



Writ of Subpoena Act 1805

1805 CHAPTER 92 45 Geo 3

An Act to amend Two Acts of the Thirteenth and Forty-fourth Years of His present Majesty, for the more effectual Execution of the Criminal Laws, and more easy apprehending and bringing to trial Offenders escaping from one Part of the United Kingdom to the other, and from one County to another. [10th July 1805]

Modifications etc. (not altering text)

- C1 Short title given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 Preamble omitted under authority of [Statute Law Revision Act 1872 \(c. 63\)](#)

1, 2.^{F1}

Textual Amendments

- F1 [Ss. 1, 2, 5–7](#) repealed by [Statute Law Revision Act 1872 \(c. 63\)](#)

3 Services of subpoena in any part of the United Kingdom valid as to appearance in any other part.

And whereas it is fit to provide for the appearance of persons to answer in cases where warrants are not usually issued, and to give evidence in criminal prosecutions in every part of the United Kingdom: the service of every writ of subpoena or other process upon any person in any one of the parts of the United Kingdom, requiring the appearance of such person to answer or give evidence in any criminal prosecution in any other of the parts of the same, shall be as good and effectual in law as if the same had been served in that part of the United Kingdom where the person so served is required to appear; and in case such person so served shall not appear according to the exigence of such writ or process, it shall be lawful for the court out of which the same issued, upon proof made of the service thereof to the satisfaction of the said court, to transmit a certificate of such default under the seal of the same court, or under the hand of one of the judges or justices of the same, to the [^{F2}High Court] in England,

Changes to legislation: There are currently no known outstanding effects for the Writ of Subpoena Act 1805. (See end of Document for details)

in case such service was had in England, or, in case such service was had in Scotland, to the Court of Justiciary in Scotland, or, in case such service was had in Ireland, to the [^{F3}High Court of Justice in Northern Ireland]; and the said last-mentioned courts respectively shall and may thereupon proceed against and punish the person so having made default in like manner as they might have done if such person had neglected or refused to appear in obedience to a writ of subpoena or other process issued out of such last-mentioned courts respectively.

Textual Amendments

- F2** Words substituted by virtue of [Supreme Court of Judicature \(Consolidation\) Act 1925 \(c. 49\), s. 224\(1\)](#)
- F3** Words substituted by virtue of [Supreme Court of Judicature Act \(Ireland\) 1877 \(c. 57\), s. 71](#) and S.R. & O. 1921/1802 (Rev. XVI, p. 954: 1921, p. 1332), art. 2

Modifications etc. (not altering text)

- C3** [S. 3](#) extended by [Criminal Procedure \(Attendance of Witnesses\) Act 1965 \(c. 69\), Sch. 2 Pt. I](#) and [Judicature \(Northern Ireland\) Act 1978 \(c. 23\), s. 123\(2\), Sch. 5 Pt. II](#)
- C4** References to Ireland to be construed as exclusive of Republic of Ireland: S.R. & O. 1923/405 (Rev. X, p. 298: 1923, p. 400), art. 2

4 Expende of attendance on writs of subpoena to be tendered.

Provided always, that none of such last-mentioned courts shall in any case proceed against or punish any person for having made default by not appearing to give evidence in obedience to any writ of subpoena or other process for that purpose unless it shall be made to appear to such court that a reasonable and sufficient sum of money to defray the expences of coming and attending to give evidence and of returning from giving such evidence had been tendered to such person at the time when such writ of subpoena or other process was served upon such person.

Modifications etc. (not altering text)

- C5** [S. 4](#) extended by [Criminal Procedure \(Attendance of Witnesses\) Act 1965 \(c. 69\), Sch. 2 Pt. I](#) and [Judicature \(Northern Ireland\) Act 1978 \(c. 23\), s. 123\(2\), Sch. 5 Pt. II](#)

5—7 **F4**

Textual Amendments

- F4** [Ss. 1, 2, 5—7](#) repealed by [Statute Law Revision Act 1872 \(c. 63\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Writ of Subpoena Act 1805.