
STATUTORY INSTRUMENTS

2021 No. 849

The Criminal Procedure (Amendment No. 2) Rules 2021

Amendments to the Criminal Procedure Rules

- 8.** In Part 24 (Trial and sentence in a magistrates' court)—
- (a) in rule 24.4 (Evidence of a witness in person)—
- (i) for paragraph (3) substitute—
- “(3) Before the witness gives evidence—
- (a) the party who introduces the witness' evidence must explain how that evidence is admissible, unless it is only evidence of fact within the witness' direct knowledge; and
- (b) the witness must take an oath or affirm, unless other legislation otherwise provides.”, and
- (ii) after the first paragraph of the note to the rule insert—
- “Part 19 contains rules about the introduction of evidence of expert opinion. Part 20 contains rules about the introduction of hearsay evidence.”; and*
- (b) in rule 24.5 (Evidence of a witness in writing)—
- (i) renumber paragraph (2) as (3),
- (ii) after paragraph (1) insert—
- “(2) That party must explain how the evidence is admissible unless it is—
- (a) evidence of fact within the direct knowledge of the person who made the written statement served under rule 16.4 (Written witness statement in evidence);
- (b) contained in an expert's report served under rule 19.3 (Introduction of expert evidence); or
- (c) identified as hearsay in a notice served under rule 20.2 (Notice to introduce hearsay evidence).”, and
- (iii) at the end of the note to the rule insert—
- “A written witness statement to which Part 16 applies may only be introduced in evidence if there has been no objection within the time limit to which rule 16.4 refers.*
- An expert report to which Part 19 applies may only be introduced in evidence if it has been served in accordance with rule 19.3.*
- Rule 20.3 provides for opposing the introduction of hearsay evidence, including such evidence in a document.*
- Where a witness gives evidence in person, a previous written statement by that witness may be admissible as evidence under section 119 (Inconsistent statements)*

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or under section 120 (Other previous statements of witnesses) of the Criminal Justice Act 2003(1).”

(1) 2003 c. 44; section 120 was amended by sections 112 and 178 of, and Schedule 23 to, the Coroners and Justice Act 2009 (c. 25).