



Serious Organised Crime and Police Act 2005

2005 CHAPTER 15

PART 5

MISCELLANEOUS

Witness summonses

169 Powers of Crown Court and Magistrates' Court to issue witness summonses

(1) In section 2(1) of the Criminal Procedure (Attendance of Witnesses) Act 1965 (c. 69) (issue of witness summons on application to Crown Court) for paragraph (b) substitute—

“(b) it is in the interests of justice to issue a summons under this section to secure the attendance of that person to give evidence or to produce the document or thing.”

(2) In section 97 of the Magistrates' Courts Act 1980 (c. 43) (summons to witness) for subsection (1) substitute—

“(1) Where a justice of the peace is satisfied that—

(a) any person in England or Wales is likely to be able to give material evidence, or produce any document or thing likely to be material evidence, at the summary trial of an information or hearing of a complaint by a magistrates' court, and

(b) it is in the interests of justice to issue a summons under this subsection to secure the attendance of that person to give evidence or produce the document or thing,

the justice shall issue a summons directed to that person requiring him to attend before the court at the time and place appointed in the summons to give evidence or to produce the document or thing.”

- (3) In section 97A(1) of that Act (summons as to committal proceedings) for paragraph (b) substitute—
- “(b) it is in the interests of justice to issue a summons under this section to secure the attendance of that person to give evidence or to produce the document or other exhibit, and”.
- (4) In paragraph 4(1) of Schedule 3 to the Crime and Disorder Act 1998 (c. 37) (power of justice to take depositions etc.) for paragraph (b) substitute—
- “(b) it is in the interests of justice to issue a summons under this paragraph to secure the attendance of the witness to have his evidence taken as a deposition or to produce the document or other exhibit.”
- (5) In section 51A(1) of the Judicature (Northern Ireland) Act 1978 (c. 23) (issue of witness summons on application to Crown Court) for paragraph (b) substitute—
- “(b) it is in the interests of justice to issue a summons under this section to secure the attendance of that person to give evidence or to produce the document or thing.”

170 Powers of courts-martial etc. to issue warrants of arrest in respect of witnesses

- (1) Section 25 of the Armed Forces Act 2001 (c. 19) (powers to compel attendance of witnesses) is amended as follows.
- (2) In subsection (1) (which inserts a new section 101A in the [Army Act 1955 \(3 & 4 Eliz. 2 c. 18\)](#)), in subsection (1) of the new section 101A, for paragraph (b) substitute—
- “(b) that it is in the interests of justice that the person should attend to give evidence or to produce the document or other thing, and”.
- (3) In subsection (2) (which inserts a new section 101A in the [Air Force Act 1955 \(3 & 4 Eliz. 2 c. 19\)](#)), in subsection (1) of the new section 101A, for paragraph (b) substitute—
- “(b) that it is in the interests of justice that the person should attend to give evidence or to produce the document or other thing, and”.
- (4) In subsection (3) (which inserts a new section 65A in the Naval Discipline Act 1957), in subsection (1) of the new section 65A, for paragraph (b) substitute—
- “(b) that it is in the interests of justice that the person should attend to give evidence or to produce the document or other thing, and”.