

**APPLICATION TO EXCLUDE HEARSAY EVIDENCE
FOLLOWING NOTICE**

(Criminal Procedure Rules, rule 34.3)

Case details

Name of defendant:

Court:

Case reference number:

Charge(s):

This is an application by [the prosecutor]

[..... (name of defendant)]

I object to the introduction of the following hearsay evidence (describe the evidence to which you object):

**of which [the prosecutor] [..... (name of co-defendant)]
served notice on (date)**

because:

☐ **that evidence is not admissible, for the reason(s) explained in box 2 below.**

☐ **I object to the notice for the other reason(s) explained in box 2 below.**

How to use this form. Use this form ONLY where another party serves notice of hearsay evidence under Criminal Procedure Rule 34.2.

1. Complete the boxes above and give the details required in the boxes below. If you use an electronic version of this form, the boxes will expand. If you use a paper version and need more space, you may attach extra sheets.

2. Sign and date the completed form.

3. Send a copy of the completed form to:

(a) the court, and

(b) each other party to the case.

Note:

You must send this form so as to reach the recipients **not more than 14 days after:**

(a) service of the notice, or

(b) the defendant pleads not guilty

whichever happens last.

The court may extend that time limit, **but if you are late you must explain why.**

1) Facts in dispute. Whatever reasons you have for objecting to the notice, explain which, if any, facts set out in it you dispute.

2) Reasons for objecting. Explain, as applicable:

(a) why the hearsay evidence is not admissible, by reference to the provision(s) of the Criminal Justice Act 2003 relied on in the notice.

(b) what other objection you have to the notice.

3) Reasons for any extension of time required. If this application is served late, explain why.

Signed: [prosecutor]
[defendant / defendant's solicitor]

Date:

NOTICE TO INTRODUCE HEARSAY EVIDENCE

(Criminal Procedure Rules, rule 34.2)

Case details

Name of defendant:

Court:

Case reference number:

Charge(s):

This notice is given by [the prosecutor]

[..... (name of defendant)]

I want to introduce hearsay evidence on the following ground(s) in the Criminal Justice Act 2003:

- ☐ the witness is unavailable to attend: s.116.
- ☐ the evidence is in a statement prepared for the purposes of criminal proceedings or for a criminal investigation and the witness is unavailable or unable to recollect: s.117(1)(c).
- ☐ the evidence is multiple hearsay: s.121.
- ☐ it is in the interests of justice for the evidence to be admissible: s.114(1)(d).

1. Complete the boxes above and give the details required in the boxes below. If you use an electronic version of this form, the boxes will expand¹. If you use a paper version and need more space, you may attach extra sheets.

2. Sign and date the completed form.

3. Send a copy of the completed form and anything attached to:

- (a) the court, and**
- (b) each other party to the case.**

If you are a prosecutor, you must send this form so as to reach the recipients not more than:

- (a) 28 days after the defendant pleads not guilty, in a magistrates' court, or
- (b) 14 days after the defendant pleads not guilty, in the Crown Court.

If you are a defendant, you must send this form so as to reach the recipients as soon as reasonably practicable.

The court may extend these time limits, **but if you are late you must explain why.**

A party who objects to the introduction of the evidence must apply to the court under Criminal Procedure Rule 34.3 **not more than 14 days after:**

- (a) service of this notice, or
- (b) the defendant pleads not guilty

whichever happens last.

¹ Forms for use with the Rules are at: <http://www.justice.gov.uk/courts/procedure-rules/criminal/formspage>.

1) Details of the hearsay evidence. If you have NOT already served the evidence, attach any statement or other document containing it. Otherwise, give enough details to identify it.

2) Facts on which you rely (if any), and how you will prove them. Set out any facts that you need to prove to make the evidence admissible. A party who objects to the introduction of the evidence must explain which, if any, of those facts are in dispute. Explain in outline on what you will then rely to prove those facts.

3) Reasons why the hearsay evidence is admissible. Explain why the evidence is admissible, by reference to the provisions(s) of the Criminal Justice Act 2003 on which you rely.

