



# Criminal Law Act 1977

## 1977 CHAPTER 45

### PART III

#### CRIMINAL PROCEDURE, PENALTIES, ETC.

##### *Other provisions*

#### **48 Power to make rules as to furnishing of information by prosecutor in criminal proceedings.**

- (1) [<sup>F1</sup>Criminal Procedure Rules may] make, with respect to proceedings against any person for a prescribed offence or an offence of any prescribed class, provision—
  - (a) for requiring the prosecutor to do such things as may be prescribed for the purpose of securing that the accused or a person representing him is furnished with, or can obtain, advance information concerning all, or any prescribed class of, the facts and matters of which the prosecutor proposes to adduce evidence; and
  - (b) for requiring a magistrates' court, if satisfied that any requirement imposed by virtue of paragraph (a) above has not been complied with, to adjourn the proceedings pending compliance with that requirement unless the court is satisfied that the conduct of the case for the accused will not be substantially prejudiced by non-compliance with the requirement.
- (2) Rules made by virtue of subsection (1)(a) above—
  - (a) may require the prosecutor to do as provided in the rules either—
    - (i) in all cases; or
    - (ii) only if so requested by or on behalf of the accused;
  - (b) may exempt facts and matters of any prescribed description from any requirement imposed by the rules, and may make the opinion of the prosecutor material for the purposes of any such exemption; and
  - (c) may make different provision with respect to different offences or offences of different classes.

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*Changes to legislation: Criminal Law Act 1977, Section 48 is up to date with all changes known to be in force on or before 03 October 2023. 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*

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- (3) It shall not open to person convicted of an offence to appeal against the conviction on the ground that a requirement imposed by virtue of subsection (1) above was not complied with by the prosecutor.

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**Textual Amendments**

- F1** Words in s. 48(1) substituted (1.9.2004) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 190**; S.I. 2004/2066, art. 2(c)(x) (with art. 3)

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

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

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

- s. 38A(5)(ia) by [2000 c. 43 Sch. 7 para. 55](#)
- s. 38B(5)(a) by [2000 c. 43 Sch. 7 para. 56](#)