
Changes to legislation: Criminal Procedure and Investigations Act 1996, Cross Heading: Preparatory hearings is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 3

FRAUD

Extent Information

- E1** In its application to Northern Ireland, this Schedule has effect subject to the modifications set out in Schedule 4; see [s. 79](#)

Preparatory hearings

2 In section 7 (power to order preparatory hearing) subsections (3) to (5) (power to make order that could be made at the hearing) shall be omitted.

3 (1) Section 9 (the preparatory hearing) shall be amended as follows.

(2) In subsection (7) (warning of possible consequence under section 10(1)) the word “(1)” shall be omitted.

(3) In subsection (10) for the words “at or for the purposes of a preparatory hearing” there shall be substituted “under this section”.

4 The following section shall be inserted after section 9—

“9A Orders before preparatory hearing.

(1) Subsection (2) below applies where—

- (a) a judge orders a preparatory hearing, and
- (b) he decides that any order which could be made under section 9(4) or (5) above at the hearing should be made before the hearing.

(2) In such a case—

- (a) he may make any such order before the hearing (or at the hearing), and
- (b) subsections (4) to (10) of section 9 above shall apply accordingly.”

5 The following section shall be substituted for section 10 (later stages of trial)—

“10 Later stages of trial.

(1) Any party may depart from the case he disclosed in pursuance of a requirement imposed under section 9 above.

(2) Where—

- (a) a party departs from the case he disclosed in pursuance of a requirement imposed under section 9 above, or
- (b) a party fails to comply with such a requirement,

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the judge or, with the leave of the judge, any other party may make such comment as appears to the judge or the other party (as the case may be) to be appropriate and the jury may draw such inference as appears proper.

- (3) In deciding whether to give leave the judge shall have regard—
- (a) to the extent of the departure or failure, and
 - (b) to whether there is any justification for it.
- (4) Except as provided by this section no part—
- (a) of a statement given under section 9(5) above, or
 - (b) of any other information relating to the case for the accused or, if there is more than one, the case for any of them, which was given in pursuance of a requirement imposed under section 9 above,
- may be disclosed at a stage in the trial after the jury have been sworn without the consent of the accused concerned.”

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(6) added by [1997 c. 39 s. 9\(4\)](#)
- s. 5(1A) amendment to earlier affecting provision 2015 c. 9 (N.I.), Sch. 2 para. 8 by [2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(i\)](#)
- s. 5(1A) inserted by [2015 c. 9 \(N.I.\) Sch. 2 para. 8](#)
- s. 5(1A) words substituted in earlier affecting provision 2015 c. 9 (N.I.), Sch. 2 para. 8(1) by [2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(ii\)](#)
- s. 13(1)(ba)(b) substituted for s. 13(1)(b) by 2015 c. 9 (N.I.), Sch. 2 para. 8(2) (as inserted) by [2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(iii\)](#)
- Sch. 4 para. 4(f) and word added by [S.I. 2003/1247 \(N.I.\) Sch. 1 para. 16](#)