STATUTORY INSTRUMENTS

1961 No. 248 (L. 3)

CRIMINAL PROCEDURE, ENGLAND AND WALES

The Evidence by Certificate Rules, 1961

Made - - - - 8*th February*, 1961

Coming into Operation 1*st March*, 1961

In pursuance of the powers conferred upon me by section forty-one of the Criminal Justice Act, 1948(a), and by section two hundred and forty-two of the Road Traffic Act, 1960(b), I hereby make the following Rules :—

1. The prescribed qualifications for the purpose of subsection (1) of section forty-one of the Criminal Justice Act, 1948 (which relates to the admissibility of certified plans and drawings in criminal proceedings), shall be—

(*a*) registration as an architect under the Architects (Registration) Acts, 1931 to 1938, or

(*b*) membership of any of the following bodies, that is to say, the Royal Institution of Chartered Surveyors, the Institution of Civil Engineers, the Institution of Municipal Engineers and the Land Agents Society.

2. A certificate under subsection (1) of section two hundred and forty-two of the Road Traffic Act, 1960, shall be in the form numbered 1 in the Schedule hereto or in a form to the like effect and a notice under paragraph (*b*) of subsection (3) of that section or under paragraph (*b*) of subsection (5) of section forty-one of the Criminal Justice Act, 1948, shall be in the form numbered 2 in the Schedule hereto or in a form to the like effect.

3. Any certificate or other document required to be served by subsection (3) of the said section two hundred and forty-two or by subsection (5) of the said section forty-one shall be served in the following manner, that is to say:—

(*a*) where the person to be served is a corporation, by addressing it to the corporation and leaving it at, or sending it by registered post or by the recorded delivery service to, the registered office of the corporation or, if there be no such office, its principal office or place at which it conducts its business ;

(*b*) in any other case, by delivering it personally to the person to be served or by addressing it to him and leaving it at, or sending it by registered post or by the recorded delivery service to, his last or usual place of abode or place of business.

4. The Evidence by Certificate Rules, 1948(c), are hereby revoked but any document made or other thing done thereunder shall continue to have effect under these Rules.

5. These Rules may be cited as the Evidence by Certificate Rules, 1961, and shall come into operation on the first day of March, 1961.

R. A. Butler,
One of Her Majesty's Principal Secretaries of State.

Home Office.
Whitehall.
8th February, 1961.

(a) 11 & 12 Geo. 6. c. 58. (b) 8 & 9 Eliz. 2. c. 16.
(c) S.I. 1948/2664 (Rev. V, p. 350: 1948 I. p. 601).

SCHEDULE

1

Form of certificate by constable of statement as to motor vehicle

1962 c. 19

I, A.B., hereby certify that on the day of , 19 , at , C.D. of , stated to me that on the day of , 19 , at a.m./p.m. a (1) , registered number —

*(i) was being driven by him/her, and

*(ii) (*a*) belonged to him/her, *or*

*(*b*) belonged to the firm of of† , and that he/she was at the time of the statement a partner in that firm ; *or*

*(*c*) belonged to of‡ , and that at the time of the statement he/she was a§ of [employed as§ by] the said .

Dated this day of , 19 .

A.B.

..... Rank

..... Station

..... Police Force

(1) State description of motor vehicle, *e.g.* motor lorry.

*Delete if not applicable

†State principal office or place where the firm conducts its business.

‡State registered office or, if no registered office, principal office or place where the corporation conducts its business.

§State nature of office or employment.

2

Form of notice by defendant requiring attendance of witness

To A.B. of .

Whereas I, C.D., of , have been served under paragraph (*a*) of subsection (5) of section 41 of the Criminal Justice Act, 1948, [*or* under paragraph (*a*) of subsection (3) of section 242 of the Road Traffic Act, 1960,] with a copy of a plan or drawing authenticated by a certificate [*or* a certificate relating to a statement made by] [*or* a statutory declaration made by]:

I hereby give notice under paragraph (*b*) of the said subsection (5) [*or* under paragraph (*b*) of the said subsection (3)] that I require the attendance at the hearing or trial of the charge against me of the person who signed the said certificate [*or* made the said declaration].

Dated this day of , 19 .

C.D.

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules reproduce the Rules revoked by Rule 4, taking account of the passing of the Road Traffic Act, 1960. They also provide that service may be effected by the new recorded delivery service in the case of certificates and statutory declarations proposed to be used in evidence in criminal proceedings and of notices connected therewith.