
STATUTORY INSTRUMENTS

1999 No. 681

**The Magistrates' Courts (Hearsay
Evidence in Civil Proceedings) Rules 1999**

Power to call witness for cross-examination on hearsay evidence

4.—(1) Where a party tenders as hearsay evidence a statement made by a person but does not propose to call the person who made the statement to give evidence, the court may, on application, allow another party to call and cross-examine the person who made the statement on its contents.

(2) An application under paragraph (1) must—

- (a) be served on the justices' clerk with sufficient copies for all other parties;
- (b) unless the court otherwise directs, be made not later than 7 days after service of the hearsay notice; and
- (c) give reasons why the person who made the statement should be cross-examined on its contents.

(3) On receipt of an application under paragraph (1), the justices' clerk must—

- (a) unless the court otherwise directs, allow sufficient time for the applicant to comply with paragraph (4);
- (b) fix the date, time and place and endorse them on the copies of the application filed by the applicant; and
- (c) return the copies to the applicant forthwith.

(4) Subject to paragraphs (5) and (6), on receipt of the copies from the justices' clerk under paragraph (3)(c), the applicant must serve a copy on every other party giving not less than 3 days' notice of the hearing of the application.

(5) The court or the justices' clerk may give directions as to the manner in which service under paragraph (4) is to be effected and may, subject to giving notice to the applicant, alter or dispense with the notice requirement under paragraph (4) if the court or the justices' clerk, as the case may be, considers it is in the interests of justice to do so.

(6) The court may hear an application under paragraph (1) *ex parte* if it considers it is in the interests of justice to do so.

(7) Subject to paragraphs (5) and (6), where an application under paragraph (1) is made, the applicant must file with the court a statement at or before the hearing of the application that service of a copy of the application has been effected on all other parties and the statement must indicate the manner, date, time and address at which the document was served.

(8) The court must notify all parties of its decision on an application under paragraph (1).