



Criminal Procedure and Investigations Act 1996

1996 CHAPTER 25

PART I

DISCLOSURE

The main provisions

3 Primary disclosure by prosecutor

- (1) The prosecutor must—
 - (a) disclose to the accused any prosecution material which has not previously been disclosed to the accused and which in the prosecutor's opinion might undermine the case for the prosecution against the accused, or
 - (b) give to the accused a written statement that there is no material of a description mentioned in paragraph (a).
- (2) For the purposes of this section prosecution material is material—
 - (a) which is in the prosecutor's possession, and came into his possession in connection with the case for the prosecution against the accused, or
 - (b) which, in pursuance of a code operative under Part II, he has inspected in connection with the case for the prosecution against the accused.
- (3) Where material consists of information which has been recorded in any form the prosecutor discloses it for the purposes of this section—
 - (a) by securing that a copy is made of it and that the copy is given to the accused, or
 - (b) if in the prosecutor's opinion that is not practicable or not desirable, by allowing the accused to inspect it at a reasonable time and a reasonable place or by taking steps to secure that he is allowed to do so;

Status: This is the original version (as it was originally enacted).

and a copy may be in such form as the prosecutor thinks fit and need not be in the same form as that in which the information has already been recorded.

- (4) Where material consists of information which has not been recorded the prosecutor discloses it for the purposes of this section by securing that it is recorded in such form as he thinks fit and—
 - (a) by securing that a copy is made of it and that the copy is given to the accused, or
 - (b) if in the prosecutor’s opinion that is not practicable or not desirable, by allowing the accused to inspect it at a reasonable time and a reasonable place or by taking steps to secure that he is allowed to do so.
- (5) Where material does not consist of information the prosecutor discloses it for the purposes of this section by allowing the accused to inspect it at a reasonable time and a reasonable place or by taking steps to secure that he is allowed to do so.
- (6) Material must not be disclosed under this section to the extent that the court, on an application by the prosecutor, concludes it is not in the public interest to disclose it and orders accordingly.
- (7) Material must not be disclosed under this section to the extent that—
 - (a) it has been intercepted in obedience to a warrant issued under section 2 of the Interception of Communications Act 1985, or
 - (b) it indicates that such a warrant has been issued or that material has been intercepted in obedience to such a warrant.
- (8) The prosecutor must act under this section during the period which, by virtue of section 12, is the relevant period for this section.