



Criminal Procedure and Investigations Act 1996

1996 CHAPTER 25

PART I

DISCLOSURE

The main provisions

9 Continuing duty of prosecutor to disclose

- (1) Subsection (2) applies at all times—
 - (a) after the prosecutor complies with section 3 or purports to comply with it, and
 - (b) before the accused is acquitted or convicted or the prosecutor decides not to proceed with the case concerned.
- (2) The prosecutor must keep under review the question whether at any given time there is prosecution material which—
 - (a) in his opinion might undermine the case for the prosecution against the accused, and
 - (b) has not been disclosed to the accused;and if there is such material at any time the prosecutor must disclose it to the accused as soon as is reasonably practicable.
- (3) In applying subsection (2) by reference to any given time the state of affairs at that time (including the case for the prosecution as it stands at that time) must be taken into account.
- (4) Subsection (5) applies at all times—
 - (a) after the prosecutor complies with section 7 or purports to comply with it, and
 - (b) before the accused is acquitted or convicted or the prosecutor decides not to proceed with the case concerned.

- (5) The prosecutor must keep under review the question whether at any given time there is prosecution material which—
- (a) might be reasonably expected to assist the accused’s defence as disclosed by the defence statement given under section 5 or 6, and
 - (b) has not been disclosed to the accused;
- and if there is such material at any time the prosecutor must disclose it to the accused as soon as is reasonably practicable.
- (6) 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.
- (7) Subsections (3) to (5) of section 3 (method by which prosecutor discloses) apply for the purposes of this section as they apply for the purposes of that.
- (8) 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.
- (9) 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.