



Criminal Procedure and Investigations Act 1996

1996 CHAPTER 25

PART I

DISCLOSURE

The main provisions

5 Compulsory disclosure by accused

- (1) Subject to subsections (2) to (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) 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 Criminal Justice Act 1987.
- (3) 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 Criminal Justice Act 1991.
- (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) For the purposes of this section a defence statement is a written statement—
- (a) setting out in general terms the nature of the accused’s defence,
 - (b) indicating the matters on which he takes issue with the prosecution, and
 - (c) setting out, in the case of each such matter, the reason why he takes issue with the prosecution.
- (7) If the defence statement discloses an alibi the accused must give particulars of the alibi in the statement, including—
- (a) the name and address of any witness the accused believes is able to give evidence in support of the alibi, if the name and address are known to the accused when the statement is given;
 - (b) any information in the accused’s possession which might be of material assistance in finding any such witness, if his name or address is not known to the accused when the statement is given.
- (8) For the purposes of this section evidence in support of an alibi is evidence tending to show that by reason of the presence of the accused at a particular place or in a particular area at a particular time he was not, or was unlikely to have been, at the place where the offence is alleged to have been committed at the time of its alleged commission.
- (9) The accused must give a defence statement under this section during the period which, by virtue of section 12, is the relevant period for this section.