

Draft Order laid before Parliament under section 21A(7) of the Criminal Procedure and Investigations Act 1996, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2010 No. XXX

CRIMINAL LAW, ENGLAND AND WALES

The Criminal Procedure and Investigations
Act 1996 (Code of Practice for Interviews of
Witnesses Notified by Accused) Order 2010

Made - - - - *XX 2010*

Coming into force - - *1st May 2010*

The Secretary of State makes the following Order in exercise of the power conferred by section 21A(5) of the Criminal Procedure and Investigations Act 1996(1) (“the Act”).

The Secretary of State has prepared a code of practice for police interviews of witnesses notified by accused persons under section 21A of the Act giving guidance in relation to the matters specified in subsections (1) and (2) of that section.

He has consulted the persons specified in section 21A(4)(za), (a) and (c) of the Act, as that section requires.

He has laid a draft of this Order before each House of Parliament in accordance with section 21A(7) of the Act.

He has also laid the code of practice to which this Order relates before each House of Parliament in accordance with section 21A(9) of the Act.

Citation

1. This Order may be cited as the Criminal Procedure and Investigations Act 1996 (Code of Practice for Interviews of Witnesses Notified by Accused) Order 2010.

Code of Practice

2. The code of practice entitled “Code of Practice for Arranging and Conducting Interviews of Witnesses Notified by the Accused” laid before Parliament on 5th February 2010 shall come into force on 1st May 2010.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Criminal Procedure and Investigations Act 1996 (Code of Practice for Interviews of Witnesses Notified by Accused) Order 2010 No. 1223*

Signed by the authority of the Secretary of State

Date

Name
Parliamentary Under Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force a code of practice for arranging and conducting interviews of witnesses notified by accused persons (“the Code”). The Code is made under section 21A of the Criminal Procedure and Investigations Act 1996 (c. 25) (“the Act”).

The Code contains guidance to police officers and other persons charged with the duty of investigating offences in relation to arranging and conducting interviews of persons notified by the accused as potential witnesses either under section 6A(2) of the Act (because the accused believes such witnesses are able to give evidence in support of an alibi disclosed in a defence statement made under section 6A of the Act) or under section 6C of the Act (because the accused intends to call any persons (other than him or herself) as witnesses at his trial).

By virtue of section 21A(3) of the Act, any police officer or other person charged with the duty of investigating offences who arranges or conducts such an interview must have regard to the Code. By virtue of section 21A(13) of the Act, any provision of the Code in operation at any time by virtue of this Order or any failure to have due regard to the Code, either of which are relevant to any question arising in civil or criminal proceedings, can be taken into account by a court or tribunal conducting those proceedings in deciding that question.