



Criminal Procedure and Investigations Act 1996

1996 CHAPTER 25

PART I

DISCLOSURE

Introduction

1 Application of this Part.

(1) This Part applies where—

- (a) a person is charged with a summary offence in respect of which a court proceeds to summary trial and in respect of which he pleads not guilty,
- (b) a person who has attained the age of 18 is charged with an offence which is triable either way, in respect of which a court proceeds to summary trial and in respect of which he pleads not guilty, or
- (c) a person under the age of 18 is charged with an indictable offence in respect of which a court proceeds to summary trial and in respect of which he pleads not guilty.

(2) This Part also applies where—

- (a) a person is charged with an indictable offence and he is committed for trial for the offence concerned,
- (b) a person is charged with an indictable offence and proceedings for the trial of the person on the charge concerned are transferred to the Crown Court by virtue of a notice of transfer given under section 4 of the ^{M1}Criminal Justice Act 1987 (serious or complex fraud),
- (c) a person is charged with an indictable offence and proceedings for the trial of the person on the charge concerned are transferred to the Crown Court by virtue of a notice of transfer served on a magistrates' court under section 53 of the ^{M2}Criminal Justice Act 1991 (certain cases involving children),

Status: Point in time view as at 09/05/2005.

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- [^{F1}(cc) a person is charged with an offence for which he is sent for trial [^{F2}under section 51 (no committal proceedings for indictable-only offences) of the Crime and Disorder Act 1998,]]
- (d) a count charging a person with a summary offence is included in an under the authority of section 40 of the ^{M3}Criminal Justice Act 1988 (common assault etc.), or
- (e) a bill of indictment charging a person with an indictable offence is preferred under the authority of section 2(2)(b) of the ^{M4}Administration of Justice (Miscellaneous Provisions) Act 1933 (bill preferred by direction of Court of Appeal, or by direction or with consent of a judge) [^{F3}or
- (f) a bill of indictment charging a person with an indictable offence is preferred under section 22B(3)(a) of the ^{M5}Prosecution of Offences Act 1985.]
- (3) This Part applies in relation to alleged offences into which no criminal investigation has begun before the appointed day.
- (4) For the purposes of this section a criminal investigation is an investigation which police officers or other persons have a duty to conduct with a view to it being ascertained—
- (a) whether a person should be charged with an offence, or
- (b) whether a person charged with an offence is guilty of it.
- (5) The reference in subsection (3) to the appointed day is to such day as is appointed for the purposes of this Part by the Secretary of State by order.

Extent Information

- E1** In its application to Northern Ireland, this section has effect subject to the modifications set out in Schedule 4; see s. 79

Subordinate Legislation Made

- P1** S. 1(5) power wholly exercised (8.3.1997 and 29.12.1997): 1.4.1997 appointed day (E.W.) by [S.I. 1997/682](#); 1.1.1998 appointed day (N.I.) by [S.I. 1997/3108](#).

Textual Amendments

- F1** S. 1(2)(cc) inserted (E.W.) (4.1.1999 for the purpose of sending any person for trial under 1998 c. 37, s. 51 from any area specified in [S.I. 1998/2327](#), [Sch. 2](#) and 15.1.2001 as specified in [S.I. 2000/3283](#), [arts. 2, 3](#)) by 1998 c. 37, s. 119, [Sch. 8 para. 125\(a\)](#); [S.I. 1998/2327](#), [art. 4\(2\)\(c\)](#), [Sch. 2](#); [S.I. 2000/3283](#), [art. 2](#) (subject to [art. 3](#))
- F2** Words in s. 1(2)(cc) repealed (9.5.2005 for specified purposes, 18.6.2012 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 3 para. 66\(2\)\(b\)](#), [Sch. 37 Pt. 4](#); [S.I. 2005/1267](#), [art. 2\(1\)\(2\)\(a\)](#), [Sch. Pt. 1](#); [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(d\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- F3** S. 1(2)(f) and the word "or" immediately preceding inserted (E.W.) (1.6.1999) by 1998 c. 37, [ss. 119, Sch. 8 para. 125\(b\)](#); [S.I. 1999/1279](#), [art. 2\(f\)](#)

Marginal Citations

- M1** 1987 c. 38.
M2 1991 c. 53.
M3 1988 c. 33.
M4 1933 c. 36.
M5 1985 c.23.

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2 General interpretation.

- (1) References to the accused are to the person mentioned in section 1(1) or (2).
- (2) Where there is more than one accused in any proceedings this Part applies separately in relation to each of the accused.
- (3) References to the prosecutor are to any person acting as prosecutor, whether an individual or a body.
- (4) References to material are to material of all kinds, and in particular include references to—
 - (a) information, and
 - (b) objects of all descriptions.
- (5) References to recording information are to putting it in a durable or retrievable form (such as writing or tape).
- (6) This section applies for the purposes of this Part.

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