



# Criminal Procedure and Investigations Act 1996

## 1996 CHAPTER 25

### PART I

#### DISCLOSURE

##### *The main provisions*

#### **5 Compulsory disclosure by accused.**

- (1) Subject to subsections (2) to (4), this section applies where—
    - (a) this Part applies by virtue of section 1(2), and
    - (b) the prosecutor complies with section 3 or purports to comply with it.
  - (2) Where this Part applies by virtue of section 1(2)(b), this section does not apply unless—
    - (a) a copy of the notice of transfer, and
    - (b) copies of the documents containing the evidence,have been given to the accused under regulations made under section 5(9) of the <sup>M1</sup>Criminal Justice Act 1987.
  - (3) Where this Part applies by virtue of section 1(2)(c), this section does not apply unless—
    - (a) a copy of the notice of transfer, and
    - (b) copies of the documents containing the evidence,have been given to the accused under regulations made under paragraph 4 of Schedule 6 to the <sup>M2</sup>Criminal Justice Act 1991.
- [<sup>F1</sup>(3A) Where this Part applies by virtue of section 1(2)(cc), this section does not apply unless—

*Status: Point in time view as at 04/04/2005. This version of this provision has been superseded.*

**Changes to legislation:** *Criminal Procedure and Investigations Act 1996, Section 5 is up to date with all changes known to be in force on or before 24 July 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)*

- (a) copies of the documents containing the evidence have been served on the accused under regulations made under paragraph 1 of Schedule 3 to the Crime and Disorder Act 1998; and
  - (b) a copy of the notice under subsection (7) of section 51 of that Act has been served on him under that subsection.]
- (4) Where this Part applies by virtue of section 1(2)(e), this section does not apply unless the prosecutor has served on the accused a copy of the indictment and a copy of the set of documents containing the evidence which is the basis of the charge.
- (5) Where this section applies, the accused must give a defence statement to the court and the prosecutor.
- (6) <sup>F2</sup> .....
- (7) <sup>F2</sup> .....
- (8) <sup>F2</sup> .....
- (9) <sup>F2</sup> .....

**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

**Textual Amendments**

**F1** S. 5(3A) inserted (E.W.) (4.1.1999 for certain purposes and 15.1.2001 otherwise) by 1998 c. 37, s. 119, **Sch. 8 para.126**; S.I. 1998/2327, art. 4(2)(c), **Sch. 2**; S.I. 2000/3283, **art. 2**

**F2** S. 5(6)-(9) repealed (4.4.2005 for E.W. and 15.7.2005 for N.I.) by Criminal Justice Act 2003 (c. 44), ss. 331, 332, 336, **Sch. 36 Pt. 3 para. 23**, **Sch. 37**; S.I. 2005/950, **art. 2**, **Sch. 1**; S.I. 2005/1817, **art. 2** (with savings in art. 2(3))

**Marginal Citations**

**M1** 1987 c. 38.

**M2** 1991 c. 53.

**Status:**

Point in time view as at 04/04/2005. This version of this provision has been superseded.

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