



Criminal Procedure (Attendance of Witnesses) Act 1965

1965 CHAPTER 69

^{F1} Issue of witness summons of court's own motion

Textual Amendments

- F1** Ss. 2-2E, the cross heading before s. 2, the cross heading before s. 2D and the cross heading following s. 2E substituted for s. 2 (4.7.1996 with effect at 1.4.1999 (E.W.) and 21.8.2000 (N.I.)) by 1996 c. 25, s. 66(2)(7) (with s. 78(1)); S.I. 1999/718, art. 2; S.I. 2000/1968, art. 2

2D ^{F2} 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.

Textual Amendments

- F2** Ss. 2-2E, the cross heading before s. 2, the cross heading before s. 2D and the cross heading following s. 2E substituted (4.7.1996 with effect at 1.4.1999 as appointed day by S.I. 1999/718, art. 2) for s. 2 by 1996 c. 25, s. 66(2)(7) (with s. 78(1)); S.I. 1999/718, art. 2

2E ^{F3} Application to make summons ineffective.

- (1) If a witness summons issued under section 2D above is directed to a person who—
 - (a) applies to the Crown Court, and

Changes to legislation: There are currently no known outstanding effects for the Criminal Procedure (Attendance of Witnesses) Act 1965, Cross Heading: Issue of witness summons of court's own motion. (See end of Document for details)

- (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 [^{F4}Criminal Procedure Rules]; and different provision may be made for different cases or descriptions of case.
- (4) [^{F4}Criminal Procedure 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.

Textual Amendments

- F3** Ss. 2-2E and relevant cross-headings substituted for s. 2 (4.7.1996, with effect at 1.4.1999, (E.W.) and 21.8.2000 (N.I.)) by 1996 c. 25, s. 66(2)(7) (with s. 78(1)); S.I. 1999/718, art. 2; S.I. 2000/1968, art. 2
- F4** Words in s. 2E(3)(4) substituted (1.9.2004) by Courts Act 2003 (c. 39), s. 110(1), Sch. 8 para. 126(d); S.I. 2004/2066, art. 2(c)(vi) (with art. 3)

Changes to legislation:

There are currently no known outstanding effects for the Criminal Procedure (Attendance of Witnesses) Act 1965, Cross Heading: Issue of witness summons of court's own motion.