



Criminal Justice Act 2003

2003 CHAPTER 44

PART 11

EVIDENCE

CHAPTER 2

HEARSAY EVIDENCE

General

132 Rules of court

- (1) Rules of court may make such provision as appears to the appropriate authority to be necessary or expedient for the purposes of this Chapter; and the appropriate authority is the authority entitled to make the rules.
- (2) The rules may make provision about the procedure to be followed and other conditions to be fulfilled by a party proposing to tender a statement in evidence under any provision of this Chapter.
- (3) The rules may require a party proposing to tender the evidence to serve on each party to the proceedings such notice, and such particulars of or relating to the evidence, as may be prescribed.
- (4) The rules may provide that the evidence is to be treated as admissible by agreement of the parties if—
 - (a) a notice has been served in accordance with provision made under subsection (3), and
 - (b) no counter-notice in the prescribed form objecting to the admission of the evidence has been served by a party.
- (5) If a party proposing to tender evidence fails to comply with a prescribed requirement applicable to it—

Status: This is the original version (as it was originally enacted).

- (a) the evidence is not admissible except with the court's leave;
 - (b) where leave is given the court or jury may draw such inferences from the failure as appear proper;
 - (c) the failure may be taken into account by the court in considering the exercise of its powers with respect to costs.
- (6) In considering whether or how to exercise any of its powers under subsection (5) the court shall have regard to whether there is any justification for the failure to comply with the requirement.
- (7) A person shall not be convicted of an offence solely on an inference drawn under subsection (5)(b).
- (8) Rules under this section may—
- (a) limit the application of any provision of the rules to prescribed circumstances;
 - (b) subject any provision of the rules to prescribed exceptions;
 - (c) make different provision for different cases or circumstances.
- (9) Nothing in this section prejudices the generality of any enactment conferring power to make rules of court; and no particular provision of this section prejudices any general provision of it.
- (10) In this section—
- “prescribed” means prescribed by rules of court;
 - “rules of court” means—
- (a) Crown Court Rules;
 - (b) Criminal Appeal Rules;
 - (c) rules under section 144 of the Magistrates' Courts Act 1980 (c. 43).