12. Hearsay in criminal cases

This chapter discusses the meaning of hearsay in criminal proceedings and the categories of hearsay admissible by statute in such proceedings. It considers the relationship between the hearsay provisions of the Criminal Justice Act 2003 (the 2003 Act) and Article 6 of the European Convention on Human Rights as it relates to hearsay; the definition of hearsay and its admissibility under the 2003 Act, including admissibility under an inclusionary discretion (section 114(1)(d)); and safeguards including provisions relating to the capability and credibility of absent witnesses, the power to stop a case and the discretion to exclude. Also considered in this chapter are: expert reports; written statements under section 9 of the Criminal Justice Act 1967; and depositions of children and young persons under section 43 of the Children and Young Persons Act 1933.
12. Hearsay in criminal cases

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