



Criminal Justice Act 1967

1967 CHAPTER 80

PART I

CRIMINAL PROCEDURE, ETC.

Miscellaneous provisions as to evidence, procedure and trial

9 Proof by written statement. E+W+N.I.

- (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;
 - (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.

*Status: Point in time view as at 04/07/1996. There are multiple versions of this provision on screen.
These apply to different geographical extents. This version of this provision has been superseded.*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 9. (See end of Document for details)

- (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 [^{F1}eighteen], 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 [^{F2}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 [^{F3}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
 - (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 [^{F4}or by first class post]addressed to the secretary or clerk of that body at that office.

Extent Information

E1 This version of this provision extends to England, Wales and Northern Ireland only; a separate version has been created for Scotland only

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Textual Amendments

- F1** Word in s. 9(3)(a) substituted (4.7.1996 with application (E.W.) (1.4.1997) and (N.I.) (1.1.1998) as mentioned in s. 69(2) of the amending Act) by 1996 c. 25, s. 69 (with s. 78(1)); S.I. 1997/682, art. 2; S.I. 1997/3108, art. 2
- F2** Words substituted for s. 9(5)(a)(b) by Courts Act 1971 (c. 23), Sch. 8 para. 49
- F3** 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
- F4** 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)
- 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.

9 Proof by written statement. **S**

- (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—
- the statement purports to be signed by the person who made it;
 - 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;
 - 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
 - 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.

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- (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 [^{F5}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—
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 - (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 [^{F6}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
 - (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 [^{F7}or by first class post]addressed to the secretary or clerk of that body at that office.

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- F6** 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
- F7** 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)

- C7** 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**
- C8** S. 9 extended with modifications by Isle of Man Act 1979 (c. 58, SIF 29:4), **s. 5(3)**
- C9** S. 9 excluded by S.I. 1985/273, reg. 3, **Sch. 2 Pt. VI**, para. 12
- C10** S. 9 modified by Road Traffic Offenders Act 1988 (c. 53, SIF 107:1), **ss. 79(4), 99(2)(3)(4)**
- C11** 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**)
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S. 9 modified (2.10.2000) by S.I. 2000/2372, rule 27(2), **Sch. 3 Pt. I**
- C12** S. 9 applied (with modifications) (1.4.1997) by S.I. 1997/173, reg. 2, **Sch.**

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