



Criminal Procedure and Investigations Act 1996

1996 CHAPTER 25

PART I

DISCLOSURE

The main provisions

5 Compulsory disclosure by accused.

- (1) Subject to subsections [F¹(2) to][F¹(3A) and] (4), this section applies where—
 - (a) this Part applies by virtue of section 1(2), and
 - (b) the prosecutor complies with section 3 or purports to comply with it.
 - (2) [F²Where this Part applies by virtue of section 1(2)(b), this section does not apply unless—
 - (a) a copy of the notice of transfer, and
 - (b) copies of the documents containing the evidence,have been given to the accused under regulations made under section 5(9) of the ^{M1}Criminal Justice Act 1987.]
 - (3) [F²Where this Part applies by virtue of section 1(2)(c), this section does not apply unless—
 - (a) a copy of the notice of transfer, and
 - (b) copies of the documents containing the evidence,have been given to the accused under regulations made under paragraph 4 of Schedule 6 to the ^{M2}Criminal Justice Act 1991.]
- [F³(3A) Where this Part applies by virtue of section 1(2)(cc), this section does not apply unless—

Changes to legislation: Criminal Procedure and Investigations Act 1996, Section 5 is up to date with all changes known to be in force on or before 16 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

- (a) copies of the documents containing the evidence have been served on the accused under regulations made under paragraph 1 of Schedule 3 to the Crime and Disorder Act 1998; and
 - (b) a copy of the notice under [F⁴subsection (1) of section 51D] of that Act has been served on him under that subsection.]
- (4) Where this Part applies by virtue of section 1(2)(e), this section does not apply unless the prosecutor has served on the accused a copy of the indictment and a copy of the set of documents containing the evidence which is the basis of the charge.
- (5) Where this section applies, the accused must give a defence statement to the court and the prosecutor.
- (6) F⁵
- (7) F⁵
- (8) F⁵
- (9) F⁵

Extent Information

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

Textual Amendments

- F1** Words in s. 5(1) substituted (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 3 para. 66\(3\)\(a\)](#); S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)
- F2** S. 5(2)(3) repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 3 para. 66\(3\)\(b\)](#), [Sch. 37 Pt. 4](#); S.I. 2012/1320, art. 4(1)(c)(d)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c)(d), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(d)(2)(3) (with arts. 3, 4)
- F3** S. 5(3A) inserted (E.W.) (4.1.1999 for certain purposes and 15.1.2001 otherwise) by [1998 c. 37](#), s. 119, [Sch. 8 para.126](#); S.I. 1998/2327, art. 4(2)(c), [Sch. 2](#); S.I. 2000/3283, [art. 2](#)
- F4** Words in s. 5(3A)(b) substituted (9.5.2005 for specified purposes, 18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 3 para. 66\(3\)\(c\)](#); S.I. 2005/1267, art. 2(1)(2)(b), Sch. Pt. 2; S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)
- F5** S. 5(6)-(9) repealed (4.4.2005 for E.W. and 15.7.2005 for N.I.) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 331, 332, 336, [Sch. 36 Pt. 3 para. 23](#), [Sch. 37](#); S.I. 2005/950, [art. 2](#), Sch. 1; S.I. 2005/1817, [art. 2](#) (with savings in art. 2(3))

Modifications etc. (not altering text)

- C1** Pt. I power to apply (with modifications) conferred by SI 2015/1490 rule 23.2 Note (as inserted (2.4.2018) by [The Criminal Procedure \(Amendment\) Rules 2018 \(S.I. 2018/132\)](#), rules 1, [11\(a\)\(v\)](#))

Changes to legislation: *Criminal Procedure and Investigations Act 1996, Section 5 is up to date with all changes known to be in force on or before 16 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*

Marginal Citations

M1 1987 c. 38.

M2 1991 c. 53.

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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](#)