



Criminal Justice Act 1925

1925 CHAPTER 86

PART II

JURISDICTION AND PROCEDURE

Indictable Offences generally

12 Provisions as to taking of depositions, and caution to and statement of accused on proceedings before examining justices

- (1) Where any person is charged before examining justices with an indictable offence, the justices shall, as soon as may be after the examination of each witness for the prosecution has been concluded, cause the deposition of that witness to be read to him in the presence and hearing of the accused, and shall cause him to sign the deposition, and shall forthwith bind him over to attend the trial in manner directed by section twenty of the Indictable Offences Act, 1848, as amended by this Act.
- (2) Immediately after the last witness for the prosecution has been bound over to attend the trial, the examining justices shall read the charge to the accused and explain the nature thereof to him in ordinary language, and inform him that he has the right to call witnesses and, if he so desires, to give evidence on his own behalf. After so doing the examining justices shall then address to him the following words or words to the like effect—

“Do you wish to say anything in answer to the charge r You are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in writing and may be given in evidence upon your trial.”
- (3) Before the accused makes any statement in answer to the charge, the examining justices shall state to him and give him clearly to understand that he has nothing to hope from any promise of favour and nothing to fear from any threat which may have been held out to him to induce him to make any admission or confession of his guilt, but that whatsoever he then says may be given in evidence on his trial notwithstanding the promise or threat.

Status: This is the original version (as it was originally enacted).

- (4) Whatever the accused states in answer to the charge shall be taken down in manner shown in a form to be prescribed by rules made under this Act in substitution for Form N. in the Schedule to the Indictable Offences Act, 1848, and shall be read over to the accused, and signed by the examining justices and also, if he so desires, by him, and shall be transmitted to the court of trial with the depositions of the witnesses in manner provided in section twenty of the said Act.

On the trial the statement of the accused taken down as aforesaid, and whether signed by him or not, may be given in evidence without further proof thereof, unless it is proved that the examining justices purporting to sign the statement did not in fact sign it.

- (5) Immediately after complying with the requirements of this section relating to the statement of the accused, and whether the accused has or has not made a statement, the examining justices shall ask the accused whether he desires to give evidence on his own behalf and whether he desires to call witnesses.

If the accused in answer to the question states that he wishes to give evidence but not to call witnesses, the justices shall proceed to take forthwith the evidence of the accused, and after the conclusion of the evidence of the accused his counsel or solicitor shall be heard on his behalf if he so desires.

If the accused in answer to the question states that he desires to give evidence on his own behalf and to call witnesses, or to call witnesses only, the justices shall proceed to take either forthwith, or, if a speech is to be made by counsel or solicitor on behalf of the accused, after the conclusion of that speech, the evidence of the accused, if he desires to give evidence himself, and of any witness called by him who knows anything relating to the facts and circumstances of the case or anything tending to prove the innocence of the accused.

All statements made by the accused and all evidence given by him or any such witness as aforesaid (not being a witness merely to the character of the accused) under this subsection shall be taken down in writing and shall be transmitted to the court of trial, together with the depositions of the witnesses for the prosecution, and the provisions of subsection (1) of this section shall apply in the case of witnesses for the defence as they apply in the case of witnesses for the prosecution, except that the justices shall not bind over to attend the trial any witness who is a witness merely to the character of the accused.

- (6) Nothing contained in this section shall prevent the prosecutor in any case from giving in evidence at the trial any admission or confession or other statement of the accused made at any time which is by law admissible as evidence against the accused.
- (7) The depositions taken in connection with any charge for an indictable offence shall be signed by the justices before whom they are taken in such manner as may be directed by rules made under this Act, and where any such charge is enquired into by two or more examining justices, the deposition of a witness or the statement of the accused shall for all purposes be deemed to be sufficiently signed if signed by any one of those justices.
- (8) The examining justices shall, notwithstanding anything in the Indictable Offences Act, 1848, before determining whether they will or will not commit an accused person for trial, take into consideration his statement or any such evidence as is given in pursuance of this section by him or his witnesses.