

## SCHEDULES

### SCHEDULE 3

#### FRAUD

##### *Preparatory hearings*

- 2 In section 7 (power to order preparatory hearing) subsections (3) to (5) (power to  
make order that could be made at the hearing) shall be omitted.
- 3 (1) Section 9 (the preparatory hearing) shall be amended as follows.
- (2) In subsection (7) (warning of possible consequence under section 10(1)) the word  
“(1)” shall be omitted.
- (3) In subsection (10) for the words “at or for the purposes of a preparatory hearing”  
there shall be substituted “under this section”.
- 4 The following section shall be inserted after section 9—

##### **“9A Orders before preparatory hearing**

- (1) Subsection (2) below applies where—
- (a) a judge orders a preparatory hearing, and
  - (b) he decides that any order which could be made under section 9(4)  
or (5) above at the hearing should be made before the hearing.
- (2) In such a case—
- (a) he may make any such order before the hearing (or at the hearing),  
and
  - (b) subsections (4) to (10) of section 9 above shall apply accordingly.”
- 5 The following section shall be substituted for section 10 (later stages of trial)—

##### **“10 Later stages of trial**

- (1) Any party may depart from the case he disclosed in pursuance of a  
requirement imposed under section 9 above.
- (2) Where—
- (a) a party departs from the case he disclosed in pursuance of a  
requirement imposed under section 9 above, or
  - (b) a party fails to comply with such a requirement,  
the judge or, with the leave of the judge, any other party may make such  
comment as appears to the judge or the other party (as the case may be) to  
be appropriate and the jury may draw such inference as appears proper.
- (3) In deciding whether to give leave the judge shall have regard—
- (a) to the extent of the departure or failure, and

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*Status: This is the original version (as it was originally enacted).*

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- (b) to whether there is any justification for it.
- (4) Except as provided by this section no part—
- (a) of a statement given under section 9(5) above, or
  - (b) of any other information relating to the case for the accused or, if there is more than one, the case for any of them, which was given in pursuance of a requirement imposed under section 9 above,
- may be disclosed at a stage in the trial after the jury have been sworn without the consent of the accused concerned.”