
STATUTORY INSTRUMENTS

1988 No. 1699

**The Criminal Justice Act 1987
(Preparatory Hearings) Rules 1988**

Defence disclosure

7.—(1) Where an order is made under section 7(4) or 9(5) of the Act the appropriate officer of the Crown Court shall serve a copy of the order in Form 5307 on each party to whom the order applies and on the prosecution.

(2) Except to the extent that disclosure is required—

- (a) by section 11 of the Criminal Justice Act 1967⁽¹⁾ (alibi); or
- (b) by rules under section 81 of the Police and Criminal Evidence Act 1984⁽²⁾ (expert evidence),

a statement required by virtue of an order under the said section 7(4) or 9(5)(i) or (iv) need not disclose who will give evidence; and the order shall include a statement to that effect.

(3) The order shall include a warning that if any party departs from the case which he disclosed at the preparatory hearing, or fails to comply with a requirement imposed at the hearing—

- (a) the judge or, with the leave of the judge, any other party may make such comment as appears to him appropriate and the jury may draw such inference as appears proper; and
- (b) where the court is satisfied that any such departure or failure on the part of a defendant constitutes an unnecessary or improper act or omission on his part, and that another party to the proceedings has incurred costs as a result thereof, the court may make an order as to the payment of those costs by the defendant under section 19 of the Prosecution of Offences Act 1985⁽³⁾.

(1) 1967 c. 80.
(2) 1984 c. 60.
(3) 1985 c. 23.