



Criminal Justice Act 1967

1967 CHAPTER 80

PART I

CRIMINAL PROCEDURE, ETC.

Miscellaneous provisions as to evidence, procedure and trial

8 Proof of criminal intent.

A court or jury, in determining whether a person has committed an offence,—

- (a) shall not be bound in law to infer that he intended or foresaw a result of his actions by reason only of its being a natural and probable consequence of those actions; but
- (b) shall decide whether he did intend or foresee that result by reference to all the evidence, drawing such inferences from the evidence as appear proper in the circumstances.

9 Proof by written statement.

- (1) In any criminal proceedings, other than committal proceedings under sections 4 to 6 of the Magistrates' Courts Act 1980, a written statement by any person shall, if such of the conditions mentioned in the next following subsection as are applicable are satisfied, be admissible as evidence to the like extent as oral evidence to the like effect by that person.
- (2) The said conditions are—
 - (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;

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- (c) before the hearing at which the statement is tendered in evidence, a copy of the statement is served, by or on behalf of the party proposing to tender it, on each of the other parties to the proceedings; and
- (d) none of the other parties or their solicitors, within seven days from the service of the copy of the statement, serves a notice on the party so proposing objecting to the statement being tendered in evidence under this section:

Provided that the conditions mentioned in paragraphs (c) and (d) of this subsection shall not apply if the parties agree before or during the hearing that the statement shall be so tendered.

- (3) The following provisions shall also have effect in relation to any written statement tendered in evidence under this section, that is to say—
 - (a) if the statement is made by a person under the age of twenty-one, it shall give his age;
 - (b) if it is made by a person who cannot read it, it shall be read to him before he signs it and shall be accompanied by a declaration by the person who so read the statement to the effect that it was so read; and
 - (c) if it refers to any other document as an exhibit, the copy served on any other party to the proceedings under paragraph (c) of the last foregoing subsection shall be accompanied by a copy of that document or by such information as may be necessary in order to enable the party on whom it is served to inspect that document or a copy thereof.
- (4) Notwithstanding that a written statement made by any person may be admissible as evidence by virtue of this section—
 - (a) the party by whom or on whose behalf a copy of the statement was served may call that person to give evidence; and
 - (b) the court may, of its own motion or on the application of any party to the proceedings, require that person to attend before the court and give evidence.
- (5) An application under paragraph (b) of the last foregoing subsection to a court other than a magistrates' court may be made before the hearing and on any such application the powers of the court shall be exercisable [^{F1}by a puisne judge of the High Court, a Circuit judge or Recorder sitting alone.]
- (6) So much of any statement as is admitted in evidence by virtue of this section shall, unless 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.
- (7) Any document or object referred to as an exhibit and identified in a written statement tendered in evidence under this section shall be treated as if it had been produced as an exhibit and identified in court by the maker of the statement.
- (8) A document required by this section to be served on any person may be served—
 - (a) by delivering it to him or to his solicitor; or
 - (b) by addressing it to him and leaving it at his usual or last known place of abode or place of business or by addressing it to his solicitor and leaving it at his office; or
 - (c) by sending it in a registered letter or by the recorded delivery service [^{F2}or by first class post] addressed to him at his usual or last known place of abode or place of business or addressed to his solicitor at his office; or

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- (d) in the case of a body corporate, by delivering it to the secretary or clerk of the body at its registered or principal office or sending it in a registered letter or by the recorded delivery service [^{F3}or by first class post]addressed to the secretary or clerk of that body at that office.

Textual Amendments

- F1** Words substituted for s. 9(5)(a)(b) by [Courts Act 1971 \(c. 23\)](#), [Sch. 8 para. 49](#)
F2 Words in s. 9(8)(c) inserted (3.2.1995) by [1994 c. 33, s. 168\(1\)](#), [Sch. 9 para. 6\(1\)\(a\)](#); [S.I. 1995/127, art. 2\(1\)](#), [Sch. 1 Appendix A](#)
F3 Words in s. 9(8)(d) inserted (3.2.1995) by [1994 c. 33, s. 168\(1\)](#), [Sch. 9 para. 6\(1\)\(b\)](#); [S.I. 1995/127, art. 2\(1\)](#), [Sch. 1 Appendix A](#)

Modifications etc. (not altering text)

- C1** [S. 9](#) excluded by [Medicines Act 1968 \(c. 67\)](#), [Sch. 3 para. 26](#); extended with modifications by [Army Act 1955 \(c. 18\)](#), [s. 99A](#) and [Air Force Act 1955 \(c. 19\)](#), [s. 99A](#)
C2 [S. 9](#) extended with modifications by [Isle of Man Act 1979 \(c. 58, SIF 29:4\)](#), [s. 5\(3\)](#)
C3 [S. 9](#) excluded by [S.I. 1985/273, reg. 3](#), [Sch. 2 Pt. VI](#), para. 12
C4 [S. 9](#) modified by [Road Traffic Offenders Act 1988 \(c. 53, SIF 107:1\)](#), [ss. 79\(4\), 99\(2\)\(3\)\(4\)](#)

10 Proof by formal admission.

- (1) Subject to the provisions of this section, any fact of which oral evidence may be given in any criminal proceedings may be admitted for the purpose of those proceedings by or on behalf of the prosecutor or defendant, and the admission by any party of any such fact under this section shall as against that party be conclusive evidence in those proceedings of the fact admitted.
- (2) An admission under this section—
- may be made before or at the proceedings;
 - if made otherwise than in court, shall be in writing;
 - if made in writing by an individual, shall purport to be signed by the person making it and, if so made by a body corporate, shall purport to be signed by a director or manager, or the secretary or clerk, or some other similar officer of the body corporate;
 - if made on behalf of a defendant who is an individual, shall be made by his counsel or solicitor;
- (3) An admission under this section for the purpose of proceedings relating to any matter shall be treated as an admission for the purpose of any subsequent criminal proceedings relating to that matter (including any appeal or retrial).
- (4) An admission under this section may with the leave of the court be withdrawn in the proceedings for the purpose of which it is made or any subsequent criminal proceedings relating to the same matter.

Modifications etc. (not altering text)

- C5** [S. 10](#) applied (with modifications) (1.4.1997) by [S.I. 1997/173, reg. 2](#), [Sch.](#)
[S. 10](#) modified (2.10.2000) by [S.I. 2000/2370, rule 27\(2\)](#), [Sch. 3 Pt. II](#)
[S. 10](#) modified (2.10.2000) by [S.I. 2000/2371, rule 27\(2\)](#), [Sch. 3 Pt. II](#)

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S. 10 modified (2.10.2000) by S.I. 2000/2372, rule 27(2), Sch. 3 Pt. II

11 Notice of alibi.

- (1) On a trial on indictment the defendant shall not without the leave of the court adduce evidence in support of an alibi unless, before the end of the prescribed period, he gives notice of particulars of the alibi.
- (2) Without prejudice to the foregoing subsection, on any such trial the defendant shall not without the leave of the court call any other person to give such evidence unless—
 - (a) the notice under that subsection includes the name and address of the witness or, if the name or address is not known to the defendant at the time he gives the notice, any information in his possession which might be of material assistance in finding the witness;
 - (b) if the name or the address is not included in that notice, the court is satisfied that the defendant, before giving the notice, took and thereafter continued to take all reasonable steps to secure that the name or address would be ascertained;
 - (c) if the name or the address is not included in that notice, but the defendant subsequently discovers the name or address or receives other information which might be of material assistance in finding the witness, he forthwith gives notice of the name, address or other information, as the case may be; and
 - (d) if the defendant is notified by or on behalf of the prosecutor that the witness has not been traced by the name or at the address given, he forthwith gives notice of any such information which is then in his possession or, on subsequently receiving any such information, forthwith gives notice of it.
- (3) The court shall not refuse leave under this section if it appears to the court that the defendant was not informed in accordance with rules under [^{F4}section 144 of the Magistrates' Courts Act 1980](rules of procedure for magistrates' courts) of the requirements of this section.
- (4) Any evidence tendered to disprove an alibi may, subject to any directions by the court as to the time it is to be given, be given before or after evidence is given in support of the alibi.
- (5) Any notice purporting to be given under this section on behalf of the defendant by his solicitor shall, unless the contrary is proved, be deemed to be given with the authority of the defendant.
- (6) A notice under subsection (1) of this section shall either be given in court during, or at the end of, the proceedings before the examining justices or be given in writing to the solicitor for the prosecutor, and a notice under paragraph (c) or (d) of subsection (2) of this section shall be given in writing to that solicitor.
- (7) A notice required by this section to be given to the solicitor for the prosecutor may be given by delivering it to him, or by leaving it at his office, or by sending it in a registered letter or by the recorded delivery service [^{F5}or by first class post]addressed to him at his office.
- (8) In this section—

“evidence in support of an alibi” means evidence tending to show that by reason of the presence of the defendant at a particular place or in a particular area at a particular time he was not, or was unlikely to have been, at the place

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where the offence is alleged to have been committed at the time of its alleged commission.

“the prescribed period” means the period of seven days from the end of the proceedings before the examining justices [^{F6}or, where a notice of transfer has been given under [^{F7}a relevant transfer provision], of the giving of that notice].

[^{F8}“relevant transfer provision” means—

- (a) section 4 of the Criminal Justice Act 1987; or
- (b) section 53 of the Criminal Justice Act 1991.]

- (9) In computing the said period a Sunday, Christmas Day, Good Friday, a day which is a bank holiday under the ^{M1}Bank Holidays Act 1871 in England and Wales or a day appointed for public thanksgiving or mourning shall be disregarded.

Textual Amendments

- F4** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 7 para. 64](#)
- F5** Words in s. 11(7) inserted (3.2.1995) by 1994 c. 33, s. 168(1), [Sch. 9 para. 6\(2\)](#); S.I. 1995/127, art. 2(1), [Sch. 1](#) Appendix A
- F6** Words added by [Criminal Justice Act 1987 \(c. 38, SIF 39:1\)](#), s. 15, [Sch. 2 para. 2](#)
- F7** Words in s. 11(8) substituted (3.2.1995) by 1994 c. 33, s. 168(1), [Sch. 9 para. 7\(a\)](#); S.I. 1995/127, art. 2(1), [Sch. 1](#) Appendix A
- F8** Definition in s. 11(8) inserted (3.2.1995) by 1994 c. 33, s. 168(1), [Sch. 9 para. 7\(b\)](#); S.I. 1995/127, art. 2(1), [Sch. 1](#) Appendix A

Marginal Citations

- M1** 1871 c. 17.

12 Application of sections 9 to 11 to courts-martial.

Without prejudice to section 99(1) of the ^{M2}Army Act 1955 or of the ^{M3}Air Force Act 1955 (application to proceedings before courts-martial of civil rules as to the admissibility of evidence) and to any power to make rules or orders for the procedure of, and otherwise for the trial of offences by, courts-martial,—

- [^{F9}(a) sections 10 and 11 above shall apply to proceedings before courts-martial under the Army Act 1955 and the Air Force Act 1955, and
- (b) sections 9 to 11 above shall apply to proceedings before courts-martial under the ^{M4}Naval Discipline Act 1957,]

as they apply to proceedings on indictment subject, however, to such modifications as may be prescribed by regulations made by the Secretary of State, being modifications which appear to him to be necessary or proper for the purpose of the operation of those sections in relation to proceedings before courts-martial.

Textual Amendments

- F9** [S. 12\(a\)\(b\)](#) substituted by [Armed Forces Act 1976 \(c. 52\)](#), s. 11, [Sch. 5 para. 3\(b\)](#)

Modifications etc. (not altering text)

- C6** [S. 12](#) modified (4.7.1996 but with application (E.W.) (1.4.1997) and (N.I.) (1.1.1998) as mentioned in [s. 74\(5\)](#) of the amending Act) by 1996 c. 25, [ss. 1\(5\)](#), [74\(3\)\(5\)](#) (with [s. 78\(1\)](#)); S.I. 1997/682 art. 2; S.I. 1997/3108, [art. 2](#)

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S. 12: power to amend or repeal conferred (4.7.1996) by [1996 c. 25, s. 78\(6\)\(b\)](#) (with s. 78(1))

Marginal Citations

- M2** [1955 c. 18.](#)
- M3** [1955 c. 19.](#)
- M4** [1957 c. 53.](#)

13 **F10**

Textual Amendments

- F10** S. 13 repealed by [Juries Act 1974 \(c. 23\), Sch. 3](#)

14— **F11**
16.

Textual Amendments

- F11** Ss. 14–16 repealed by [Criminal Justice Act 1972 \(c. 71\), Sch. 6 Pt. I](#)

17 Entry of verdict of not guilty by order of a judge.

Where a defendant arraigned on an indictment or inquisition pleads not guilty and the prosecutor proposes to offer no evidence against him, the court before which the defendant is arraigned may, if it thinks fit, order that a verdict of not guilty shall be recorded without the defendant being given in charge to a jury, and the verdict shall have the same effect as if the defendant had been tried and acquitted on the verdict of a jury.

18 **F12**

Textual Amendments

- F12** Ss. 18, 21, 23 repealed by [Bail Act 1976 \(c. 63\), Sch. 3](#)

19 **F13**

(2) For the purposes of this section any committal proceedings from which the proceedings on the summary trial arose shall be treated as part of the trial.

Textual Amendments

- F13** Ss. 1–6, 19, 24, 26, 28–30, 44, 44A, 45, 56(4), 94, repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\), Sch. 9](#)

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20 Power of magistrates' court to commit on bail for sentence.

Where a magistrates' court has power to commit an offender to a ^{F14}Crown Court] under section 5 of the ^{M5}Vagrancy Act 1824 (incorrigible rogues). . . ^{F15}, the court may instead of committing him in custody commit him on bail.

Textual Amendments

F14 Words substituted by [Courts Act 1971 \(c. 23\), Sch. 8 para. 48\(b\)](#)

F15 Words repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\), Sch. 9](#)

Marginal Citations

M5 1824 c. 83.

21 ^{F16}

Textual Amendments

F16 Ss. 18, 21, 23 repealed by [Bail Act 1976 \(c. 63\), Sch. 3](#)

22 Extension of power of High Court to grant, or vary conditions of, bail.

^{F17}(1) Where ^{F18}a magistrates' court] withholds bail in criminal proceedings or imposes conditions in granting bail in criminal proceedings, the High Court may ^{F19}, subject to section 25 of the Criminal Justice and Public Order Act 1994,] grant bail or vary the conditions.

(2) Where the High Court grants a person bail under this section it may direct him to appear at a time and place which the ^{F18}magistrates' court] could have directed and the recognizance of any surety shall be conditioned accordingly.]

(3) Subsections. . . ^{F20} (4) and (6) of section 37 of the ^{M6}Criminal Justice Act 1948 (ancillary provisions as to persons ^{F21}granted] to bail by the High Court under that section and the currency of sentence in the case of persons so admitted) shall apply in relation to the powers conferred by this section and persons ^{F21}granted] bail in pursuance of those powers as it applies in relation to the powers conferred by that section and persons ^{F21}granted] bail in pursuance of those powers, except that the said subsection (6) shall not apply in relation to a person ^{F21}granted] bail pending an appeal from a magistrates' court to ^{F22}the Crown Court].

(4) In this section. . . ^{F23}^{F24} . . . ^{F25}“bail in criminal proceedings” and “vary” shall have the same meanings as they have in the ^{M7}Bail Act 1976.]

(5) The powers conferred on the High Court by this section shall be in substitution for the powers so conferred by paragraphs (a), (b) and (c) of section 37(1) of the ^{M8}Criminal Justice Act 1948, but except as aforesaid this section shall not prejudice any powers of the High Court to admit or direct the admission of persons to bail.

Textual Amendments

F17 S. 22(1)(2) substituted by [Bail Act 1976 \(c. 63\), Sch. 2 para. 37\(2\)](#)

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- F18** Words substituted by [Criminal Law Act 1977 \(c. 45\)](#), **Sch. 12**
- F19** Words in s. 22(1) inserted (10.4.1995) by 1994 c. 33, s. 168(2), **Sch. 10 para. 15**; S.I. 1995/721, art. 2, **Sch.** Appendix A
- F20** Reference to [Criminal Justice Act 1948 \(c. 58\)](#), s. 37(3), repealed by [Bail Act 1976 \(c. 63\)](#), **Sch. 3**
- F21** Word substituted by [Bail Act 1976 \(c. 63\)](#), **Sch. 2 para. 37(3)**
- F22** Words substituted by [Courts Act 1971 \(c. 23\)](#), **Sch. 8 para. 48(b)**
- F23** Words repealed by [Courts Act 1971 \(c. 23\)](#), **Sch. 11 Pt. IV** and [Criminal Law Act 1977 \(c. 45\)](#), **Sch. 13**
- F24** Word repealed by [Courts Act 1971 \(c. 23\)](#), **Sch. 11 Pt. IV** and [Criminal Law Act 1977 \(c. 45\)](#), **Sch. 13**
- F25** Words added by [Bail Act 1976 \(c. 63\)](#), **Sch. 2 para. 37(4)**

Marginal Citations

- M6** [1948 c. 58](#).
- M7** [1976 c. 63](#).
- M8** [1948 c. 58](#).

23 **F26**

Textual Amendments

- F26** Ss. 18, 21, 23 repealed by [Bail Act 1976 \(c. 63\)](#), **Sch. 3**

24 **F27**

Textual Amendments

- F27** Ss. 1–6, 19, 24, 26, 28–30, 44, 44A, 45, 56(4), 94, repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), **Sch. 9**

25 **Restriction on issue of search warrants under Obscene Publications Act 1959.**

A justice of the peace shall not issue a warrant under section 3(1) of the ^{M9}Obscene Publications Act 1959 (search for and seizure of obscene articles) except on an information laid by or on behalf of the Director of Public Prosecutions or by a constable.

Marginal Citations

- M9** [1959 c. 66](#).

26 **F28**

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Textual Amendments

F28 Ss. 1–6, 19, 24, 26, 28–30, 44, 44A,45, 56(4), 94, repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)

27 **F29**

Textual Amendments

F29 S. 27 repealed by [Criminal Law Act 1977 \(c. 45\)](#), s. 65(7), [Sch. 13](#)

28— **F30**
30.

Textual Amendments

F30 Ss. 1–6, 19, 24, 26, 28–30, 44, 44A,45, 56(4), 94, repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)

31
(1) **F31**
(3) **F32**

Textual Amendments

F31 S. 31(1)(2) repealed by Costs in [Criminal Cases Act 1973 \(c. 14\)](#), s. 21, [Sch. 2](#)
F32 Ss. 31(3)–(6), 32(1) repealed by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. III](#)

32 Amendments of Costs in Criminal Cases Act 1952.

- (1) **F33**
- (2) [^{F34} . . . ^{F35} section 33 of the ^{M10}Courts Martial (Appeals) Act 1968] (payment out of moneys provided by Parliament of expenses of witnesses in connection with appeals to the Courts-Martial Appeal Court). . . ^{F36}shall apply in relation to a registered medical practitioner making a written report to a court in pursuance of a request to which this subsection applies as [^{F37}it applies] in relation to a person called to give evidence at the instance of the court, . . . ^{F36}.
- (3) The last foregoing subsection applies to a request to a registered medical practitioner to make a written or oral report on the medical condition of an offender or defendant, being a request made by a court—
- (a) for the purpose of determining whether or not to make an order under [^{F38}section 3 of the ^{M11}Powers of Criminal Courts Act 1973] (probation orders requiring treatment for mental condition) or section 60 of the ^{M12}Mental Health Act 1959 (hospital orders and guardianship orders) or otherwise for the

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purpose of determining the most suitable method of dealing with an offender;
 or

- (b) in exercise of the powers conferred by [^{F39}section 30 of the Magistrates' Courts Act 1980](remand of a defendant for medical examination and requirement of such an examination on committing a defendant for trial on bail).

- (4) F40
- (5) F41

Textual Amendments

F33 Ss. 31(3)–(6), 32(1) repealed by Courts Act 1971 (c. 23), **Sch. 11 Pt. III**

F34 Words substituted by Courts Act 1971 (c. 23), **Sch. 6 para. 9**

F35 Words repealed by Costs in Criminal Cases Act 1973 (c. 14), s. 21, **Sch. 2**

F36 Words repealed (E.W.) by Prosecution of Offences Act 1985 (c. 23, SIF 39:1), s. 31(5)(6), **Sch. 1 Pt. II para. 6(a)**, Sch. 2

F37 Words substituted (E.W.) by Prosecution of Offences Act 1985 (c. 23, SIF 39:1), s. 31(5), **Sch. 1 Pt. II para. 6(b)**

F38 Words substituted by Powers of Criminal Courts Act 1973 (c. 62), **Sch. 5 para. 17**

F39 Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), **Sch. 7 para. 65**

F40 S. 32(4) repealed by Costs in Criminal Cases Act 1973 (c. 14), s. 21, **Sch. 2**

F41 S. 32(5) repealed by Criminal Appeal Act 1968 (c. 19), **Sch. 7**

Marginal Citations

M10 1968 c. 20.

M11 1973 c. 62.

M12 1959 c. 72.

33 Taking and use of finger-prints and palm-prints.

.....^{F42}in section 39 of the ^{M13}Criminal Justice Act 1948 (proof of previous convictions by finger-print) any reference to finger-prints shall be construed as including a reference to palm-prints.

Textual Amendments

F42 Words repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), **Sch. 9**

Marginal Citations

M13 1948 c. 58.

34 Committal of persons under twenty-one accused of extradition crimes, etc.

Any person under the age of twenty-one who apart from this section would be committed to prison under section 10 of the ^{M14}Extradition Act 1870 (committal of a person alleged to have committed an extradition crime) or section 5(1)(a) of the ^{M15}Backing of Warrants (Republic of Ireland) Act 1965 (remand in custody of a person for whose arrest a warrant has or is alleged to have been issued in the Republic of Ireland) shall be committed to an institution to which he could be committed if he

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were charged with an offence before the court which commits him, and any reference in those provisions to prison shall be construed accordingly.

Marginal Citations

M14 1870 c. 52.

M15 1965 c. 45.

35 F43

Textual Amendments

F43 S. 35 repealed by [Criminal Law Act 1977 \(c. 45\)](#), s. 65(7), [Sch. 13](#)

36 Interpretation of Part I.

(1) In this Part of this Act—

..... F44

“committal proceedings” means proceedings before a magistrates’ court acting as examining justices;

..... F44

“director”, in relation to a body corporate which is established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking and whose affairs are managed by the members thereof, means a member of that body.

(2) Expressions used in any provision of this Part of this Act relating to magistrates’ courts or proceedings before such courts and also used in [^{F45}the Magistrates’ Courts Act 1980] have the same meanings in any such provision as they have in that Act.

Textual Amendments

F44 Definitions repealed by [Magistrates’ Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)

F45 Words substituted by [Magistrates’ Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 7 para. 66](#)

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