



# Magistrates' Courts Act 1980

## 1980 CHAPTER 43

### PART I

#### CRIMINAL JURISDICTION AND PROCEDURE

#### *[<sup>F1</sup>Committal proceedings]*

#### <sup>F1</sup>5B Written statements.

<sup>F2</sup>(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

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*Changes to legislation: Magistrates' Courts Act 1980, Section 5B is up to date with all changes known to be in force on or before 27 June 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)*

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.]

#### Textual Amendments

- F1** Ss. 5A-5F inserted (with effect as mentioned in Sch. 1 Pt. III para. 39 of the inserting Act) by 1996 c. 25, s. 47, **Sch. 1 Pt. I para.3**; S.I. 1997/683, **art. 1(2)**
- F2** Ss. 4-8 repealed (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. 51(3)**, **Sch. 37 Pt. 4**; 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)

#### Modifications etc. (not altering text)

- C1** S. 5B extended (with effect as mentioned in Sch. 1 Pt. III para. 39 of 1996 c. 25) by 1972 c. 71, s. **46(1A)(b)** (as inserted by 1996 c. 25, s. 47, **Sch. 1 Pt. II para. 22(3)** (with s. 78(1)); S.I. 1997/683, **art. 1(2)**)  
S. 5B extended (with modifications) (with effect as mentioned in Sch. 1 Pt. III para. 39 of 1996 c. 25) by 1972 c. 71, s. **46(1B)(b)** (as inserted by 1996 c. 25, **Sch. 1 Pt. II para. 22(3)** (with s. 78(1)); S.I. 1997/683, **art. 1(2)**)
- C2** S. 5B modified (prosp.) by 1997 c. 39, **ss. 9(1), 11(2)** (with ss. 1(4), 11(3))

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