



Criminal Justice Act 1948

1948 CHAPTER 58 11 and 12 Geo 6

PART I

POWERS AND PROCEEDINGS OF COURTS

Miscellaneous provisions relating to procedure, appeals, evidence, etc.

41 Evidence by certificate.

- (1) In any criminal proceedings, a certificate purporting to be signed by a constable, or by a person having the prescribed qualifications, and certifying that a plan or drawing exhibited thereto is a plan or drawing made by him of the place or object specified in the certificate, and that the plan or drawing is correctly drawn to a scale so specified, shall be evidence of the relative position of the things shown on the plan or drawing.
- (2) F1
- (3) F2
- (4) Nothing in this section shall be deemed to make a certificate . . . F3 admissible as evidence in proceedings for an offence except in a case where and to the extent to which oral evidence to the like effect would have been admissible in those proceedings.
- (5) Nothing in this section shall be deemed to make a certificate . . . F3 admissible as evidence in proceedings for any offence—
 - (a) unless a copy thereof has, not less than seven days before the hearing or trial, been served in the prescribed manner on the person charged with the offence; or
 - (b) if that person, not later than three days before the hearing or trial or within such further time as the court may in special circumstances allow, serves notice in the prescribed form and manner on the prosecutor requiring the attendance at the trial of the person who signed the certificate . . . F3

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice Act 1948, Section 41. (See end of Document for details)

- [^{F4}(5A) [^{F5}Where the proceedings mentioned in subsection (1) above are proceedings before a magistrates' court inquiring into an offence as examining justices this section shall have effect with the omission of—
- (a) subsection (4), and
 - (b) in subsection (5), paragraph (b) and the word “or” immediately preceding it.]]
- (6) In this section the expression “prescribed” means prescribed by rules made by the Secretary of State.

Textual Amendments

- F1** S. 41(2) repealed by [Road Traffic Act 1960 \(c. 16\)](#), **Sch. 18 Pt. I**
- F2** S. 41(3) repealed by [Theft Act 1968 \(c. 60\)](#), s. 33(3), **Sch. 3 Pt. III**
- F3** Words repealed by [Theft Act 1968 \(c. 60\)](#), s. 33(3), **Sch. 3 Pt. III**
- F4** S. 41(5A) 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. 18** (with s. 78(1)); S.I. 1997/683, **art. 1(2)**
- F5** S. 41(5A) repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 3 para. 35(3)****Sch. 37 Pt. 4**; S.I. 2012/1320, **art. 4(1)(c)(d)(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)(d)**, **Sch.** (with **arts. 34**) (as amended (4.11.2012) by S.I. 2012/2761, **art. 2**) (with S.I. 2013/1103, **art. 4**)

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