



Criminal Procedure and Investigations Act 1996

1996 CHAPTER 25

PART VII

MISCELLANEOUS AND GENERAL

General

75 Time when alleged offence committed

- (1) Subsection (2) applies for the purposes of sections 52(3) and 54(7).
- (2) Where an offence is alleged to be committed over a period of more than one day, or at some time during a period of more than one day, it must be taken to be alleged to be committed on the last of the days in the period.
- (3) Subsection (2) applies for the purposes of section 61(1) as if “alleged to be” (in each place) were omitted.

76 Power of magistrates' courts

In section 148(2) of the Magistrates' Courts Act 1980 (power of court to act where another may act) the reference to that Act includes a reference to this Act.

77 Orders and regulations

- (1) This section concerns the powers of the Secretary of State to make orders or regulations under this Act.
- (2) Any power to make an order or regulations may be exercised differently in relation to different areas or in relation to other different cases or descriptions of case.

Status: This is the original version (as it was originally enacted).

- (3) Any order or regulations may include such supplementary, incidental, consequential or transitional provisions as appear to the Secretary of State to be necessary or expedient.
- (4) Any power to make an order or regulations shall be exercisable by statutory instrument.
- (5) No order under section 25 shall have effect unless approved by a resolution of each House of Parliament.
- (6) A statutory instrument containing—
 - (a) an order under section 78, or
 - (b) regulations,shall be subject to annulment in pursuance of a resolution of either House of Parliament.

78 Application to armed forces

- (1) Subject to subsection (2) and to section 74(2) and (3), nothing in this Act applies to—
 - (a) proceedings before a court martial constituted under the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957;
 - (b) proceedings before a Standing Civilian Court;
 - (c) any investigation conducted with a view to it being ascertained whether a person should be charged with an offence under any of those Acts or whether a person charged with such an offence is guilty of it.
- (2) The Secretary of State may by order—
 - (a) make as regards any proceedings falling within subsection (3) provision which is equivalent to the provisions contained in or made under Part I, subject to such modifications as he thinks fit and specifies in the order;
 - (b) make as regards any investigation falling within subsection (4) provision which is equivalent to the provisions contained in or made under Part II, subject to such modifications as he thinks fit and specifies in the order.
- (3) The proceedings falling within this subsection are—
 - (a) proceedings before a court martial constituted under the Army Act 1955;
 - (b) proceedings before a court martial constituted under the Air Force Act 1955;
 - (c) proceedings before a court martial constituted under the Naval Discipline Act 1957;
 - (d) proceedings before a Standing Civilian Court.
- (4) An investigation falls within this subsection if it is conducted with a view to it being ascertained whether a person should be charged with an offence under any of the Acts mentioned in subsection (3) or whether a person charged with such an offence is guilty of it.
- (5) An order under this section may make provision in such way as the Secretary of State thinks fit, and may in particular apply any of the provisions concerned subject to such modifications as he thinks fit and specifies in the order.
- (6) Without prejudice to the generality of section 77(3), an order under this section may include provision—

- (a) repealing section 11 of the Criminal Justice Act 1967 (alibi) as it applies to proceedings before courts martial;
- (b) amending or repealing any provision of section 12 of that Act or of section 74 above.

79 Extent

- (1) This Act does not extend to Scotland, with the exception of—
 - (a) sections 37, 38, 41, 42, 59, 60, 61(3), 63, 72, 73, 74(2) and (3) and 78, this section and section 81;
 - (b) paragraphs 6 and 7 of Schedule 3, and paragraph 8 of that Schedule so far as it relates to paragraphs 6 and 7;
 - (c) paragraph 5 of Schedule 5;
 - (d) paragraph 12 of Schedule 5 so far as it relates to provisions amending section 11 of the Criminal Justice Act 1987.
- (2) Section 73 extends only to Scotland.
- (3) Parts III and VI and sections 44, 47, 65, 67, 68 and 71 do not extend to Northern Ireland.
- (4) In its application to Northern Ireland, this Act has effect subject to the modifications set out in Schedule 4.
- (5) Section 74(2) and (3) extend to any place where proceedings before courts martial may be held.
- (6) Section 78 extends as follows—
 - (a) so far as it relates to proceedings, it extends to any place where such proceedings may be held;
 - (b) so far as it relates to investigations, it extends to any place where such investigations may be conducted.

80 Repeals

The provisions mentioned in Schedule 5 are repealed (or revoked) to the extent specified in column 3, but subject to any provision of that Schedule.

81 Citation

This Act may be cited as the Criminal Procedure and Investigations Act 1996.