating to section 11 there shall be inserted " section 11A; ".

General

8 (1) This Schedule applies in relation to an offence if—

(a) on or after the appointed day the accused is committed for trial for the offence,

(b) proceedings for the trial on the charge concerned are transferred to the Crown Court on or after the appointed day, or

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Criminal Procedure and Investigations Act 1996 is up to date with all changes known to be in force on or before 19 July 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)*

(c) a bill of indictment relating to the offence is preferred on or after the appointed day under the authority of section 2(2)(b) of the [M22]Administration of Justice (Miscellaneous Provisions) Act 1933 (bill preferred by direction of Court of Appeal, or by direction or with consent of a judge).

(2) References in this paragraph to the appointed day are to such day as is appointed for the purposes of this Schedule by the Secretary of State by order.

Subordinate Legislation Made

P3 Sch. 3 para. 8(2) power exercised (E.W.S.) (21.3.1997): 15.4.1997 appointed day by S.I. 1997/1019

Marginal Citations

M22 1933 c. 36.

SCHEDULE 4

Section 79.

MODIFICATIONS FOR NORTHERN IRELAND

Extent Information

E2 Sch. 4 extends to Northern Ireland but the operation of Sch. 4 is limited by application as mentioned in s. 79(4)

General

1 In their application to Northern Ireland the provisions of this Act mentioned in the following paragraphs of this Schedule shall have effect subject to the modifications set out in those paragraphs.

2 Where a provision of this Act which extends to Northern Ireland confers power on the Secretary of State to prepare a code of practice, that power may be so exercised as to prepare a code of practice having effect only in Northern Ireland and containing provisions different to those contained in any code of practice prepared under that provision and having effect in England and Wales.

3 In any provision of this Act which extends to Northern Ireland—

(a) reference to an enactment includes reference to an enactment comprised in Northern Ireland legislation;

(b) reference to a police officer is a reference to a member of the Royal Ulster Constabulary or of the Royal Ulster Constabulary Reserve.

Part I of this Act

4 In section 1 for subsections (1) and (2) substitute—

"(1) This Part applies where a person is charged with an offence, the court proceeds to deal summarily with the charge and that person pleads not guilty.

(2) This Part also applies where—

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Criminal Procedure and Investigations Act 1996 is up to date with all changes known to be in force on or before 19 July 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)*

(a) a person is charged with an indictable offence and he is committed for trial for the offence concerned,

(b) a person is charged with an indictable offence and proceedings for the trial of the person on the charge concerned are transferred to the Crown Court by virtue of a notice of transfer given under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (serious or complex fraud),

(c) a person is charged with an indictable offence and proceedings for the trial of the person on the charge concerned are transferred to the Crown Court by virtue of a notice of transfer given under Article 4 of the Children's Evidence (Northern Ireland) Order 1995 (certain cases involving children),

(d) a count charging a person with a summary offence is included in an indictment under the authority of Article 193A of the Road Traffic (Northern Ireland) Order 1981 (offences relating to drink or drugs), or

(e) an indictment charging a person with an indictable offence is presented under the authority of section 2(2)(c), (d), (e) [F11]... of the Grand Jury (Abolition) Act (Northern Ireland) 1969.

(2A) In subsection (2)—

"indictable offence" means an offence which is triable on indictment, whether it is exclusively so triable or not;

"summary offence" has the same meaning as in Article 193A of the Road Traffic (Northern Ireland) Order 1981."

Textual Amendments

F11 Sch. 4 para. 4: "Section 1 as it applies to Northern Ireland, in subsection (2)(e), the words "or (f)"" repealed (12.4.2010) by virtue of Justice (Northern Ireland) Act 2002 (c. 26), ss. 86, 87, Sch. 13; S.R. 2010/113, art. 2, Sch. para. 21(q)

[[F12]4A. After section 2(5) insert—

"(5A) References to the appropriate authority—

(a) in relation to cases where a certificate has been issued under section 1 of the Justice and Security (Northern Ireland) Act 2007, are references to the Secretary of State;

(b) in relation to all other cases, are references to the Department of Justice.".**]**

Textual Amendments

F12 Sch. 4 para. 4A inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 14 para. 34(2)** (with arts. 28-31)

5 (1) In section 5(2) for "section 5(9) of the Criminal Justice Act 1987" substitute " Article 4(7) of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 ".

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Criminal Procedure and Investigations Act 1996 is up to date with all changes known to be in force on or before 19 July 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)*

(2) In section 5(3) for "paragraph 4 of Schedule 6 to the Criminal Justice Act 1991" substitute " paragraph 3 of Schedule 1 to the Children's Evidence (Northern Ireland) Order 1995 ".

[[F13]5A. In section 6A(4) for "Secretary of State" substitute "appropriate authority".

Textual Amendments

F13 Sch. 4 paras. 5A, 5B inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 14 para. 34(3)** (with arts. 28-31)

5B. In section 12(2) and (4) for "Secretary of State" substitute "appropriate authority".**]**

Textual Amendments

F13 Sch. 4 paras. 5A, 5B inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 14 para. 34(3)** (with arts. 28-31)

6 In section 13 (1) for "the bill of indictment is preferred" substitute " the indictment is presented ".

7 After section 14 there shall be inserted—

[[F14]**"Public interest: review for offences tried under section 5 of the Justice and Security (Northern Ireland) Act 2007]**

(1) This section applies where this Part applies by virtue of section 1(2) and **[**[F15]section 5 of the Justice and Security (Northern Ireland) Act 2007 (trials on indictment without a jury) applies in relation to the trial of the accused for the offence charged**]** .

(2) At any time—

(a) after a court makes an order under section **[**[F16]3(6), 7A(8) or 8(5)**]**, and

(b) before the accused is acquitted or convicted or the prosecutor decides not to proceed with the case concerned,

the accused may apply to the court for a review of the question whether it is still not in the public interest to disclose material affected by its order.

(3) In such a case the court must review that question, and if it concludes that it is in the public interest to disclose material to any extent—

(a) it shall so order; and

(b) it shall take such steps as are reasonable to inform the prosecutor of its order.

(4) Where the prosecutor is informed of an order made under subsection (3) he must act accordingly having regard to the provisions of this Part (unless he decides not to proceed with the case concerned)."

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Criminal Procedure and Investigations Act 1996 is up to date with all changes known to be in force on or before 19 July 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)*

Textual Amendments

F14 Words in Sch. 4 para. 7 substituted (N.I.) (1.8.2007 and shall expire (1.8.2009) in accordance with s. 9(1) of the amending Act) by Justice and Security (Northern Ireland) Act 2007 (c. 6), ss. 8, 53(4), **Sch. 1 para. 1(3)**; S.I. 2007/2045, **art. 2(q)** (with art. 3 and with S.I. 2007/2259, **art. 2**)

F15 Words in Sch. 4 para. 7 substituted (N.I.) (1.8.2007 and shall expire (1.8.2009) in accordance with s. 9(1) of the amending Act) by Justice and Security (Northern Ireland) Act 2007 (c. 6), ss. 8, 53(4), **Sch. 1 para. 1(2)**; S.I. 2007/2045, **art. 2(q)** (with art. 3 and with S.I. 2007/2259, **art. 2**)

F16 Words in Sch. 4 para. 7 substituted (15.7.2005 for N.I.) by Criminal Justice Act 2003 (c. 44), ss. 331, 336, **Sch. 36 Pt. 3 para. 38**; S.I. 2005/1817, **art. 2** (subject to art. 3)

8 In section 15(1) at the end add " and section 14A does not apply ".

9 In section 16 after "14(2)" insert " , 14A(2) " and after "14(3)" insert " , 14A(3) ".

10 In section 17(1)(a) after "14" insert " , 14A ".

11 In section 18 at the end add—

"(11) In section 13 (legal aid) of the Contempt of Court Act 1981 (as set out in Schedule 4 to that Act) in subsection (1)(a) after sub-paragraph (ii) there shall be inserted—

(") by a magistrates' court or the Crown Court under section 18 of the Criminal Procedure and Investigations Act 1996; or"."

12 (1) In section 19(1) for the words from the beginning to "includes" substitute—

"Without prejudice to the generality of—

(a) Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981 (magistrates' courts rules), and

(b) section 52 of the Judicature (Northern Ireland) Act 1978 (Crown Court rules),

the power to make rules under each of those provisions includes ".

(2) In section 19(2)(b) after "14(2)" insert ", 14A(2)".

(3) In section 19(2)(d) after "14(3)" insert ", 14A(3)".

(4) In section 19 omit subsection (3).

13 (1) In section 20(2) for "section 9 of the Criminal Justice Act 1987 or section 31 of this Act" substitute " Article 8 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 ".

(2) In section 20(3) for the words from the beginning to " **[**[F17]Rules**]**" substitute " Without prejudice to the generality of Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981 (magistrates' courts rules) the power to make rules under that Article ".

(3) In section 20(5) for paragraph (b) substitute—

"(b) "enactment" includes a statutory instrument within the meaning of section 1(d) of the Interpretation Act (Northern Ireland) 1954."

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Criminal Procedure and Investigations Act 1996 is up to date with all changes known to be in force on or before 19 July 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)*

Textual Amendments

F17 Words in Sch. 4 para. 13(2) substituted (1.9.2004) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 381**; S.I. 2004/2066, **art. 2** (subject to art. 3)

14 In section 21(3) for paragraph (e) substitute—

"(e) the indictment is presented (where this Part applies by virtue of section 1(2)(e))".

[F18 14A. In section 21A—

(a) in subsections (1) and (4) to (6) for "Secretary of State" substitute "appropriate authority";

(b) in subsection (4)(c) for "he" substitute "the appropriate authority";

(c) in subsection (7) after "made" insert "by the Secretary of State";

(d) in subsection (8) after "An order" insert "made by the Secretary of State";

(e) after subsection (8) insert—

"(8A) An order bringing the code into operation may not be made by the Department of Justice unless a draft of the order has been laid before and approved by a resolution of the Northern Ireland Assembly.

(8B) An order made by the Department of Justice bringing a revised code into operation shall be laid before the Northern Ireland Assembly if the order has been made without a draft having been so laid and approved by a resolution of that Assembly.";

(f) in subsection (9) for "or (8)" substitute ", (8), (8A) or (8B)";

(g) after subsection (13) insert—

"(14) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of this section in relation to the laying of an order, a draft of an order or a code as it applies in relation to the laying of a statutory document under an enactment.".]

Textual Amendments

F18 Sch. 4 para. 14A inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 14 para. 34(4)** (with arts. 28-31)

[F19 Part 2 of this Act

Textual Amendments

F19 Sch. 4 paras. 14B, 14C and cross-heading inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 14 para. 34(5)** (with arts. 28-31)

14B. In section 23—

(a) in subsection (1) for "Secretary of State" substitute "Department of Justice";

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Criminal Procedure and Investigations Act 1996 is up to date with all changes known to be in force on or before 19 July 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)*

(b) after subsection (8) insert—

"(9) For purposes connected with national security or any matter within paragraph 9(1)(a) or (b) of Schedule 3 to the Northern Ireland Act 1998, the Secretary of State may prepare a code of practice containing any provision that may be included in a code prepared by the Department of Justice under this section.

(10) Any code prepared by the Department of Justice has effect subject to any code prepared by the Secretary of State."

14C. In section 25—

(a) in subsection (1)—

(i) for "Secretary of State" substitute "Department of Justice";

(ii) for "he" (wherever occurring) substitute "the Department";

(iii) for "him" substitute "it";

(b) in subsection (2)—

(i) for "Secretary of State" substitute "Department of Justice";

(ii) for "he" (wherever occurring) substitute "the Department";

(iii) for "each House of Parliament" substitute "the Northern Ireland Assembly";

(c) after subsection (2) insert—

"(2A) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of subsection (2) in relation to the laying of a code as it applies in relation to the laying of a statutory document under an enactment.";

(d) in subsection (4) for "Secretary of State" substitute "Department of Justice";

(e) after subsection (4) insert—

"(5) Subsections (1) to (4) above apply in relation to a code prepared by the Secretary of State under section 23(9) as they apply in relation to a code prepared by the Department of Justice and for this purpose—

(a) references to the Department of Justice are to be read as references to the Secretary of State;

(b) in subsection (2) the reference to the Northern Ireland Assembly is to be read as a reference to Parliament.".**]**

Part IV of this Act

15 In section 39 for subsections (2) and (3) substitute—

"(2) For the purposes of this Part a hearing is also a pre-trial hearing if—

(a) it relates to a trial on indictment to be held in pursuance of an indictment presented under the authority of section 2(2)(c), (d), (e) [F20]... of the Grand Jury (Abolition) Act (Northern Ireland) 1969, and

(b) it takes place after the indictment has been presented and before the start of the trial.

[[F21](2A) But, for the purposes of this Part, a hearing of the kind mentioned in section 45(2)(b) of the Criminal Justice Act 2003 is not a pre-trial hearing.**]**

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Criminal Procedure and Investigations Act 1996 is up to date with all changes known to be in force on or before 19 July 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)*

(3) For the purposes of this section the start of a trial on indictment occurs—

(a) in the case of a trial to which **[**[F22]section 5 of the Justice and Security (Northern Ireland) Act 2007**]** applies (trial by court without a jury), at the opening of the case for the prosecution or, if the court accepts a plea of guilty before that time, when that plea is accepted,

(b) in any other case, **[**[F23]at the time when a jury is sworn**]** to consider the issue of guilt or fitness to be tried or, if the court accepts a plea of guilty before **[**[F24]the time when a jury is sworn**]** , when that plea is accepted,

but this is subject to Article 7 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988."

Textual Amendments

F20 Sch. 4 para. 15: "section 39 as it applies to Northern Ireland, in subsection (2)(a), the words "or (f)"" repealed (12.4.2010) by virtue of Justice (Northern Ireland) Act 2002 (c. 26), ss. 86, 87, Sch. 13; S.R. 2010/113, art. 2, Sch. para. 21(q)

F21 Words in Sch. 4 para. 15 inserted (24.7.2006 for E.W. and otherwise 8.1.2007) by Criminal Justice Act 2003 (c. 44), ss. 331, 336, **Sch. 36 Pt. 4 para. 72(2)**; S.I. 2006/1835, **art. 2(h)** (subject to art. 3); S.I. 2006/3422, **art. 2(c)**

F22 Words in Sch. 4 para. 15 substituted (N.I.) (1.8.2007 and shall expire 1.8.2009 in accordance with s. 9(1) of the amending Act) by Justice and Security (Northern Ireland) Act 2007 (c. 6), ss. 8, 53(4), **Sch. 1 para. 1(4)**; S.I. 2007/2045, **art. 2(q)** (with art. 3 and with S.I. 2007/2259, **art. 2**)

F23 Words in Sch. 4 para. 15 substituted (24.7.2006 for E.W. and otherwise 8.1.2007) by Criminal Justice Act 2003 (c. 44), ss. 331, 336, **Sch. 36 Pt. 4 para. 72(3)**; S.I. 2006/1835, **art. 2(h)** (subject to art. 3); S.I. 2006/3422, **art. 2(c)**

F24 Words in Sch. 4 para. 15 substituted (24.7.2006 for E.W. and otherwise 8.1.2007) by Criminal Justice Act 2003 (c. 44), ss. 331, 336, **Sch. 36 Pt. 4 para. 72(3)**; S.I. 2006/1835, **art. 2(h)** (subject to art. 3); S.I. 2006/3422, **art. 2(c)**

[[F25]15A In section 39(4) for "(3)" substitute (3)(b).**]**

Textual Amendments

F25 Sch. 4 para. 15A inserted (24.7.2006 for E.W and otherwise 8.1.2007) by Criminal Justice Act 2003 (c. 44), ss. 331, 336 {Sch. 36 Pt. 4 para. 72(4)}; S.I. 2006/1835, **art. 2(h)** (subject to article 3); S.I. 2006/3422, **art. 2**

16 [F26]. . . . . .

Textual Amendments

F26 Sch. 4 para. 16 omitted (4.4.2005) and repealed (prosp.) by virtue of Criminal Justice Act 2003 (c. 44), **ss. 311(10)**, 332, 336, **Sch. 37 Pt. 12**; S.I. 2005/950, **art. 2** (with art. 2(2) and Sch. 2)

17 In section 42(3) omit "in England and Wales", and after "Attorney General" insert " for Northern Ireland ".

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Criminal Procedure and Investigations Act 1996 is up to date with all changes known to be in force on or before 19 July 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)*

Part V of this Act

18 In section 45 for subsections (1) to (8) substitute—

"(1) Article 4 of the Criminal Justice (Serious Fraud)(Northern Ireland) Order 1988 (notices of transfer in cases of serious or complex fraud) shall be amended as mentioned in subsections (2) and (3).

(2) In paragraph (7)(a) (regulations) for the words "a statement of the evidence" there shall be substituted "copies of the documents containing the evidence (including oral evidence)".

(3) The following paragraph shall be inserted after paragraph (7)—

(") Regulations under paragraph (7)(a) may provide that there shall be no requirement for copies of documents to accompany the copy of the notice of transfer if they are referred to, in documents sent with the notice of transfer, as having already been supplied."

(4) In Schedule 1 to the Children's Evidence (Northern Ireland) Order 1995 (notices of transfer in certain cases involving children) paragraph 3 (regulations) shall be amended as mentioned in subsections (5) and (6).

(5) In sub-paragraph (1)(a) for the words "a statement of the evidence" there shall be substituted "copies of the documents containing the evidence (including oral evidence)".

(6) The following sub-paragraph shall be inserted after sub-paragraph (1)—

(") Regulations under sub-paragraph (1)(a) may provide that there shall be no requirement for copies of documents to accompany the copy of the notice of transfer if they are referred to, in documents sent with the notice of transfer, as having already been supplied."

(7) In paragraph 5 of Schedule 1 to the 1995 Order (reporting restrictions) in sub-paragraph (8) for the words "sub-paragraphs (5) and (6)" there shall be substituted "sub-paragraphs (5) and (7)".

(8) This section applies where a notice of transfer is given under Article 3 of the 1988 Order or Article 4 of the 1995 Order (as the case may be) on or after the appointed day".

19 In section 46 for subsections (1) and (2) substitute—

"(1) Part II of the Schedule to the War Crimes Act 1991 and section 1(4) of that Act so far as relating thereto (transfer procedure in Northern Ireland in cases of war crimes) shall cease to have effect.

(2) In Article 29(2) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (free legal aid in Crown Court) sub-paragraph (d) (which relates to a notice of transfer under Part II of the Schedule to the War Crimes Act 1991) shall cease to have effect."

Part VII of this Act

20 [F27(1) In section 54(6) in paragraph (b) for "section 51(1) of the Criminal Justice and Public Order Act 1994" substitute " Article 47(1) of the Criminal Justice (Northern Ireland) Order 1996. "

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Criminal Procedure and Investigations Act 1996 is up to date with all changes known to be in force on or before 19 July 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)*

(2) In section 54(6)**]** in paragraph (c) for "section 1 of the Perjury Act 1911" substitute " Article 3 of the Perjury (Northern Ireland) Order 1979 "

Textual Amendments

F27 Words in Sch. 4 para. 20 substituted (25.7.1997) by S.I. 1996/3160 (N.I. 24), art. 58(1), **Sch. 5 para.18**; S.R. 1997/267, **art. 2(h)**.

21 In section 56(2) for paragraphs (a) to (c) substitute—

"(a) section 5 of the Criminal Law Amendment Act 1885 (no prosecution for offence under that section more than 12 months after the commission of the offence);

(b) Article 19(1)(a) of the Magistrates' Courts (Northern Ireland) Order 1981 (magistrates' court not to hear and determine certain complaints unless made within 6 months of time when offence committed);

(c) an enactment that imposes a time limit only in certain circumstances (as where proceedings are not instituted by or with the consent of the Director of Public Prosecutions for Northern Ireland)."

22 In section 57 omit subsection (1).

23 (1) In section 58(1) omit paragraph (b) and the word "or" immediately before it.

(2) In section 58(9) omit paragraph (b).

24 In section 59(1) for "Great Britain" where it twice occurs substitute " Northern Ireland ".

25 In section 62 for subsections (1) and (2) substitute—

"(1) In Article 81 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (evidence through television links) the following paragraphs shall be inserted after paragraph (3)— "

(3A) Where the court gives leave under paragraph (2) for a witness falling within paragraph (1)(b)(ii) to give evidence through a live television link, then, subject to paragraph (3B), the witness concerned may not give evidence otherwise than through a live television link.

(3B) In a case falling within paragraph (3A) the court may give permission for the witness to give evidence otherwise than through a live television link if it appears to the court to be in the interests of justice to give such permission.

(3C) Permission may be given under paragraph (3B)—

(a) on an application by a party to the case, or

(b) of the court's own motion;

but no application may be made under sub-paragraph (a) unless there has been a material change of circumstances since the leave was given under paragraph (2). "

(2) In Article 81A of the Police and Criminal Evidence (Northern Ireland) Order 1989 (video recordings of testimony from child witnesses) the following paragraphs shall be inserted after paragraph (6)—

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Changes to legislation: *Criminal Procedure and Investigations Act 1996 is up to date with all changes known to be in force on or before 19 July 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)*

(“) Where the court gives leave under paragraph (2) the child witness shall not give relevant evidence (within the meaning given by paragraph (6D)) otherwise than by means of the video recording; but this is subject to paragraph (6B).

(6B) In a case falling within paragraph (6A) the court may give permission for the child witness to give relevant evidence (within the meaning given by paragraph (6D)) otherwise than by means of the video recording if it appears to the court to be in the interests of justice to give such permission.

(6C) Permission may be given under paragraph (6B)—

(a) on an application by a party to the case, or

(b) of the court’s own motion;

but no application may be made under sub-paragraph (a) unless there has been a material change of circumstances since the leave was given under paragraph (2).

(6D) For the purposes of paragraphs (6A) and (6B) evidence is relevant evidence if—

(a) it is evidence in chief on behalf of the party who tendered the video recording, and

(b) it relates to matter which, in the opinion of the court, is dealt with in the recording and which the court has not directed to be excluded under paragraph (3).”.”

26 For section 63 substitute—

“**63 Road traffic: provision of specimens.**

(1) In Article 18(4) of the Road Traffic (Northern Ireland) Order 1995 (provision of blood or urine in course of investigating whether certain road traffic offences have been committed) after sub-paragraph (b) there shall be inserted—

(“) a device of the type mentioned in paragraph (1)(a) has been used in the circumstances described in paragraph (2) but the constable who required the specimens of breath has reasonable cause to believe that the device has not produced a reliable indication of the proportion of alcohol in the breath of the person concerned, or”.

(2) This section applies where it is proposed to make a requirement mentioned in Article 18(4) of the 1995 Order after the appointed day.

(3) The reference in subsection (2) to the appointed day is to such day as is appointed for the purposes of this section by the Department of the Environment for Northern Ireland by order.

(4) The power of the Department of the Environment for Northern Ireland to make an order under subsection (3) shall be exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.”

27 F28 . . . . . .

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Criminal Procedure and Investigations Act 1996 is up to date with all changes known to be in force on or before 19 July 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)*

Textual Amendments

F28 Sch. 4 para. 27 repealed (N.I.) (1.3.2007) by The Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)), arts. 1(2), 41, **Sch. 2**

28 For section 66 substitute—

"**66** (1) After section 51 of the Judicature (Northern Ireland) Act 1978 there shall be inserted—

51A "Issue of witness summons on application to Crown Court.

(1) This section applies where the Crown Court is satisfied that—

(a) a person is likely to be able to give evidence likely to be material evidence, or produce any document or thing likely to be material evidence, for the purpose of any criminal proceedings before the Crown Court, and

(b) the person will not voluntarily attend as a witness or will not voluntarily produce the document or thing.

(2) In such a case the Crown Court shall, subject to the following provisions of this section, issue a summons (a witness summons) directed to the person concerned and requiring him to—

(a) attend before the Crown Court at the time and place stated in the summons, and

(b) give the evidence or produce the document or thing.

(3) A witness summons may only be issued under this section on an application; and the Crown Court may refuse to issue the summons if any requirement relating to the application is not fulfilled.

(4) Where a person has been committed for trial for any offence to which the proceedings concerned relate, an application must be made as soon as is reasonably practicable after the committal.

(5) Where the proceedings concerned have been transferred to the Crown Court, an application must be made as soon as is reasonably practicable after the transfer.

(6) Where the proceedings concerned relate to an offence in relation to which an indictment has been presented under the authority of section 2(2)(c), (d), (e) or (f) of the Grand Jury (Abolition) Act (Northern Ireland) 1969, an application must be made as soon as is reasonably practicable after the indictment is presented.

(7) An application must be made in accordance with Crown Court rules; and different provision may be made for different cases or descriptions of case.

(8) Crown Court rules—

(a) may, in such cases as the rules may specify, require an application to be made by a party to the case;

(b) may, in such cases as the rules may specify, require the service of notice of an application on the person to whom the witness summons is proposed to be directed;

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(c) may, in such cases as the rules may specify, require an application to be supported by an affidavit containing such matters as the rules may stipulate;

(d) may, in such cases as the rules may specify, make provision for enabling the person to whom the witness summons is proposed to be directed to be present or represented at the hearing of the application for the witness summons.

(9) Provision contained in Crown Court rules by virtue of subsection (8)(c) may in particular require an affidavit to—

(a) set out any charge on which the proceedings concerned are based;

(b) specify any stipulated evidence, document or thing in such a way as to enable the directed person to identify it;

(c) specify grounds for believing that the directed person is likely to be able to give any stipulated evidence or produce any stipulated document or thing;

(d) specify grounds for believing that any stipulated evidence is likely to be material evidence;

(e) specify grounds for believing that any stipulated document or thing is likely to be material evidence.

(10) In subsection (9)—

(a) references to any stipulated evidence, document or thing are to any evidence, document or thing whose giving or production is proposed to be required by the witness summons;

(b) references to the directed person are to the person to whom the witness summons is proposed to be directed.

51B Power to require advance production.

A witness summons which is issued under section 51A and which requires a person to produce a document or thing as mentioned in section 51A(2) may also require him to produce the document or thing—

(a) at a place stated in the summons, and

(b) at a time which is so stated and precedes that stated under section 51A(2),

for inspection by the person applying for the summons.

51C Summons no longer needed.

(1) If—

(a) a document or thing is produced in pursuance of a requirement imposed by a witness summons under section 51B,

(b) the person applying for the summons concludes that a requirement imposed by the summons under section 51A(2) is no longer needed, and

(c) he accordingly applies to the Crown Court for a direction that the summons shall be of no further effect,

the court may direct accordingly.

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Criminal Procedure and Investigations Act 1996 is up to date with all changes known to be in force on or before 19 July 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)*

(2) An application under this section must be made in accordance with Crown Court rules; and different provision may be made for different cases or descriptions of case.

(3) Crown Court rules may, in such cases as the rules may specify, require the effect of a direction under this section to be notified to the person to whom the summons is directed.

51D Application to make summons ineffective.

(1) If a witness summons issued under section 51A is directed to a person who—
  (a) applies to the Crown Court,
  (b) satisfies the court that he was not served with notice of the application to issue the summons and that he was neither present nor represented at the hearing of the application, and
  (c) satisfies the court that he cannot give any evidence likely to be material evidence or, as the case may be, produce any document or thing likely to be material evidence,

the court may direct that the summons shall be of no effect.

(2) For the purposes of subsection (1) it is immaterial—
  (a) whether or not Crown Court rules require the person to be served with notice of the application to issue the summons;
  (b) whether or not Crown Court rules enable the person to be present or represented at the hearing of the application.

(3) In subsection (1)(b) "served" means—
  (a) served in accordance with Crown Court rules, in a case where such rules require the person to be served with notice of the application to issue the summons;
  (b) served in such way as appears reasonable to the Crown Court, in any other case.

(4) The Crown Court may refuse to make a direction under this section if any requirement relating to the application under this section is not fulfilled.

(5) An application under this section must be made in accordance with Crown Court rules; and different provision may be made for different cases or descriptions of case.

(6) Crown Court rules may, in such cases as the rules may specify, require the service of notice of an application under this section on the person on whose application the witness summons was issued.

(7) Crown Court rules may, in such cases as the rules may specify, require that where—
  (a) a person applying under this section can produce a particular document or thing, but
  (b) he seeks to satisfy the court that the document or thing is not likely to be material evidence,

he must arrange for the document or thing to be available at the hearing of the application.

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Criminal Procedure and Investigations Act 1996 is up to date with all changes known to be in force on or before 19 July 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)*

(8) Where a direction is made under this section that a witness summons shall be of no effect, the person on whose application the summons was issued may be ordered to pay the whole or any part of the costs of the application under this section.

(9) Any costs payable under an order made under subsection (8) shall be taxed by the Master (Taxing Office), and payment of those costs shall be enforceable in the same manner as an order for payment of costs made by the High Court in a civil case or as a sum adjudged summarily to be paid as a civil debt.

51E Issue of witness summons of Crown Court's own motion.

For the purpose of any criminal proceedings before it, the Crown Court may of its own motion issue a summons (a witness summons) directed to a person and requiring him to—

(a) attend before the court at the time and place stated in the summons; and

(b) give evidence or produce any document or thing specified in the summons.

51F Application to make summons ineffective.

(1) If a witness summons issued under section 51E is directed to a person who—

(a) applies to the Crown Court, and

(b) satisfies the court that he cannot give any evidence likely to be material evidence or, as the case may be, produce any document or thing likely to be material evidence,

the court may direct that the summons shall be of no effect.

(2) The Crown Court may refuse to make a direction under this section if any requirement relating to the application under this section is not fulfilled.

(3) An application under this section must be made in accordance with Crown Court rules; and different provision may be made for different cases or descriptions of case.

(4) Crown Court rules may, in such cases as the rules may specify, require that where—

(a) a person applying under this section can produce a particular document or thing, but

(b) he seeks to satisfy the court that the document or thing is not likely to be material evidence,

he must arrange for the document or thing to be available at the hearing of the application.

51G Punishment for disobedience to witness summons.

(1) Any person who without just excuse—

(a) disobeys a witness summons requiring him to attend before the Crown Court; or

(b) disobeys a requirement made by the Crown Court under section 51B,

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Criminal Procedure and Investigations Act 1996 is up to date with all changes known to be in force on or before 19 July 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)*

shall be guilty of contempt of that court and may be punished summarily by that court as if his contempt were in the face of the court.

(2) A person shall not be committed to prison by reason of any disobedience mentioned in subsection (1) for a period exceeding three months.

51H Further process to secure attendance of witnesses.

(1) If the Crown Court is satisfied by evidence on oath that—

(a) a witness in respect of whom a witness summons is in force is unlikely to comply with the summons; and

(b) the witness is likely to be able to give evidence likely to be material evidence or produce any document or thing likely to be material evidence in the proceedings,

the Crown Court may issue a warrant to arrest the witness and bring him before the court.

(2) Where a witness who is required to attend before the Crown Court by virtue of a witness summons fails to attend in compliance with the summons, the Crown Court may—

(a) in any case, cause to be served on him a notice requiring him to attend the court forthwith or at such time as may be specified in the notice;

(b) if the court is satisfied that there are reasonable grounds for believing that he has failed to attend without just excuse, or if he has failed to comply with a notice under paragraph (a), issue a warrant to arrest him and bring him before the court.

(3) A witness brought before the Crown Court in pursuance of a warrant under this section may be remanded by that court in custody or on bail (with or without sureties) until such time as the court may appoint for receiving his evidence or dealing with him under section 51G.

(4) Where a witness attends the Crown Court in pursuance of a notice under this section, the court may direct that the notice shall have effect as if it required him to attend at any later time appointed by the court for receiving his evidence or dealing with him under section 51G."

(2) No subpoena ad testificandum or subpoena duces tecum shall issue after the appointed day in respect of any criminal proceedings for the purposes of which—

(a) a witness summons may be issued under section 51A of the Judicature (Northern Ireland) Act 1978; or

(b) a summons may be issued under Article 118 of the Magistrates' Courts (Northern Ireland) Order 1981 (process for attendance of witnesses in magistrates' courts).

(3) In section 47(4) of the Judicature (Northern Ireland) Act 1978 after the words "Subject to" there shall be inserted the words "section 66(2) of the Criminal Procedure and Investigations Act 1996 (subpoenas not to issue in certain criminal cases) and to".

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Criminal Procedure and Investigations Act 1996 is up to date with all changes known to be in force on or before 19 July 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)*

(4) This section applies in relation to any proceedings for the purposes of which no summons requiring the attendance of a witness has been issued before the appointed day.

(5) The references in subsections (2) and (4) to the appointed day are to such day as is appointed for the purposes of this section by the Secretary of State by order."

29 In section 69(1) for "section 9 of the Criminal Justice Act 1967" substitute " section 1 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 " and for "subsection (3)(a)" substitute " subsection (4)(a) ".

30 In section 70 for subsection (1) substitute—

"(1) In Article 10 of the Magistrates' Courts (Northern Ireland) Order 1981—

(a) in paragraph (1) (power of Lord Chancellor to defray expenses in connection with proceedings) after the words "justice or clerk" (where they first occur) there shall be inserted "in relation to any matter other than a criminal matter", and

(b) after paragraph (1) there shall be inserted—

(") The Lord Chancellor shall defray any expenses reasonably incurred by a resident magistrate or other justice of the peace or by a clerk of petty sessions in, or in connection with, any proceedings or claim brought as a result of the execution, or purported execution, of the office of that magistrate, justice or clerk in relation to any criminal matter, unless it is proved, in respect of the matters giving rise to the proceedings or claim, that he acted in bad faith.".."

31 (1) In section 74 for subsection (1) substitute—

"(1) The Evidence of Alibi Act (Northern Ireland) 1972 shall cease to have effect."

(2) In section 74 omit subsections (2) and (3).

(3) In section 74 for subsection (4) substitute—

"(4) In Article 8(6) of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (disclosure in cases involving fraud) in sub-paragraph (a) for the words "section 1 of the Evidence of Alibi Act (Northern Ireland) 1972" there shall be substituted the words "section 5(7) of the Criminal Procedure and Investigations Act 1996"."

32 In section 75(1) for "sections 52(3) and 54(7)" substitute " section 54(7) ".

33 For section 76 substitute—

"**76 Power of magistrates' courts.**

Anything authorised or required by this Act to be done by, to or before the magistrates' court by, to or before which any other thing was done, or is to be done, may be done by, to or before any magistrates' court acting for the same county court division as that court."

[[F29]33A. After section 77 insert—

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Criminal Procedure and Investigations Act 1996 is up to date with all changes known to be in force on or before 19 July 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)*

"**Orders and regulations (Department of Justice)**

(1) This section concerns the powers of the Department of Justice to make orders or regulations under this Act.

(2) Any power to make an order or regulations may be exercised differently in relation to different areas or in relation to other different cases or descriptions of case.

(3) Any order or regulations may include such supplementary, incidental, consequential or transitional provisions as appear to the Department of Justice to be necessary or expedient.

(4) Any power to make an order or regulations shall be exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.

(5) No regulations shall be made under section 6A unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

(6) Regulations (other than regulations under section 6A) shall be subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954).

(7) No order shall be made under section 25 unless a draft of the order has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

(8) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of subsections (5) and (7) in relation to the laying of a draft as it applies in relation to the laying of a statutory document under an enactment.".**]**

Textual Amendments

F29 Sch. 4 para. 33A inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 14 para. 34(6)** (with arts. 28-31)

34 In section 80 omit "(or revoked)".

35 For Schedule 3 substitute—

"SCHEDULE 3

FRAUD

Introduction

1 The Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 shall be amended as provided by this Schedule.

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Criminal Procedure and Investigations Act 1996 is up to date with all changes known to be in force on or before 19 July 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)*

Notice of transfer

2 In Article 3 (transfer of certain fraud cases to the Crown Court) in paragraph (1)(b)(ii) for the words "seriousness and complexity" there shall be substituted the words "seriousness or complexity".

Preparatory hearings

3 (1) Article 6 (power to order preparatory hearing) shall be amended as follows.

(2) In paragraph (1) for the words "seriousness and complexity" there shall be substituted the words "seriousness or complexity".

(3) Paragraphs (3) to (5) (power to make order that could be made at the hearing) shall be omitted.

4 (1) Article 8 (the preparatory hearing) shall be amended as follows.

(2) In paragraph (7) (warning of possible consequence under Article 9(1)) the word "(1)" shall be omitted.

(3) In paragraph (10) for the words "at or for the purposes of a preparatory hearing" there shall be substituted "under this Article".

5 The following Article shall be inserted after Article 8—

"***Orders before preparatory hearing***

8A (1) Paragraph (2) applies where—

(a) a judge orders a preparatory hearing, and

(b) he decides that any order which could be made under Article 8(4) or (5) at the hearing should be made before the hearing.

(2) In such a case—

(a) he may make any such order before the hearing (or at the hearing), and

(b) paragraphs (4) to (10) of Article 8 shall apply accordingly."

6 The following Article shall be substituted for Article 9 (later stages of trial) —

"***Later stages of trial***

9 (1) Any party may depart from the case he disclosed in pursuance of a requirement imposed under Article 8.

(2) Where—

(a) a party departs from the case he disclosed in pursuance of a requirement imposed under Article 8, or

(b) a party fails to comply with such a requirement,

the judge or, with the leave of the judge, any other party may make such comment as appears to the judge or the other party (as the case may be) to be appropriate and the jury may draw such inference as appears proper.

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Criminal Procedure and Investigations Act 1996 is up to date with all changes known to be in force on or before 19 July 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)*

(3) In deciding whether to give leave the judge shall have regard—
(a) to the extent of the departure or failure, and
(b) to whether there is any justification for it.

(4) Except as provided by this Article no part—
(a) of a statement given under Article 8(5), or
(b) of any other information relating to the case for the accused or, if there is more than one, the case for any of them, which was given in pursuance of a requirement imposed under Article 8,

may be disclosed at a stage in the trial after the jury have been sworn without the consent of the accused concerned."

Reporting restrictions

7 The following Articles shall be substituted for Article 10 (reporting restrictions)—

"***Restrictions on reporting***

10 (1) Except as provided by this Article—
(a) no written report of proceedings falling within paragraph (2) shall be published in Northern Ireland;
(b) no report of proceedings falling within paragraph (2) shall be included in a relevant programme for reception in Northern Ireland.

(2) The following proceedings fall within this paragraph—
(a) an application under Article 5(1);
(b) a preparatory hearing;
(c) an application for leave to appeal in relation to such a hearing;
(d) an appeal in relation to such a hearing.

(3) The judge dealing with an application under Article 5(1) may order that paragraph (1) shall not apply, or shall not apply to a specified extent, to a report of the application.

(4) The judge dealing with a preparatory hearing may order that paragraph (1) shall not apply, or shall not apply to a specified extent, to a report of—
(a) the preparatory hearing, or
(b) an application to the judge for leave to appeal to the Court of Appeal under Article 8(11) in relation to the preparatory hearing.

(5) The Court of Appeal may order that paragraph (1) shall not apply, or shall not apply to a specified extent, to a report of—
(a) an appeal to the Court of Appeal under Article 8(11) in relation to a preparatory hearing,
(b) an application to that Court for leave to appeal to it under Article 8(11) in relation to a preparatory hearing, or
(c) an application to that Court for leave to appeal to the House of Lords under Part II of the Criminal Appeal (Northern Ireland) Act 1980 in relation to a preparatory hearing.

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Criminal Procedure and Investigations Act 1996 is up to date with all changes known to be in force on or before 19 July 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)*

(6) The House of Lords may order that paragraph (1) shall not apply, or shall not apply to a specified extent, to a report of—

(a) an appeal to that House under Part II of the Criminal Appeal (Northern Ireland) Act 1980 in relation to a preparatory hearing, or

(b) an application to that House for leave to appeal to it under Part II of the Criminal Appeal (Northern Ireland) Act 1980 in relation to a preparatory hearing.

(7) Where there is only one accused and he objects to the making of an order under paragraph (3), (4), (5) or (6) the judge or the Court of Appeal or the House of Lords shall make the order if (and only if) satisfied after hearing the representations of the accused that it is in the interests of justice to do so; and if the order is made it shall not apply to the extent that a report deals with any such objection or representations.

(8) Where there are two or more accused and one or more of them objects to the making of an order under paragraph (3), (4), (5) or (6) the judge or the Court of Appeal or the House of Lords shall make the order if (and only if) satisfied after hearing the representations of each of the accused that it is in the interests of justice to do so; and if the order is made it shall not apply to the extent that a report deals with any such objection or representations.

(9) Paragraph (1) does not apply to—

(a) the publication of a report of an application under Article 5(1), or

(b) the inclusion in a relevant programme of a report of an application under Article 5(1),

where the application is successful.

(10) Where—

(a) two or more persons are jointly charged, and

(b) applications under Article 5(1) are made by more than one of them,

paragraph (9) shall have effect as if for the words “the application is” there were substituted “all the applications are”.

(11) Paragraph (1) does not apply to—

(a) the publication of a report of an unsuccessful application made under Article 5(1),

(b) the publication of a report of a preparatory hearing,

(c) the publication of a report of an appeal in relation to a preparatory hearing or of an application for leave to appeal in relation to such a hearing,

(d) the inclusion in a relevant programme of a report of an unsuccessful application made under Article 5(1),

(e) the inclusion in a relevant programme of a report of a preparatory hearing, or

(f) the inclusion in a relevant programme of a report of an appeal in relation to a preparatory hearing or of an application for leave to appeal in relation to such a hearing,

at the conclusion of the trial of the accused or of the last of the accused to be tried.

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Criminal Procedure and Investigations Act 1996 is up to date with all changes known to be in force on or before 19 July 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)*

(12) Paragraph (1) does not apply to a report which contains only one or more of the following matters—

(a) the identity of the court and the name of the judge;

(b) the names, ages, home addresses and occupations of the accused and witnesses;

(c) any relevant business information;

(d) the offence or offences, or a summary of them, with which the accused is or are charged;

(e) the names of counsel and solicitors in the proceedings;

(f) where the proceedings are adjourned, the date and place to which they are adjourned;

(g) any arrangements as to bail;

(h) whether legal aid was granted to the accused or any of the accused.

(13) The addresses that may be published or included in a relevant programme under paragraph (12) are addresses—

(a) at any relevant time, and

(b) at the time of their publication or inclusion in a relevant programme;

and "relevant time" here means a time when events giving rise to the charges to which the proceedings relate occurred.

(14) The following is relevant business information for the purposes of paragraph (12)—

(a) any address used by the accused for carrying on a business on his own account;

(b) the name of any business which he was carrying on on his own account at any relevant time;

(c) the name of any firm in which he was a partner at any relevant time or by which he was engaged at any such time;

(d) the address of any such firm;

(e) the name of any company of which he was a director at any relevant time or by which he was otherwise engaged at any such time;

(f) the address of the registered or principal office of any such company;

(g) any working address of the accused in his capacity as a person engaged by any such company;

and here "engaged" means engaged under a contract of service or a contract for services, and "relevant time" has the same meaning as in paragraph (13).

(15) Nothing in this Article affects any prohibition or restriction imposed by virtue of any other enactment on a publication or on matter included in a programme.

(16) In this Article—

(a) "publish", in relation to a report, means publish the report, either by itself or as part of a newspaper or periodical, for distribution to the public;

(b) expressions cognate with "publish" shall be construed accordingly;

(c) "relevant programme" means a programme included in a programme service, within the meaning of the [M23]Broadcasting Act 1990.

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Criminal Procedure and Investigations Act 1996 is up to date with all changes known to be in force on or before 19 July 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)*

Offences in connection with reporting

10A (1) If a report is published or included in a relevant programme in contravention of Article 10 each of the following persons is guilty of an offence—

(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 otherwise than as part of a newspaper or periodical, the person who publishes it;

(c) in the case of the inclusion of a report in a relevant programme, any body corporate which is engaged in providing the service in which the programme is included and any person having functions in relation to the programme corresponding to those of an editor of a newspaper.

(2) A person guilty of an offence under this Article is liable on summary conviction to a fine of an amount not exceeding level 5 on the standard scale.

(3) Proceedings for an offence under this Article shall not be instituted otherwise than by or with the consent of the Attorney General for Northern Ireland.

(4) Paragraph (16) of Article 10 applies for the purposes of this Article as it applies for the purposes of that."

General

8 (1) This Schedule applies in relation to an offence if—

(a) the accused is committed for trial on the charge concerned, or proceedings for the trial on the charge concerned are transferred to the Crown Court, on or after the appointed day, or

(b) an indictment relating to the offence is presented on or after the appointed day under the authority of section 2(2)(c), (e) [F30]... of the Grand Jury (Abolition) Act (Northern Ireland) 1969.

(2) References in this paragraph to the appointed day are to such day as is appointed for the purposes of this Schedule by the Secretary of State by order."

Textual Amendments

F30 Sch. 4 para. 35: "Sch. 3 as it applies to Northern Ireland, in para. 8(1)(b), the words "or (f)"" repealed (12.4.2010) by virtue of Justice (Northern Ireland) Act 2002 (c. 26), ss. 86, 87, Sch. 13; S.R. 2010/113, art. 2, Sch. para. 21(q)

Marginal Citations

M23 1990 c. 42.

36 For Schedule 5 substitute—

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Changes to legislation: *Criminal Procedure and Investigations Act 1996 is up to date with all changes known to be in force on or before 19 July 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)*

"SCHEDULE 5

REPEALS

1.

War Crimes

Chapter or Number	Short title	Extent of repeal
1981 NI 18.	The Legal Aid, Advice and Assistance (Northern Ireland) Order 1981.	In Article 29(2), sub-paragraph (d) and the word "or" immediately before it.
1991 c.13.	The War Crimes Act 1991.	Section 1(4), so far as relating to Part II of the Schedule. Section 3(3). Part II of the Schedule.

2.

Summonses to Witnesses

Chapter	Short title	Extent of repeal
1831 c. 44.	The Tumultuous Risings (Ireland) Act 1831.	Section 8.

This repeal has effect in accordance with section 66 of this Act.

3.

Alibi

Chapter or Number	Short title	Extent of repeal
1972 c. 6 (N.I.).	The Evidence of Alibi Act (Northern Ireland) 1972.	The whole Act.
1980 NI 6.	The Criminal Justice (Northern Ireland) Order 1980.	In Schedule 1, paragraph 61.
1988 NI 16.	The Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988.	In the Schedule, paragraph 3.
1995 NI 3.	The Children's Evidence (Northern Ireland) Order 1995.	In Schedule 2, paragraph 6.

These repeals have effect in accordance with section 74 of this Act.

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Criminal Procedure and Investigations Act 1996 is up to date with all changes known to be in force on or before 19 July 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)*

4.

Fraud

Chapter or Number	Short title	Extent of repeal
1988 NI 16.	The Criminal Justice (Serious Fraud)(Northern Ireland) Order 1988.	Article 6(3) to (5).
		In Article 8(7) the word "(1)".
1990 c. 42.	The Broadcasting Act 1990.	In Schedule 20, paragraph 50.

These repeals have effect in accordance with Schedule 3 to this Act."

SCHEDULE 5

Section 80

REPEALS

1.

Reinstatement of certain provisions

Chapter	Short title	Extent of repeal
1994 c.33.	Criminal Justice and Public Order Act 1994.	Section 34(7).
		Section 36(8).
		Section 37(7).
		Section 44.
		Schedule 4.
		In Schedule 11, the entries mentioned in note 1 below.

1 The entries in Schedule 11 to the 1994 Act are those relating to the following—

(a) sections 13(3) and 49(2) of the [M24]Criminal Justice Act 1925;

(b) section 1 of the [M25]Criminal Procedure (Attendance of Witnesses) Act 1965;

(c) section 7 of the [M26]Criminal Justice Act 1967 and in section 36(1) of that Act the definition of "committal proceedings";

(d) in paragraph 1 of Schedule 2 to the [M27]Criminal Appeal Act 1968 the words from "section 13(3)" to "but";

(e) in section 46(1) of the [M28]Criminal Justice Act 1972 the words "Section 102 of the Magistrates' Courts Act 1980 and", "which respectively allow", "committal proceedings and in other", "and section 106 of the said Act of

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1980", "which punish the making of", "102 or" and ", as the case may be", and section 46(2) of that Act;

(f) in section 32(1)(b) of the [M29]Powers of Criminal Courts Act 1973 the words "tried or";

(g) in Schedule 1 to the [M30]Interpretation Act 1978, paragraph (a) of the definition of "Committed for trial";

(h) in section 97(1) of the [M31]Magistrates' Courts Act 1980 the words from "at an inquiry" to "be) or", sections 102, 103, 105, 106 and 145(1)(e) of that Act, in section 150(1) of that Act the definition of "committal proceedings", and paragraph 2 of Schedule 5 to that Act;

(i) in section 2(2)(g) of the [M32]Criminal Attempts Act 1981 the words "or committed for trial";

(j) in section 1(2) of the [M33]Criminal Justice Act 1982 the words "trial or";

(k) paragraphs 10 and 11 of Schedule 2 to the [M34]Criminal Justice Act 1987;

(l) in section 20(4)(a) of the [M35]Legal Aid Act 1988 the words "trial or", and section 20(4)(bb) and (5) of that Act;

(m) in section 1(4) of the [M36]War Crimes Act 1991 the words "England, Wales or", and Part I of the Schedule to that Act.

Marginal Citations

M24 1925 c. 86.
M25 1965 c. 69.
M26 1967 c. 80.
M27 1968 c. 19.
M28 1972 c. 71.
M29 1973 c. 62.
M30 1978 c. 30.
M31 1980 c. 43.
M32 1981 c. 47.
M33 1982 c. 48.
M34 1987 c. 38.
M35 1988 c. 34.
M36 1991 c. 13.

2 The repeals under this paragraph (reinstatement of certain provisions) have effect in accordance with section 44 of this Act.

This repeal has effect in accordance with section 49 of this Act.

These repeals have effect in accordance with section 52 of this Act.

This repeal has effect in accordance with section 63 of this Act.

These repeals have effect in accordance with provision made by the Secretary of State by order under section 65 of this Act.

These repeals have effect in accordance with section 66 of this Act.

This revocation has effect in accordance with section 71 of this Act.

These repeals have effect in accordance with section 74 of this Act.

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Criminal Procedure and Investigations Act 1996 is up to date with all changes known to be in force on or before 19 July 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)*

These repeals have effect in accordance with provision made by the Secretary of State by order under Schedule 1 to this Act.

These repeals have effect in accordance with provision made by the Secretary of State by order under Schedule 2 to this Act.

These repeals have effect in accordance with Schedule 3 to this Act.

2.

War Crimes

Chapter	Short title	Extent of repeal
1988 c.34.	Legal Aid Act 1988.	Section 20(4)(bb).
1991 c.13.	War Crimes Act 1991.	In section 1(4) the words "England, Wales or".
		Section 3(2).
		Part I of the Schedule.

3.

Either Way Offences

Chapter	Short title	Extent of repeal
1980 c.43.	Magistrates' Courts Act 1980.	Section 19(2)(a).

4.

Remand

Chapter	Short title	Extent of repeal
1980 c.43.	Magistrates' Courts Act 1980.	In section 128, subsections (1A)(c) and (3A)(c).
		In section 128A(1) the words "who has attained the age of 17".

5.

Specimens

Chapter	Short title	Extent of repeal
1992 c.42.	Transport and Works Act 1992.	In section 31(4) the word "or" at the end of paragraph (b).

6.

Witness Orders

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Criminal Procedure and Investigations Act 1996 is up to date with all changes known to be in force on or before 19 July 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)*

Chapter	Short title	Extent of repeal
1965 c.69.	Criminal Procedure (Attendance of Witnesses) Act 1965.	Section 1.
		In section 3(1) the words "witness order or".
		In section 4(1) the words "witness order or" and (where they next occur) "order or".
		In the proviso to section 4(1) the words from "in the case" (where they first occur) to "witness summons".
		In section 4(2) the words "a witness order or" and (where they next occur) "order or".
1971 c.23.	Courts Act 1971.	In Schedule 8, paragraph 45(1).
1980 c.43.	Magistrates' Courts Act 1980.	Section 145(1)(e).

7.

Summonses to witnesses

Chapter	Short title	Extent of repeal
1965 c.69.	Criminal Procedure (Attendance of Witnesses) Act 1965.	Schedule 1.
1971 c.23.	Courts Act 1971.	In Schedule 8, paragraph 45(2) and (5).

8.

Preliminary Stages

Number	Title	Extent of revocation
S.I. 1987/299	Prosecution of Offences (Custody Time Limits) Regulations 1987.	Regulation 5(7).

9.

Alibi

Chapter	Short title	Extent of repeal

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Criminal Procedure and Investigations Act 1996 is up to date with all changes known to be in force on or before 19 July 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)*

1967 c. 80.	Criminal Justice Act 1967.	Section 11.
1980 c. 43.	Magistrates' Courts Act 1980.	In Schedule 7, paragraph 64.
1987 c. 38.	Criminal Justice Act 1987.	In Schedule 2, paragraph 2.
1994 c. 33.	Criminal Justice and Public Order Act 1994.	In Schedule 4, paragraph 15(3).
		In Schedule 9, paragraphs 6(2) and 7.

10.

Committal Proceedings

Chapter	**Short title**	**Extent of repeal**
1867 c. 35.	Criminal Law Amendment Act 1867.	Section 6.
		Section 7.
1972 c. 71.	Criminal Justice Act 1972.	In section 46(1) the following words— "Section 102 of the Magistrates' Courts Act 1980 and"; "which respectively allow"; "committal proceedings and in other"; "and section 106 of the said Act of 1980"; "which punish the making of"; "102 or"; ", as the case may be".
		Section 46(2).
1980 c. 43.	Magistrates' Courts Act 1980.	Section 28.
		In section 97(1) the words "at an inquiry into an indictable offence by a magistrates' court for that commission area or".
		Section 102.
		Section 103(3) and (4).
		Section 105.

Status: *Point in time view as at 12/04/2010.*
Changes to legislation: *Criminal Procedure and Investigations Act 1996 is up to date with all changes known to be in force on or before 19 July 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)*

		In Schedule 7, paragraph 2.
1988 c. 33.	Criminal Justice Act 1988.	In section 32A(10) the words "notwithstanding that the child witness is not called at the committal proceedings". In Schedule 15, paragraph 68.

11.

Statements and Depositions

Chapter	Short title	Extent of repeal
1925 c.86.	Criminal Justice Act 1925.	Section 13(3).
1965 c.69.	Criminal Procedure (Attendance of Witnesses) Act 1965.	In Part I of Schedule 2, the entry relating to the Criminal Justice Act 1925.
1967 c.80.	Criminal Justice Act 1967.	Section 7.
1980 c.43.	Magistrates' Courts Act 1980.	In Schedule 7, paragraph 63.

12.

Fraud

Chapter	Short title	Extent of repeal
1987 c.38.	Criminal Justice Act 1987.	In section 7, subsections (3) to (5). In section 9(7), the word "(1)".
1988 c.33.	Criminal Justice Act 1988.	In Schedule 15, paragraph 114.
1990 c.42.	Broadcasting Act 1990.	In Schedule 20, paragraph 47.

Status:
Point in time view as at 12/04/2010.

Changes to legislation:
Criminal Procedure and Investigations Act 1996 is up to date with all changes known to be in force on or before 19 July 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.