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) **[**[F2]Where 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) **[**[F2]Where 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 19 May 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 **[**[F4]subsection (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 19 May 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