



Criminal Procedure and Investigations Act 1996

1996 CHAPTER 25

PART I

DISCLOSURE

The main provisions

11 Faults in disclosure by accused

- (1) This section applies where section 5 applies and the accused—
 - (a) fails to give a defence statement under that section,
 - (b) gives a defence statement under that section but does so after the end of the period which, by virtue of section 12, is the relevant period for section 5,
 - (c) sets out inconsistent defences in a defence statement given under section 5,
 - (d) at his trial puts forward a defence which is different from any defence set out in a defence statement given under section 5,
 - (e) at his trial adduces evidence in support of an alibi without having given particulars of the alibi in a defence statement given under section 5, or
 - (f) at his trial calls a witness to give evidence in support of an alibi without having complied with subsection (7)(a) or (b) of section 5 as regards the witness in giving a defence statement under that section.
- (2) This section also applies where section 6 applies, the accused gives a defence statement under that section, and the accused—
 - (a) gives the statement after the end of the period which, by virtue of section 12, is the relevant period for section 6,
 - (b) sets out inconsistent defences in the statement,
 - (c) at his trial puts forward a defence which is different from any defence set out in the statement,

Status: This is the original version (as it was originally enacted).

- (d) at his trial adduces evidence in support of an alibi without having given particulars of the alibi in the statement, or
 - (e) at his trial calls a witness to give evidence in support of an alibi without having complied with subsection (7)(a) or (b) of section 5 (as applied by section 6) as regards the witness in giving the statement.
- (3) Where this section applies—
- (a) the court or, with the leave of the court, any other party may make such comment as appears appropriate;
 - (b) the court or jury may draw such inferences as appear proper in deciding whether the accused is guilty of the offence concerned.
- (4) Where the accused puts forward a defence which is different from any defence set out in a defence statement given under section 5 or 6, in doing anything under subsection (3) or in deciding whether to do anything under it the court shall have regard—
- (a) to the extent of the difference in the defences, and
 - (b) to whether there is any justification for it.
- (5) A person shall not be convicted of an offence solely on an inference drawn under subsection (3).
- (6) Any reference in this section to evidence in support of an alibi shall be construed in accordance with section 5.