

Status: Point in time view as at 04/04/2005.

Changes to legislation: Criminal Justice Act 2003, Cross Heading: Criminal Procedure and Investigations Act 1996 (c. 25) is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 36

FURTHER MINOR AND CONSEQUENTIAL AMENDMENTS

PART 3

DISCLOSURE

Criminal Procedure and Investigations Act 1996 (c. 25)

20 The Criminal Procedure and Investigations Act 1996 is amended as follows.

Commencement Information

II Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

21 In section 3 (primary disclosure by prosecutor), for the heading there is substituted “**Initial duty of prosecutor to disclose**”.

Commencement Information

I2 Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

22 In section 4 (primary disclosure: further provisions), in the heading for “**Primary disclosure**” there is substituted “**Initial duty to disclose**”.

Commencement Information

I3 Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

23 In section 5 (compulsory disclosure by accused), subsections (6) to (9) are omitted.

Commencement Information

I4 Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

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24 In section 6 (voluntary disclosure by accused), subsection (3) is omitted.

Commencement Information

I5 Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

25 Section 7 (secondary disclosure by prosecutor) shall cease to have effect.

Commencement Information

I6 Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

26 Section 9 (continuing duty of prosecutor to disclose) shall cease to have effect.

Commencement Information

I7 Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

27 In section 10 (prosecutor’s failure to observe time limits), in subsection (1), for paragraph (b) there is substituted—

“(b) purports to act under section 7A(5) after the end of the period which, by virtue of section 12, is the relevant period for section 7A.”

Commencement Information

I8 Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

28 In section 12 (time limits)—

- (a) in subsection (1), for “and 7” there is substituted “, 6B, 6C and 7A(5)”; and
- (b) in subsection (5), for “7” there is substituted “ 7A(5) ”.

Commencement Information

I9 Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

29 In section 13 (time limits: transitional), for subsection (2) there is substituted—

“(2) As regards a case in relation to which no regulations under section 12 have come into force for the purposes of section 7A, section 7A(5) shall have effect as if—

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- (a) in paragraph (a) for the words from “during the period” to the end, and
(b) in paragraph (b) for “during that period”,
there were substituted “as soon as is reasonably practicable after the accused gives the statement in question ”.”

Commencement Information

I10 Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

- 30 In section 14 (public interest: review for summary trials), in subsection (2)(a), for “7(5), 8(5) or 9(8)” there is substituted “ 7A(8) or 8(5) ”.

Commencement Information

I11 Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

- 31 In section 15 (public interest: review in other cases), in subsection (2)(a), for “7(5), 8(5) or 9(8)” there is substituted “ 7A(8) or 8(5) ”.

Commencement Information

I12 Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

- 32 In section 16 (applications: opportunity to be heard), in paragraph (a) and in the words after paragraph (c), for “7(5), 8(5), 9(8)” there is substituted “ 7A(8), 8(5) ”.

Commencement Information

I13 Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

- 33 In section 17 (confidentiality of disclosed information), in subsection (1)(a), for “7, 9” there is substituted “ 7A ”.

Commencement Information

I14 Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

- 34 In section 19 (rules of court) in subsection (2)(b) and (d), for “7(5), 8(2) or (5), 9(8)” there is substituted “ 5(5B), 6B(6), 6E(5), 7A(8), 8(2) or (5) ”.

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Commencement Information

I15 Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

- 35 In section 20 (other statutory rules as to disclosure)—
- (a) subsection (2) is omitted, and
 - (b) in subsection (5)(a), for “sections 3 to 9” there is substituted “ sections 3 to 8 ”.

Commencement Information

I16 Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

- 36 In section 31 (preparatory hearings in complex cases etc.), paragraphs (a) and (c) of subsection (6) are omitted.

Commencement Information

I17 Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

- 37 (1) Section 77 (orders and regulations) is amended as follows.
- (2) In subsection (5)—
 - (a) after “No” there is inserted “ regulations or ”, and
 - (b) after “section” there is inserted “ 6A or ”.
 - (3) In subsection (6)(b) after “regulations” there is inserted “ (other than regulations under section 6A) ”.

Commencement Information

I18 Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

- 38 In Schedule 4 (modifications for Northern Ireland), in paragraph 7, for “3(6), 7(5), 8(5) or 9(8)” there is substituted “ 3(6), 7A(8) or 8(5) ”.

Commencement Information

I19 Sch. 36 Pt. 3 partly in force; Sch 26 Pt. 3 not in force at Royal Assent, see s. 336(3); Sch. 36 Pt. 3 in force for E.W at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 43\(a\)](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 36 Pt. 3 in force for N.I. at 15.7.2005 by [S.I. 2005/1817](#), [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)](#))

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