
STATUTORY INSTRUMENTS

2010 No. 60

The Criminal Procedure Rules 2010

PART 34

HEARSAY EVIDENCE

Opposing the introduction of hearsay evidence

- 34.3.**—(1) This rule applies where a party objects to the introduction of hearsay evidence.
- (2) That party must—
- (a) apply to the court to determine the objection;
 - (b) serve the application on—
 - (i) the court officer, and
 - (ii) each other party;
 - (c) serve the application as soon as reasonably practicable, and in any event not more than 14 days after—
 - (i) service of notice to introduce the evidence under rule 34.2,
 - (ii) service of the evidence to which that party objects, if no notice is required by that rule, or
 - (iii) the defendant pleads not guiltywhichever of those events happens last; and
 - (d) in the application, explain—
 - (i) which, if any, facts set out in a notice under rule 34.2 that party disputes,
 - (ii) why the evidence is not admissible,
 - (iii) any other objection to the application.
- (3) The court—
- (a) may determine an application—
 - (i) at a hearing, in public or in private, or
 - (ii) without a hearing;
 - (b) must not determine the application unless the party who served the notice—
 - (i) is present, or
 - (ii) has had a reasonable opportunity to respond;
 - (c) may adjourn the application; and
 - (d) may discharge or vary a determination where it can do so under—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (i) section 8B of the Magistrates' Courts Act 1980(1) (ruling at pre-trial hearing in a magistrates' court), or
- (ii) section 9 of the Criminal Justice Act 1987(2), or section 31 or 40 of the Criminal Procedure and Investigations Act 1996(3) (ruling at preparatory or other pre-trial hearing in the Crown Court).

(1) 1980 c. 43; section 8B was inserted by section 45(1) of, and Schedule 3 to, the Courts Act 2003 (c. 39) and is amended by sections 41 and 332 of, and paragraph 51 of Schedule 3 to, and Part 4 of Schedule 37 to, the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed.

(2) 1987 c. 38; section 9 was amended by section 170 of, and Schedule 16 to, the Criminal Justice Act 1988 (c. 33), section 6 of the Criminal Justice Act 1993 (c. 36), sections 72, 74 and 80 of, and paragraph 3 of Schedule 3 and Schedule 5 to, Criminal Procedure and Investigations Act 1996 (c. 25), sections 45, 310 and 331 of, and paragraphs 18, 52 and 54 of Schedule 36, and Part 3 of Schedule 37 to, the Criminal Justice Act 2003 (c. 44), article 3 of, and paragraphs 21 and 23 of S.I. 2004/2035 and section 59 of, and paragraph 1 of Schedule 11 to, the Constitutional Reform Act 2005 (c. 4). The amendment made by section 45 of the Criminal Justice Act 2003 (c. 44) is in force for certain purposes; for remaining purposes it has effect from a date to be appointed.

(3) 1996 c. 25; section 31 was amended by sections 310, 331 and 332 of, and paragraphs 20, 36, 65 and 67 of Schedule 36 and Schedule 37 to, the Criminal Justice Act 2003 (c. 44).