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SCHEDULES

SCHEDULE 4

MINOR AND CONSEQUENTIAL AMENDMENTS

Police and Criminal Evidence Act 1984 (c. 33)

- 12 The Police and Criminal Evidence Act 1984 has effect subject to the following amendments.
- 13 (1) Section 80 (competence and compellability of accused's spouse) is amended as follows.
- (2) Omit subsections (1) and (8).
- (3) For subsections (2) to (4) substitute—
- “(2) In any proceedings the wife or husband of a person charged in the proceedings shall, subject to subsection (4) below, be compellable to give evidence on behalf of that person.
- (2A) In any proceedings the wife or husband of a person charged in the proceedings shall, subject to subsection (4) below, be compellable—
- (a) to give evidence on behalf of any other person charged in the proceedings but only in respect of any specified offence with which that other person is charged; or
- (b) to give evidence for the prosecution but only in respect of any specified offence with which any person is charged in the proceedings.
- (3) In relation to the wife or husband of a person charged in any proceedings, an offence is a specified offence for the purposes of subsection (2A) above if—
- (a) it involves an assault on, or injury or a threat of injury to, the wife or husband or a person who was at the material time under the age of 16;
- (b) it is a sexual offence alleged to have been committed in respect of a person who was at the material time under that age; or
- (c) it consists of attempting or conspiring to commit, or of aiding, abetting, counselling, procuring or inciting the commission of, an offence falling within paragraph (a) or (b) above.
- (4) No person who is charged in any proceedings shall be compellable by virtue of subsection (2) or (2A) above to give evidence in the proceedings.
- (4A) References in this section to a person charged in any proceedings do not include a person who is not, or is no longer, liable to be convicted of any offence in the proceedings (whether as a result of pleading guilty or for any other reason).”

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(4) In subsection (5), omit “competent and” and, in the side-note, omit “Competence and”.

14 After section 80 insert—

“80A Rule where accused’s spouse not compellable

The failure of the wife or husband of a person charged in any proceedings to give evidence in the proceedings shall not be made the subject of any comment by the prosecution.”