
STATUTORY INSTRUMENTS

2015 No. 1490

The Criminal Procedure Rules 2015

PART 48

CONTEMPT OF COURT

CONTEMPT OF COURT BY FAILURE TO COMPLY WITH COURT ORDER, ETC.

Introduction of written witness statement or other hearsay

48.11.—(1) Where rule 48.9 applies, an applicant or respondent who wants to introduce in evidence the written statement of a witness, or other hearsay, must—

- (a) serve a copy of the statement, or notice of other hearsay, on—
 - (i) the court officer, and
 - (ii) the other party; and
- (b) serve the copy or notice—
 - (i) when serving the application under rule 48.9, in the case of an applicant, or
 - (ii) not more than 7 days after service of that application or of the court’s written statement, in the case of the respondent.

(2) Such service is notice of that party’s intention to introduce in evidence that written witness statement, or other hearsay, unless that party otherwise indicates when serving it.

(3) A party entitled to receive such notice may waive that entitlement.

[Note. On an application under rule 48.9, hearsay evidence is admissible under the Civil Evidence Act 1995. Section 1(2) of the 1995 Act(1) defines hearsay as meaning ‘a statement made otherwise than by a person while giving oral evidence in the proceedings which is tendered as evidence of the matters stated’. Section 13 of the Act(2) defines a statement as meaning ‘any representation of fact or opinion, however made’.

Under section 2 of the 1995 Act(3), a party who wants to introduce hearsay in evidence must give reasonable and practicable notice, in accordance with procedure rules, unless the recipient waives that requirement.]

(1) 1995 c. 38.
(2) 1995 c. 38.
(3) 1995 c. 38.