

Status: Point in time view as at 27/09/1999.

Changes to legislation: Police and Criminal Evidence Act 1984, SCHEDULE 3 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)

SCHEDULES

SCHEDULE 3

Section 70.

PROVISIONS SUPPLEMENTARY TO SECTIONS 68 AND 69

Extent Information

E1 Re extent of Sch. 3 see [s. 120\(6\)\(7\)\(8\)](#).

PART I

PROVISIONS SUPPLEMENTARY TO SECTION 68

F1

1–7

Textual Amendments

F1 [Sch. 3 paras. 1–7, 13](#) repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170(2), [Sch. 16](#)

PART II

PROVISIONS SUPPLEMENTARY TO SECTION 69

8 In any proceedings where it is desired to give a statement in evidence in accordance with section 69 above, a certificate—

- (a) identifying the document containing the statement and describing the manner in which it was produced;
- (b) giving such particulars of any device involved in the production of that document as may be appropriate for the purpose of showing that the document was produced by a computer;
- (c) dealing with any of the matters mentioned in subsection (1) of section 69 above; and
- (d) purporting to be signed by a person occupying a responsible position in relation to the operation of the computer,

shall be evidence of anything stated in it; and for the purposes of this paragraph it shall be sufficient for a matter to be stated to the best of the knowledge and belief of the person stating it.

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9 Notwithstanding paragraph 8 above, a court may require oral evidence to be given of anything of which evidence could be given by a certificate under that paragraph [F2; but the preceding provisions of this paragraph shall not apply where the court is a magistrates’ court inquiring into an offence as examining justices.].

Textual Amendments
F2 Words in Sch. 3 para. 9 inserted (4.7.1996 but with effect as mentioned in Sch. 1 Pt. III para. 39) by 1996 c. 25 s. 47, Sch. 1 Pt. II para.27, Sch. 1 Pt. III para. 39; S.I. 1997/683, art. 1(2).

10 Any person who in a certificate tendered under paragraph 8 above in a magistrates’ court, the Crown Court or the Court of Appeal makes a statement which he knows to be false or does not believe to be true shall be guilty of an offence and liable—
(a) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or to both;
(b) on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum F3 . . . or to both.

Textual Amendments
F3 Words in Sch. 3 para. 10(b) repealed (5.11.1993) 1993 c. 50, s. 1(1), Sch. 1 Pt.XIV.

11 In estimating the weight, if any, to be attached to a statement regard shall be had to all the circumstances from which any inference can reasonably be drawn as to the accuracy or otherwise of the statement and, in particular—
(a) to the question whether or not the information which the information contained in the statement reproduces or is derived from was supplied to the relevant computer, or recorded for the purpose of being supplied to it, contemporaneously with the occurrence or existence of the facts dealt with in that information; and
(b) to the question whether or not any person concerned with the supply of information to that computer, or with the operation of that computer or any equipment by means of which the document containing the statement was produced by it, had any incentive to conceal or misrepresent the facts.

12 For the purposes of paragraph 11 above information shall be taken to be supplied to a computer whether it is supplied directly or (with or without human intervention) by means of any appropriate equipment.

PART III

PROVISIONS SUPPLEMENTARY TO SECTIONS 68 AND 69

F4

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Textual Amendments

F4 Sch. 3 paras. 1–7, 13 repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170(2), Sch. 16

- 14 For the purpose of deciding whether or not a statement is so admissible the court may draw any reasonable inference—
- (a) from the circumstances in which the statement was made or otherwise came into being; or
 - (b) from any other circumstances, including the form and contents of the document in which the statement is contained.
- 15 Provision may be made by rules of court for supplementing the provisions of section 68 or 69 above or this Schedule.

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