



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^[F1], 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, [^{F2}within the relevant period], 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.

[^{F3}(2A) For the purposes of subsection (2)(d), “the relevant period” is—

- (a) such number of days, which may not be less than seven, from the service of the copy of the statement as may be prescribed by Criminal Procedure Rules, or
- (b) if no such number is prescribed, seven days from the service of the copy of the statement.]

^{F4}(3)

(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

- [^{F5}(a) by a puisne judge of the High Court, a Circuit judge or Recorder sitting alone.][^{F6}; or
- (b) subject to subsection (5A), by a qualifying judge advocate (within the meaning of the Senior Courts Act 1981) sitting alone.

(5A) Subsection (5)(b) applies only where the application in question is to the Crown Court.]

^{F7}(6)

(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.

^{F8}(8)

Textual Amendments

F1 Words in s. 9(1) 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. 43\(2\)](#), [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); [S.I. 2013/1103](#), art. 2(1)(c)(d)(2)(3) (with arts. 34)

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- F2** Words in s. 9(2)(d) substituted (26.5.2015) by Deregulation Act 2015 (c. 20), **ss. 80(2)**, 115(7); S.I. 2015/994, art. 6(m)
- F3** S. 9(2A) inserted (26.5.2015) by Deregulation Act 2015 (c. 20), **ss. 80(3)**, 115(7); S.I. 2015/994, art. 6(m)
- F4** S. 9(3) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), **ss. 80(4)(a)**, 115(7); S.I. 2015/994, art. 6(m); S.I. 2015/994, art. 6(m)
- F5** Words in s. 9(5) renumbered as s. 9(5)(a) (temp.) (2.4.2012) by Armed Forces Act 2011 (c. 18), s. 32(3), **Sch. 2 para. 8(2)(b)(3)**; S.I. 2012/669, **art. 4(c)**
- F6** S. 9(5)(b)(5A) and word inserted (temp.) (2.4.2012) by Armed Forces Act 2011 (c. 18), s. 32(3), **Sch. 2 para. 8(2)(b)(4)**; S.I. 2012/669, **art. 4(c)**
- F7** S. 9(6) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), **ss. 80(4)(b)**, 115(7); S.I. 2015/994, art. 6(m)
- F8** S. 9(8) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), **ss. 80(4)(c)**, 115(7); S.I. 2015/994, art. 6(m)

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)
- C5** S. 9 applied (1.4.1997) by 1957 c. 53, **ss. 64A-64D** (as inserted (1.4.1997) by 1996 c. 46, s. 5, **Sch. 1 Pt. III para. 63**; S.I. 1997/304, **art. 2**)
S. 9: power to apply (with modifications) conferred (1.4.1997) by 1957 c. 53, **ss. 63A-64D** (as inserted (1.4.1997) by 1996 c. 46, s. 5, **Sch. 1 Pt. III para. 63**; S.I. 1997/304, **art. 2**)
S. 9 modified (2.10.2000) by S.I. 2000/2370, rule 27(2), **Sch. 3 Pt. I**
S. 9 modified (2.10.2000) by S.I. 2000/2371, rule 27(2), **Sch. 3 Pt. I**
S. 9 modified (2.10.2000) by S.I. 2000/2372, rule 27(2), **Sch. 3 Pt. I**
- C6** S. 9 applied (with modifications) (1.4.1997) by S.I. 1997/173, reg. 2, **Sch.**
- C7** S. 9 applied (1.1.2004) by Extradition Act 2003 (c. 41), **s. 205(1)(2)(a)**, 221; S.I. 2003/3103, art. 2 (with arts. 34) (as amended (18.12.2003) by S.I. 2003/3312, art. 2)
- C8** S. 9 modified (8.2.2007) by Wireless Telegraphy Act 2006 (c. 36), s. 126(2), **Sch. 4 para. 10(3)(a)(5)** (a)(6)(a) (with **Sch. 8 paras. 20, 27**)
- C9** S. 9 applied (with modifications) (31.10.2009) by The Armed Forces (Court Martial) Rules 2009 (S.I. 2009/2041), rules 1, **75(1)(2)**
- C10** S. 9 applied (with modifications) (31.10.2009) by The Armed Forces (Summary Appeal Court) Rules 2009 (S.I. 2009/1211), rules 1, **61(1)(2)**
- C11** S. 9 applied (with modifications) (31.10.2009) by The Armed Forces (Service Civilian Court) Rules 2009 (S.I. 2009/1209), rules 1, **60(1)(2)**
- C12** S. 9 excluded (14.8.2012) by The Human Medicines Regulations 2012 (S.I. 2012/1916), reg. 1(2), **Sch. 31 para. 26(1)** (with **Sch. 32**)
- C13** S. 9(2A) applied (with modifications) by Wireless Telegraphy Act 2006 (c. 36), Sch. 4 para. 10(5A) (as inserted (26.5.2015) by Deregulation Act 2015 (c. 20), **ss. 80(5)(c)**, 115(7); S.I. 2015/994, art. 6(m))

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.

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- (2) An admission under this section—
- (a) may be made before or at the proceedings;
 - (b) if made otherwise than in court, shall be in writing;
 - (c) 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;
 - (d) if made on behalf of a defendant who is an individual, shall be made by his counsel or solicitor;
 - (e) if made at any stage before the trial by a defendant who is an individual, must be approved by his counsel or solicitor (whether at the time it was made or subsequently) before or at the proceedings in question.
- (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)

- C14** 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**
S. 10 modified (2.10.2000) by [S.I. 2000/2372](#), rule 27(2), **Sch. 3 Pt. II**
- C15** S. 10 applied (with modifications) (1.1.2004) by [Extradition Act 2003 \(c. 41\)](#), s. **205(1)(2)(b)(3)**, 221; [S.I. 2003/3103](#), art. 2 (with arts. 34) (as amended (18.12.2003) by [S.I. 2003/3312](#), art. 2)
- C16** S. 10 applied (with modifications) (31.10.2009) by [The Armed Forces \(Summary Appeal Court\) Rules 2009 \(S.I. 2009/1211\)](#), rules 1, **62**
- C17** S. 10 applied (with modifications) (31.10.2009) by [The Armed Forces \(Service Civilian Court\) Rules 2009 \(S.I. 2009/1209\)](#), rules 1, **61**
- C18** S. 10 applied (with modifications) (31.10.2009) by [The Armed Forces \(Court Martial\) Rules 2009 \(S.I. 2009/2041\)](#), rules 1, **76**

^{F9} **11 Notice of alibi.**

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Textual Amendments

- F9** S. 11 repealed (24.6.2008) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 17**; [S.I. 2008/1650](#), art. 4(c)

^{F10} **12 Application of sections 9 to 11 to courts-martial.**

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Textual Amendments

F10 S. 12 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

13 **F11**

Textual Amendments

F11 S. 13 repealed by [Juries Act 1974 \(c. 23\)](#), [Sch. 3](#)

14— **F12**
16.

Textual Amendments

F12 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 [^{F13}any further steps being taken in the proceedings], and the verdict shall have the same effect as if the defendant had been tried and acquitted on the verdict of a jury [^{F14}or a court].

Textual Amendments

F13 Words in s. 17 substituted (24.7.2006 for E.W., 8.1.2007 in so far as not already in force) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 36 para. 42\(a\)](#); S.I. 2006/1835, art. 2(h); S.I. 2006/3422, art. 2(c)(i)

F14 Words in s. 17 inserted (24.7.2006 for E.W., 8.1.2007 in so far as not already in force) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 36 para. 42\(b\)](#); S.I. 2006/1835, art. 2(h); S.I. 2006/3422, art. 2(c)(i)

18 **F15**

Textual Amendments

F15 Ss. 18, 21, 23 repealed by [Bail Act 1976 \(c. 63\)](#), [Sch. 3](#)

19 **F16**

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(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

F16 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](#)

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

Where a magistrates' court has power to commit an offender to a ^{F17}Crown Court] under section 5 of the ^{M1}Vagrancy Act 1824 (incorrigible rogues). . . ^{F18}, the court may instead of committing him in custody commit him on bail.

Textual Amendments

F17 Words substituted by [Courts Act 1971 \(c. 23\)](#), [Sch. 8 para. 48\(b\)](#)

F18 Words repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 9](#)

Marginal Citations

M1 1824 c. 83.

21 ^{F19}

Textual Amendments

F19 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.

^{F20}(1) Where

[^{F22}a magistrates' court] withholds bail in criminal proceedings or imposes ^{F21}(a) conditions in granting bail in criminal proceedings, ^{F23}and

(b) it does so where an application to the court to state a case for the opinion of the High Court is made,]

the High Court may ^{F24} ... grant bail or vary the conditions.

^{F25}(1A) [Where a magistrates' court withholds bail in extradition proceedings or imposes conditions in granting bail in extradition proceedings, the High Court may 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 ^{F22}magistrates' court] could have directed and the recognizance of any surety shall be conditioned accordingly.]

(3) Subsections ^{F26}... (4) and (6) of section 37 of the ^{M2}Criminal Justice Act 1948 (ancillary provisions as to persons ^{F27}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

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the powers conferred by this section and persons [F27 granted] bail in pursuance of those powers as it applies in relation to the powers conferred by that section and persons [F27 granted] bail in pursuance of those powers F28 ...

- (4) In this section F29 ... [F30 ... F31 “bail in criminal proceedings”] F32, “extradition proceedings”] and “vary” shall have the same meanings as they have in the M3 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 M4 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

- F20** S. 22(1)(2) substituted by Bail Act 1976 (c. 63), **Sch. 2 para. 37(2)**
- F21** Reference in s. 22(1) inserted (5.4.2004) by Criminal Justice Act 2003 (c. 44), **ss. 17(1)(a)**, 336(3), 336(4) (with s. 141); S.I. 2004/829, art. 2(1)(2)(b)
- F22** Words substituted by Criminal Law Act 1977 (c. 45), **Sch. 12**
- F23** S. 22(1)(b) and preceding word inserted (5.4.2004) by Criminal Justice Act 2003 (c. 44), **ss. 17(1)(b)**, 336(3), 336(4) (with s. 141); S.I. 2004/829, art. 2(1)(2)(b)
- F24** Words in s. 22(1) repealed (5.4.2004) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 37 Pt. 2**; S.I. 2004/829, art. 2(1)(2)(1)(ii)
- F25** S. 22(1A) inserted (15.1.2007) by Police and Justice Act 2006 (c. 48), s. 53(1), **Sch. 13 para. 27(2)**; S.I. 2006/3364, art. 2(e)
- F26** Reference to Criminal Justice Act 1948 (c. 58), **s. 37(3)**, repealed by Bail Act 1976 (c. 63), **Sch. 3**
- F27** Word substituted by Bail Act 1976 (c. 63), **Sch. 2 para. 37(3)**
- F28** Words in s. 22(3) repealed (5.4.2004) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 37 Pt. 2**; S.I. 2004/829, art. 2(1)(2)(1)(ii)
- F29** Words repealed by Courts Act 1971 (c. 23), **Sch. 11 Pt. IV** and Criminal Law Act 1977 (c. 45), **Sch. 13**
- F30** Words added by Bail Act 1976 (c. 63), **Sch. 2 para. 37(4)**
- F31** Word repealed by Criminal Law Act 1977 (c. 45), **Sch. 13**
- F32** Words in s. 22(4) inserted (15.1.2007) by Police and Justice Act 2006 (c. 48), s. 53(1), **Sch. 13 para. 27(3)**; S.I. 2006/3364, art. 2(e)

Marginal Citations

- M2** 1948 c. 58.
- M3** 1976 c. 63.
- M4** 1948 c. 58.

23 F33

Textual Amendments

- F33** Ss. 18, 21, 23 repealed by Bail Act 1976 (c. 63), **Sch. 3**

24 F34

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Textual Amendments

F34 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 ^{M5}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

M5 1959 c. 66.

26 **F35**

Textual Amendments

F35 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 **F36**

Textual Amendments

F36 S. 27 repealed by [Criminal Law Act 1977 \(c. 45\)](#), s. 65(7), [Sch. 13](#)

28— **F37**
30.

Textual Amendments

F37 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) **F38**
(3) **F39**

Textual Amendments

F38 S. 31(1)(2) repealed by Costs in [Criminal Cases Act 1973 \(c. 14\)](#), s. 21, [Sch. 2](#)

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F39 Ss. 31(3)–(6), 32(1) repealed by [Courts Act 1971 \(c. 23\)](#), **Sch. 11 Pt. III**

F40 **32 Amendments of Costs in Criminal Cases Act 1952.**

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Textual Amendments

F40 S. 32 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

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

..... **F41** in section 39 of the **M6** 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

F41 Words repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), **Sch. 9**

Marginal Citations

M6 1948 c. 58.

F42 **34 Committal of persons under twenty-one accused of extradition crimes, etc.**

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Textual Amendments

F42 S. 34 repealed (1.1.2004) by [Extradition Act 2003 \(c. 41\)](#), s. 221, **Sch. 3 para. 3**, **Sch. 4**; S.I. 2003/3103, art. 2 (with arts. 3-5) (as amended (11.12.2003) by S.I. 2003/3258, art. 2 and (18.12.2003) by S.I. 2003/3312, art. 2)

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

[**F45**“committal proceedings” means proceedings before a magistrates’ court acting as examining justices;]

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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 [F46 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 in [s. 36\(1\)](#) 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. 43\(3\)](#), [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](#)); [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(d\)\(2\)\(3\)](#) (with [arts. 34](#))
- F46** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), **Sch. 7 para. 66**

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