



# Magistrates' Courts Act 1980

## 1980 CHAPTER 43

### PART I

#### CRIMINAL JURISDICTION AND PROCEDURE

##### *Committal proceedings*

#### **<sup>F1</sup>5D Statements.**

- (1) For the purposes of section 5A above a statement complies with this section if the conditions falling within subsections (2) to (4) below are met.
- (2) The condition falling within this subsection is that, before the committal proceedings begin, the prosecutor notifies the magistrates' court and each of the other parties to the proceedings that he believes—
  - (a) that the statement might by virtue of section 23 or 24 of the <sup>M1</sup>Criminal Justice Act 1988 (statements in certain documents) be admissible as evidence if the case came to trial, and
  - (b) that the statement would not be admissible as evidence otherwise than by virtue of section 23 or 24 of that Act if the case came to trial.
- (3) The condition falling within this subsection is that—
  - (a) the prosecutor's belief is based on information available to him at the time he makes the notification,
  - (b) he has reasonable grounds for his belief, and
  - (c) he gives the reasons for his belief when he makes the notification.
- (4) The condition falling within this subsection is that when the court or a party is notified as mentioned in subsection (2) above a copy of the statement is given, by or on behalf of the prosecutor, to the court or the party concerned.
- (5) So much of any statement as is in writing and is admitted in evidence by virtue of this section shall, unless the court commits the accused for trial by virtue of section 6(2) below or the court otherwise directs, be read aloud at the hearing; and where the court

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*Status: Point in time view as at 27/03/2007. This version of this provision has been superseded.*

**Changes to legislation:** Magistrates' Courts Act 1980, Section 5D is up to date with all changes known to be in force on or before 05 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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so directs an account shall be given orally of so much of any statement as is not read aloud.

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**Textual Amendments**

**F1** Ss. 5A-5F inserted (with effect as mentioned in Sch. 1 Pt. III para. 39 of the inserting Act) by 1996 c. 25, s. 47, **Sch. 1 Pt. I para.3**; S.I. 1997/683, **art. 1(2)**

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**Modifications etc. (not altering text)**

**C1** S. 5D modified (prosp.) by 1997 c. 39, **ss. 9(1), 11(2)** (with ss. 1(4), 11(3))

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**Marginal Citations**

**M1** 1988 c. 33.

**Status:**

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