



Criminal Procedure and Investigations Act 1996

1996 CHAPTER 25

PART III

PREPARATORY HEARINGS

Preparatory hearings

29 Power to order preparatory hearing.

- (1) Where it appears to a judge of the Crown Court that an indictment reveals a case of such complexity, or a case whose trial is likely to be of such length, that substantial benefits are likely to accrue from a hearing—
 - (a) before the jury are sworn, and
 - (b) for any of the purposes mentioned in subsection (2),he may order that such a hearing (in this Part referred to as a preparatory hearing) shall be held.
- (2) The purposes are those of—
 - (a) identifying issues which are likely to be material to the verdict of the jury;
 - (b) assisting their comprehension of any such issues;
 - (c) expediting the proceedings before the jury;
 - (d) assisting the judge's management of the trial.
- (3) No order may be made under subsection (1) where it appears to a judge of the Crown Court that the evidence on an indictment reveals a case of fraud of such seriousness or complexity as is mentioned in section 7(1) of the ^{M1}Criminal Justice Act 1987 (preparatory hearings in cases of serious or complex fraud).
- (4) A judge may make an order under subsection (1)—
 - (a) on the application of the prosecutor,

Status: Point in time view as at 01/09/2004.

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- (b) on the application of the accused or, if there is more than one, any of them, or
- (c) of the judge's own motion.

Marginal Citations

M1 1987 c. 38.

30 Start of trial and arraignment.

If a judge orders a preparatory hearing—

- (a) the trial shall start with that hearing, and
- (b) arraignment shall take place at the start of that hearing, unless it has taken place before then.

31 The preparatory hearing.

- (1) At the preparatory hearing the judge may exercise any of the powers specified in this section.
- (2) The judge may adjourn a preparatory hearing from time to time.
- (3) He may make a ruling as to—
 - (a) any question as to the admissibility of evidence;
 - (b) any other question of law relating to the case.
- (4) He may order the prosecutor—
 - (a) to give the court and the accused or, if there is more than one, each of them a written statement (a case statement) of the matters falling within subsection (5);
 - (b) to prepare the prosecution evidence and any explanatory material in such a form as appears to the judge to be likely to aid comprehension by the jury and to give it in that form to the court and to the accused or, if there is more than one, to each of them;
 - (c) to give the court and the accused or, if there is more than one, each of them written notice of documents the truth of the contents of which ought in the prosecutor's view to be admitted and of any other matters which in his view ought to be agreed;
 - (d) to make any amendments of any case statement given in pursuance of an order under paragraph (a) that appear to the judge to be appropriate, having regard to objections made by the accused or, if there is more than one, by any of them.
- (5) The matters referred to in subsection (4)(a) are—
 - (a) the principal facts of the case for the prosecution;
 - (b) the witnesses who will speak to those facts;
 - (c) any exhibits relevant to those facts;
 - (d) any proposition of law on which the prosecutor proposes to rely;
 - (e) the consequences in relation to any of the counts in the indictment that appear to the prosecutor to flow from the matters falling within paragraphs (a) to (d).

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- (6) Where a judge has ordered the prosecutor to give a case statement and the prosecutor has complied with the order, the judge may order the accused or, if there is more than one, each of them—
 - (a) to give the court and the prosecutor a written statement setting out in general terms the nature of his defence and indicating the principal matters on which he takes issue with the prosecution;
 - (b) to give the court and the prosecutor written notice of any objections that he has to the case statement;
 - (c) to give the court and the prosecutor written notice of any point of law (including any point as to the admissibility of evidence) which he wishes to take, and any authority on which he intends to rely for that purpose.
- (7) Where a judge has ordered the prosecutor to give notice under subsection (4)(c) and the prosecutor has complied with the order, the judge may order the accused or, if there is more than one, each of them to give the court and the prosecutor a written notice stating—
 - (a) the extent to which he agrees with the prosecutor as to documents and other matters to which the notice under subsection (4)(c) relates, and
 - (b) the reason for any disagreement.
- (8) A judge making an order under subsection (6) or (7) shall warn the accused or, if there is more than one, each of them of the possible consequence under section 34 of not complying with it.
- (9) If it appears to a judge that reasons given in pursuance of subsection (7) are inadequate, he shall so inform the person giving them and may require him to give further or better reasons.
- (10) An order under this section may specify the time within which any specified requirement contained in it is to be complied with.
- (11) An order or ruling made under this section shall have effect throughout the trial, unless it appears to the judge on application made to him that the interests of justice require him to vary or discharge it.

Modifications etc. (not altering text)

C1 S. 31(3) modified (4.9.1998) by 1977 c. 45, s. 1A(10)(b) (as inserted (4.9.1998) by 1998 c. 40, s. 5(1))

32 Orders before preparatory hearing.

- (1) This section applies where—
 - (a) a judge orders a preparatory hearing, and
 - (b) he decides that any order which could be made under section 31(4) to (7) at the hearing should be made before the hearing.
- (2) In such a case—
 - (a) he may make any such order before the hearing (or at the hearing), and
 - (b) section 31(4) to (11) shall apply accordingly.

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33 [F¹Criminal Procedure Rules].

- (1) [F²Criminal Procedure Rules] may provide that except to the extent that disclosure is required—
- (a) by rules under section 81 of the ^{M2}Police and Criminal Evidence Act 1984 (expert evidence), or
 - (b) by section 5(7) of this Act,
- anything required to be given by an accused in pursuance of a requirement imposed under section 31 need not disclose who will give evidence.
- (2) [F²Criminal Procedure Rules] may make provision as to the minimum or maximum time that may be specified under section 31(10).

Textual Amendments

- F1** S. 33 heading substituted (1.9.2004) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 379(b)**; S.I. 2004/2066, **art. 2**, {with art. 3}
- F2** Words in s. 33(1)(2) substituted (1.9.2004) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 379(a)**; S.I. 2004/2066, **art. 2** (with art. 3)

Marginal Citations

- M2** 1984 c. 60.

34 Later stages of trial.

- (1) Any party may depart from the case he disclosed in pursuance of a requirement imposed under section 31.
- (2) Where—
- (a) a party departs from the case he disclosed in pursuance of a requirement imposed under section 31, or
 - (b) a party fails to comply with such a requirement,
- the judge or, with the leave of the judge, any other party may make such comment as appears to the judge or the other party (as the case may be) to be appropriate and the jury may draw such inference as appears proper.
- (3) In deciding whether to give leave the judge shall have regard—
- (a) to the extent of the departure or failure, and
 - (b) to whether there is any justification for it.
- (4) Except as provided by this section no part—
- (a) of a statement given under section 31(6)(a), or
 - (b) of any other information relating to the case for the accused or, if there is more than one, the case for any of them, which was given in pursuance of a requirement imposed under section 31,
- may be disclosed at a stage in the trial after the jury have been sworn without the consent of the accused concerned.

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