



Criminal Procedure and Investigations Act 1996

1996 CHAPTER 25

PART I

DISCLOSURE

Other provisions

19 Rules of court.

- (1) [^{F1}The power to make Criminal Procedure Rules] includes power to make provision mentioned in subsection (2).
- (2) The provision is provision as to the practice and procedure to be followed in relation to—
 - (a) proceedings to deal with a contempt of court under section 18;
 - (b) an application under section 3(6), 7(5), 8(2) or (5), 9(8), 14(2) , 15(4), 16(b), 17(4) or (6)(b) or 18(6);
 - (c) an application under regulations made under section 12;
 - (d) an order under section 3(6), 7(5), 8(2) or (5), 9(8), 14(3), 17(4) or 18(4) or (7);
 - (e) an order under section 15(5) (whether or not an application is made under section 15(4));
 - (f) an order under regulations made under section 12.
- (3) [^{F2}Criminal Procedure Rules made]by virtue of subsection (2)(a) above may contain or include provision equivalent to Schedule 3 to the ^{M1}Contempt of Court Act 1981 (proceedings for disobeying magistrates' court order) with any modifications which the Lord Chancellor considers appropriate on the advice of or after consultation with the rule committee for magistrates' courts.
- (4) Rules made by virtue of subsection (2)(b) in relation to an application under section 17(4) may include provision—

Status: Point in time view as at 01/09/2004.

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- (a) that an application to a magistrates' court must be made to a particular magistrates' court;
 - (b) that an application to the Crown Court must be made to the Crown Court sitting at a particular place;
 - (c) requiring persons to be notified of an application.
- (5) Rules made by virtue of this section may make different provision for different cases or classes of case.

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. 19(1) substituted (1.9.2004) by Courts Act 2003 (c. 39), ss. 109(1), 110, Sch. 8 para. 377(2); S.I. 2004/2066, art. 2
- F2** Words in s. 19(3) substituted (1.9.2004) by Courts Act 2003 (c. 39), ss. 109(1), 110, Sch. 8 para. 377(3); S.I. 2004/2066, art. 2

Marginal Citations

- M1** 1981 c. 49.

20 Other statutory rules as to disclosure.

- (1) A duty under any of the disclosure provisions shall not affect or be affected by any duty arising under any other enactment with regard to material to be provided to or by the accused or a person representing him; but this is subject to subsection (2).
- (2) In making an order under section 9 of the ^{M2}Criminal Justice Act 1987 or section 31 of this Act (preparatory hearings) the judge may take account of anything which—
 - (a) has been done,
 - (b) has been required to be done, or
 - (c) will be required to be done,
 in pursuance of any of the disclosure provisions.
- (3) [^{F3}The power to make Criminal Procedure Rules] includes power to make, with regard to any proceedings before a magistrates' court which relate to an alleged offence, provision for—
 - (a) requiring any party to the proceedings to disclose to the other party or parties any expert evidence which he proposes to adduce in the proceedings;
 - (b) prohibiting a party who fails to comply in respect of any evidence with any requirement imposed by virtue of paragraph (a) from adducing that evidence without the leave of the court.
- (4) Rules made by virtue of subsection (3)—
 - (a) may specify the kinds of expert evidence to which they apply;
 - (b) may exempt facts or matters of any description specified in the rules.
- (5) For the purposes of this section—
 - (a) the disclosure provisions are sections 3 to 9;

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- (b) “enactment” includes an enactment comprised in subordinate legislation (which here has the same meaning as in the ^{M3}Interpretation Act 1978).

Extent Information

- E2** In its application to Northern Ireland, this section has effect subject to the modifications set out in Schedule 4; see s. 79

Textual Amendments

- F3** Words in s. 20(3) substituted (1.9.2004) by Courts Act 2003 (c. 39), ss. 109(1), 110, Sch. 8 para. 378; S.I. 2004/2066, art. 2

Modifications etc. (not altering text)

- C1** S. 20(1) excluded (E.W.) (prosp.) by 1997 c. 39, ss. 9(2), 11(2)

Marginal Citations

- M2** 1987 c. 38.
M3 1978 c. 30.

21 Common law rules as to disclosure.

- (1) Where this Part applies as regards things falling to be done after the relevant time in relation to an alleged offence, the rules of common law which—
- (a) were effective immediately before the appointed day, and
 - (b) relate to the disclosure of material by the prosecutor,
- do not apply as regards things falling to be done after that time in relation to the alleged offence.
- (2) Subsection (1) does not affect the rules of common law as to whether disclosure is in the public interest.
- (3) References in subsection (1) to the relevant time are to the time when—
- (a) the accused pleads not guilty (where this Part applies by virtue of section 1(1)),
 - (b) the accused is committed for trial (where this Part applies by virtue of section 1(2)(a))
 - (c) the proceedings are transferred (where this Part applies by virtue of section 1(2)(b) or (c)),
 - (d) the count is included in the indictment (where this Part applies by virtue of section 1(2)(d)), or
 - (e) the bill of indictment is preferred (where this Part applies by virtue of section 1(2)(e)).
- (4) The reference in subsection (1) to the appointed day is to the day appointed under section 1(5).

Extent Information

- E3** In its application to Northern Ireland, this section has effect subject to the modifications set out in Schedule 4; see s. 79

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[^{F4}21A Code of practice for police interviews of witnesses notified by accused

- (1) The Secretary of State shall prepare a code of practice which gives guidance to police officers, and other persons charged with the duty of investigating offences, in relation to the arranging and conducting of interviews of persons—
 - (a) particulars of whom are given in a defence statement in accordance with section 6A(2), or
 - (b) who are included as proposed witnesses in a notice given under section 6C.
- (2) The code must include (in particular) guidance in relation to—
 - (a) information that should be provided to the interviewee and the accused in relation to such an interview;
 - (b) the notification of the accused’s solicitor of such an interview;
 - (c) the attendance of the interviewee’s solicitor at such an interview;
 - (d) the attendance of the accused’s solicitor at such an interview;
 - (e) the attendance of any other appropriate person at such an interview taking into account the interviewee’s age or any disability of the interviewee.
- (3) Any police officer or other person charged with the duty of investigating offences who arranges or conducts such an interview shall have regard to the code.
- (4) In preparing the code, the Secretary of State shall consult—
 - (a) to the extent the code applies to England and Wales—
 - (i) any person who he considers to represent the interests of chief officers of police;
 - (ii) the General Council of the Bar;
 - (iii) the Law Society of England and Wales;
 - (iv) the Institute of Legal Executives;
 - (b) to the extent the code applies to Northern Ireland—
 - (i) the Chief Constable of the Police Service of Northern Ireland;
 - (ii) the General Council of the Bar of Northern Ireland;
 - (iii) the Law Society of Northern Ireland;
 - (c) such other persons as he thinks fit.
- (5) The code shall not come into operation until the Secretary of State by order so provides.
- (6) The Secretary of State may from time to time revise the code and subsections (4) and (5) shall apply to a revised code as they apply to the code as first prepared.
- (7) An order bringing the code into operation may not be made unless a draft of the order has been laid before each House of Parliament and approved by a resolution of each House.
- (8) An order bringing a revised code into operation shall be laid before each House of Parliament if the order has been made without a draft having been so laid and approved by a resolution of each House.
- (9) When an order or a draft of an order is laid in accordance with subsection (7) or (8), the code to which it relates shall also be laid.
- (10) No order or draft of an order may be laid until the consultation required by subsection (4) has taken place.

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- (11) A failure by a person mentioned in subsection (3) to have regard to any provision of a code for the time being in operation by virtue of an order under this section shall not in itself render him liable to any criminal or civil proceedings.
- (12) In all criminal and civil proceedings a code in operation at any time by virtue of an order under this section shall be admissible in evidence.
- (13) If it appears to a court or tribunal conducting criminal or civil proceedings that—
- (a) any provision of a code in operation at any time by virtue of an order under this section, or
 - (b) any failure mentioned in subsection (11),
- is relevant to any question arising in the proceedings, the provision or failure shall be taken into account in deciding the question.]

Textual Amendments

F4 S. 21A inserted (5.4.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), **ss. 40**, 336; S.I. 2004/829, **art. 2(1)** (subject to [art. 2\(3\)-\(6\)](#))

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