

Changes to legislation: Crime and Disorder Act 1998, Cross Heading: Use of depositions as evidence is up to date with all changes known to be in force on or before 21 April 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) View outstanding changes

SCHEDULES

SCHEDULE 3

PROCEDURE WHERE PERSONS ARE SENT FOR TRIAL UNDER SECTION 51

Use of depositions as evidence

- 5 (1) Subject to sub-paragraph (3) below, sub-paragraph (2) below applies where in pursuance of paragraph 4 above a person has his evidence taken as a deposition.
- (2) Where this sub-paragraph applies the deposition may without further proof be read as evidence on the trial of the accused, whether for an offence for which he was sent for trial under section 51 [^{F1}or 51A] of this Act or for any other offence arising out of the same transaction or set of circumstances.
- (3) Sub-paragraph (2) above 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) above shall not apply; or
 - (c) a party to the proceedings objects to sub-paragraph (2) above applying.

^{F2}(4)

Textual Amendments

- F1** Words in Sch. 3 para. 5(2) inserted (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 3 para. 20\(5\); S.I. 2012/1320, art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574, art. 4\(2\)](#) and [S.I. 2013/1103, art. 4](#)); [S.I. 2012/2574, art. 2\(2\)\(3\)\(c\)](#), Sch. (with arts. 3, 4) (as amended (4.11.2012) by [S.I. 2012/2761, art. 2](#)) (with [S.I. 2013/1103, art. 4](#)); [S.I. 2013/1103, art. 2\(1\)\(c\)\(2\)\(3\)](#) (with arts. 3, 4)
- F2** Sch. 3 para. 5(4) repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\), ss. 130, 332, 336\(3\), Sch. 37 Pt. 6; S.I. 2005/950, art. 2, Sch. 1 paras. 6, 44\(3\)](#) (with Sch. 2)

Modifications etc. (not altering text)

- C1** Sch. 3 para. 5 excluded (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\), ss. 84\(7\), 336\(3\); S.I. 2005/950, art. 2\(1\), Sch. 1 para. 5](#) (with Sch. 2)
- C2** Sch. 3 para. 5 excluded (4.4.2005) by [Criminal Appeal Act 1968 \(c. 19\), Sch. 2 para. 1\(2\)](#) (as substituted by [Criminal Justice Act 2003 \(c. 44\), ss. 131, 336\(3\); S.I. 2005/950, art. 2\(1\), Sch. 1 para. 6](#) (with Sch. 2))

Commencement Information

- I1** Sch. 3 para. 5 wholly in force; Sch. 3 para. 5 not in force at Royal Assent see s. 121. In force at 30.9.1998 for certain purposes by [S.I. 1998/2327, art. 2\(1\)](#) (subject to savings in [arts. 5-8](#)); Sch. 3 para. 5 in force at 4.1.1999 for the purpose of sending any person for trial under s. 51 from any area specified in Sch. 2 of the said S.I. by [S.I. 1998/2327, art. 4\(2\)](#); Sch. 3 para. 5 in force at 15.1.2001 to the extent that it is not already in force by [S.I. 2000/3283, art. 2](#) (subject to transitional provisions in [art. 3](#))

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(1C) inserted by [2010 c. 17 s. 40\(2\)](#) (This amendment not applied to legislation.gov.uk. S. 40 repealed (23.3.2015) without ever being in force by 2014 c. 12, Sch. 11 para. 46; S.I. 2015/373, art. 4(f)(x))
- s. 8A inserted by [2010 c. 17 s. 41\(3\)](#) (This amendment not applied to legislation.gov.uk. S. 41 repealed (23.3.2015) without ever being in force by 2014 c. 12, Sch. 11 para. 46; S.I. 2015/373, art. 4(f)(x))
- s. 8A repealed by [2014 c. 12 Sch. 11 para. 24\(c\)](#)
- s. 9(2)(d) and word inserted by [2010 c. 17 s. 41\(4\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S. 41 repealed (23.3.2015) without ever being in force by 2014 c. 12, Sch. 11 para. 46; S.I. 2015/373, art. 4(f)(x))
- s. 9(2)(d) and word omitted by [2014 c. 12 Sch. 11 para. 26\(4\)\(a\)](#)
- s. 9(2AA) inserted by [2010 c. 17 s. 41\(4\)\(c\)](#) (This amendment not applied to legislation.gov.uk. S. 41 repealed (23.3.2015) without ever being in force by 2014 c. 12, Sch. 11 para. 46; S.I. 2015/373, art. 4(f)(x))
- s. 9(2AA) repealed by [2014 c. 12 Sch. 11 para. 26\(5\)](#)
- s. 41(5)(i)(ii) words substituted by [2021 c. 11 Sch. 13 para. 37\(3\)](#)
- s. 47(A1) inserted by [2022 c. 35 s. 12\(2\)](#)
- s. 47(1)-(1F) substituted for s. 47(1) by [2022 c. 35 s. 12\(3\)](#)
- s. 47(4)(a) word substituted by [2022 c. 35 s. 12\(6\)\(b\)](#)
- s. 47(4)(a) words renumbered as s. 47(4)(a) by [2022 c. 35 s. 12\(6\)\(a\)](#)
- s. 47(4)(b) and word inserted by [2022 c. 35 s. 12\(6\)\(c\)](#)
- s. 47(4A) inserted by [2022 c. 35 s. 12\(7\)](#)
- s. 50A(6) inserted by [2022 c. 35 Sch. 2 para. 8\(2\)\(b\)](#)
- s. 51(2A)-(2E) inserted by [2022 c. 35 s. 10\(4\)](#)
- s. 51(3A)(3B) substituted for s. 51(3)-(12) by [2022 c. 35 s. 10\(5\)](#)
- s. 51A(A1) inserted by [2022 c. 35 s. 10\(7\)](#)
- s. 51A(3A)-(3E) inserted by [2022 c. 35 s. 10\(9\)](#)
- s. 51A(4A)(4B) substituted for s.0051A(4)-(10) by [2022 c. 35 s. 10\(10\)](#)
- s. 52(2A) inserted by [2022 c. 35 s. 10\(11\)](#)
- Sch. 3 para. 3(11A) inserted by [2003 c. 44 Sch. 3 para. 71\(d\)](#)