



Criminal Justice Act 1967

1967 CHAPTER 80

PART I

CRIMINAL PROCEDURE, ETC.

Miscellaneous provisions as to evidence, procedure and trial

[^{F1}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 [^{F2}section 144 of

Status: Point in time view as at 01/11/1996. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice Act 1967, Section 11. (See end of Document for details)

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 [^{F3}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 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 [^{F4}or, where a notice of transfer has been given under [^{F5}a relevant transfer provision], of the giving of that notice].

[^{F6}“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

- F1** S. 11 repealed (with saving) (E.W.N.I) (4.7.1996 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(1)(2)(5), 80, **Sch. 5 para. 9** (with s. 78(1)); S.I. 1997/682, **art. 2**, S.I. 1997/3108, art. 2
- F2** Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), **Sch. 7 para. 64**
- F3** 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
- F4** Words added by Criminal Justice Act 1987 (c. 38, SIF 39:1), s. 15, **Sch. 2 para. 2**
- F5** 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
- F6** 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

Modifications etc. (not altering text)

- C1** S. 11: power to repeal conferred (4.7.1996) by 1996 c. 25, **s. 78(6)(a)** (with s. 78(1))

Status: Point in time view as at 01/11/1996. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice Act 1967, Section 11. (See end of Document for details)

S. 11 modified (2.10.2000) by S.I. 2000/2370, rule 27(2), **Sch. 3 Pt. II**

S. 11 modified (2.10.2000) by S.I. 2000/2371, rule 27(2), **Sch. 3 Pt. II**

S. 11 modified (2.10.2000) by S.I. 2000/2372, rule 27(2), **Sch. 3 Pt. II**

C2 S. 11 applied (with modifications) (1.4.1997) by S.I. 1997/173, **art. 2**

Marginal Citations

M1 1871 c. 17.

Status:

Point in time view as at 01/11/1996. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Criminal Justice Act 1967, Section 11.