



Criminal Procedure (Attendance of Witnesses) Act 1965

1965 CHAPTER 69

^{F1} Other provisions

Textual Amendments

- F1** [Ss. 2-2E](#), the cross heading before s. 2, the cross heading before s. 2D and the cross heading following s. 2E substituted (4.7.1996 with effect at 1.4.1999 as appointed day by [S.I. 1999/718](#)) for s. 2 by [1996 c. 25, s. 66\(2\)\(7\)](#) (with s. 78(1)); [S.I. 1999/718](#), [art. 2](#)

3 Punishment for disobedience to witness order or witness summons.

- (1) Any person who without just excuse disobeys a ^{F2} . . . witness summons requiring him to attend before any court shall be guilty of contempt of that court and may be punished summarily by that court as if his contempt had been committed in the face of the court.
- [^{F3}(1A) Any person who without just excuse disobeys a requirement made by any court under section 2A above shall be guilty of contempt of that court and may be punished summarily by that court as if his contempt had been committed in the face of the court.]
- (2) No person shall by reason of [^{F4}any disobedience mentioned in subsection (1) or (1A) above] be liable to imprisonment for a period exceeding three months.
- (3) ^{F5}

Textual Amendments

- F2** Words in [s. 3\(1\)](#) repealed (4.7.1996) by [1996 c. 25, s. 65\(2\)\(a\)](#), (4), 80, Sch. 5 para. 2 (with s 78(1))
- F3** [S. 3\(1A\)](#) inserted (4.7.1996) by [1996 c. 25, s. 66\(3\)\(7\)](#) (with s 78(1))
- F4** Words in [s. 3\(2\)](#) substituted (4.7.1996) by [1996 c. 25, s. 66\(4\)\(7\)](#) (with s 78(1))
- F5** [Ss. 3\(3\), 5, 6, 7\(1\)](#) repealed by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. IV](#)

Changes to legislation: There are currently no known outstanding effects for the Criminal Procedure (Attendance of Witnesses) Act 1965, Cross Heading: Other provisions. (See end of Document for details)

4 Further process to secure attendance of witness.

- (1) If a judge of the [^{F6}Crown Court] is satisfied by evidence on oath that a witness in respect of whom a ^{F7} . . . witness summons is in force is unlikely to comply with the ^{F7} . . . summons, the judge may issue a warrant to arrest the witness and bring him before the court before which he is required to attend:
Provided that a warrant shall not be issued under this subsection ^{F8} . . . unless the judge is satisfied by such evidence as aforesaid that the witness is likely to be able to give [^{F9}evidence likely to be] material evidence or produce any document or thing likely to be material evidence in the proceedings.
- (2) Where a witness who is required to attend before [^{F10}the Crown Court] by virtue of ^{F11} . . . a witness summons fails to attend in compliance with the ^{F11} . . . summons, that court may—
 - (a) in any case, cause to be served on him a notice requiring him to attend the court forthwith or at such time as may be specified in the notice;
 - (b) if the court is satisfied that there are reasonable grounds for believing that he has failed to attend without just excuse, or if he has failed to comply with a notice under paragraph (a) above, issue a warrant to arrest him and bring him before the court.
- (3) A witness brought before a court in pursuance of a warrant under this section may be remanded by that court in custody or on bail (with or without sureties) until such time as the court may appoint for receiving his evidence or dealing with him under section 3 of this Act; and where a witness attends a court in pursuance of a notice under this section the court may direct that the notice shall have effect as if it required him to attend at any later time appointed by the court for receiving his evidence or dealing with him as aforesaid.

Textual Amendments

- F6** Words in s. 4(1) substituted (4.7.1996 with effect as mentioned in S.I. 1999/716, art. 2) by 1996 c. 25, s. 67 (with s 78(1)); S.I. 1999/716, art. 2
- F7** Words in s. 4(1) repealed (4.7.1996) by 1996 c. 25, ss. 65(2)(b), (4), 80, Sch. 5 para. 2 (with s 78(1)); S.I. 1997/683, art. 1
- F8** Words in s. 4(1) proviso. repealed (4.7.1996) by 1996 c. 25, ss. 65(2)(c), (4), 80, Sch. 5 para. 2 (with s 78(1)); S.I. 1997/683, art. 1
- F9** Words in s. 4(1) inserted (4.7.1996) by 1996 c. 25, s. 66(5)(7) (with s 78(1))
- F10** Words substituted by Courts Act 1971 (c. 23 Sch. 8 para. 45(4))
- F11** Words in s. 4(2) repealed (4.7.1996) by 1996 c. 25, s. 65(2)(d), (4), 80, Sch. 5 para. 2 (with s 78(1)); S.I. 1997/683, art. 1

Modifications etc. (not altering text)

- C1** S. 4 amended by Courts Act 1971 (c. 23), Sch. 8 para. 45(3)

5, 6. ^{F12}

Textual Amendments

- F12** Ss. 3(3), 5, 6, 7(1) repealed by Courts Act 1971 (c. 23), Sch. 11 Pt. IV

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- (1) F13
- (2) F14

Textual Amendments

- F13** Ss. 3(3), 5, 6, 7(1) repealed by Courts Act 1971 (c. 23), Sch. 11 Pt. IV
- F14** S. 7(2) repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. XI

8 Abolition of subpoenas in certain proceedings.

No subpoena ad testificandum or subpoena duces tecum shall issue after the commencement of this Act in respect of any proceedings for the purpose of which a witness summons may be issued under section 2 of this Act or in respect of any proceedings for the purpose of which a summons may be issued under [^{F15}section 97 of the Magistrates' Courts Act 1980](process for attendance of witnesses in magistrates' courts).

Textual Amendments

- F15** Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), Sch. 7 para. 56

- 9 F16

Textual Amendments

- F16** S. 9 repealed by Northern Ireland Constitution Act 1973 (c. 36), Sch. 6 Pt. I

10 †Short title, consequential amendments and repeals, commencement, interpretation and extent.

- (1) This Act may be cited as the Criminal Procedure (Attendance of Witnesses) Act 1965.
- (2) F17
- (3) The enactments mentioned in Part I of Schedule 2 to this Act shall have effect subject to the amendments specified in the second column of that part, . . . F18.
- (4) This Act shall come into force at the expiration of the period of two months beginning with the date on which it is passed.
- (5) Any reference in this Act to any enactment shall be construed as a reference to that enactment as amended, and as including a reference thereto as extended or applied, by any other enactment.
- (6) F19 so much of this section and Schedule 2 to this Act as relates to the ^{M1}Writ of Subpoena Act 1805 extends to Scotland and Northern Ireland, but, save as aforesaid, this Act does not extend to Scotland and Northern Ireland.

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Extent Information

- E1** [S. 10\(6\)](#): by virtue of the substitution (4.7.1996) of ss. 2-2E for s. 2 by [1996 c. 25](#), [s. 66\(2\)\(7\)](#), ss. 2-2E extend to England, Wales and Northern Ireland

Textual Amendments

- F17** [S. 10\(2\)](#) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. XI](#)
F18 [S. 10\(3\)](#) residue repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. XI](#)
F19 Words repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), [Sch. 6 Pt. I](#)

Modifications etc. (not altering text)

- C2** Unreliable marginal note
C3 The text of s. 10(3) and Sch. 2 Pt. I is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and except as indicated does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M1** [1805 c. 92](#).

Changes to legislation:

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