
STATUTORY INSTRUMENTS

2005 No. 384

The Criminal Procedure Rules 2005

PART 28

WITNESS SUMMONSES AND ORDERS

Taking a deposition in a magistrates' court

28.2.—(1) Where a person attends before a justice of the peace in pursuance of section 97A of the Magistrates' Courts Act 1980 or paragraph 4 of Schedule 3 to the Crime and Disorder Act 1998 the justice shall—

- (a) where that person attends for the purpose of giving evidence, cause his evidence to be put in writing;
- (b) where that person attends for the purpose of producing a document or other exhibit, cause the document or exhibit to be handed over for examination and any evidence given by that person in respect of it to be put in writing;
- (c) where that person refuses to have his evidence taken or to produce the document or other exhibit, as the case may be, explain to him the consequences of so refusing without just excuse, and ask him to explain why he has so refused; and
- (d) cause a record of any such refusal to be made in writing.

(2) As soon as practicable after the examination by the prosecutor of a witness whose evidence is put in writing the justice shall cause his deposition to be read to him, and shall require the witness to sign the deposition.

(3) Any such deposition shall be authenticated by a certificate signed by the justice.

(4) Subject to rule 10.5 (material to be sent to Crown Court following committal) the court officer, on sending a copy of any deposition or documentary exhibit to the prosecutor under section 97A(9) or (10) of the 1980 Act, as the case may be—

- (a) shall retain the original deposition or documentary exhibit; and
- (b) may retain any other exhibit produced in pursuance of that section.

[Note. Formerly rule 4A of the Magistrates' Courts Rules 1981(1).]