



# Criminal Procedure and Investigations Act 1996

## 1996 CHAPTER 25

### PART I

#### DISCLOSURE

##### *The main provisions*

#### [<sup>F1</sup>7A] Continuing duty of prosecutor to disclose

- (1) This section applies at all times—
  - (a) after the prosecutor has complied with section 3 or purported to comply with it, and
  - (b) before the accused is acquitted or convicted or the prosecutor decides not to proceed with the case concerned.
- (2) The prosecutor must keep under review the question whether at any given time (and, in particular, following the giving of a defence statement) there is prosecution material which—
  - (a) might reasonably be considered capable of undermining the case for the prosecution against the accused or of assisting the case for the accused, and
  - (b) has not been disclosed to the accused.
- (3) If at any time there is any such material as is mentioned in subsection (2) the prosecutor must disclose it to the accused as soon as is reasonably practicable (or within the period mentioned in subsection (5)(a), where that applies).
- (4) In applying subsection (2) by reference to any given time the state of affairs at that time (including the case for the prosecution as it stands at that time) must be taken into account.
- (5) Where the accused gives a defence statement under section 5, 6 or 6B—

*Status: Point in time view as at 27/06/2018.*

*Changes to legislation: Criminal Procedure and Investigations Act 1996, Section 7A is up to date with all changes known to be in force on or before 18 May 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) if as a result of that statement the prosecutor is required by this section to make any disclosure, or further disclosure, he must do so during the period which, by virtue of section 12, is the relevant period for this section;
  - (b) if the prosecutor considers that he is not so required, he must during that period give to the accused a written statement to that effect.
- (6) For the purposes of this section prosecution material is material—
- (a) which is in the prosecutor’s possession and came into his possession in connection with the case for the prosecution against the accused, or
  - (b) which, in pursuance of a code operative under Part 2, he has inspected in connection with the case for the prosecution against the accused.
- (7) Subsections (3) to (5) of section 3 (method by which prosecutor discloses) apply for the purposes of this section as they apply for the purposes of that.
- (8) Material must not be disclosed under this section to the extent that the court, on an application by the prosecutor, concludes it is not in the public interest to disclose it and orders accordingly.
- (9) Material must not be disclosed under this section to the extent that it is material the disclosure of which is prohibited by [F2section 56 of the Investigatory Powers Act 2016] .]

#### Textual Amendments

- F1** S. 7A inserted (4.4.2005 for E.W. and 15.7.2005 for N.I.) by [Criminal Justice Act 2003 \(c. 44\)](#), **ss. 37, 336**; [S.I. 2005/950](#), **art. 2**, Sch. 1; [S.I. 2005/1817](#), **art. 2**
- F2** Words in s. 7A(9) substituted (27.6.2018) by [Investigatory Powers Act 2016 \(c. 25\)](#), s. 272(1), **Sch. 10 para. 39(3)** (with [Sch. 9 paras. 7, 8, 10](#)); [S.I. 2018/652](#), reg. 12(g)(iii)

#### Modifications etc. (not altering text)

- C1** Pt. I power to apply (with modifications) conferred by [SI 2015/1490 rule 23.2 Note](#) (as inserted (2.4.2018) by [The Criminal Procedure \(Amendment\) Rules 2018 \(S.I. 2018/132\)](#), rules 1, **11(a)(v)**)

**Status:**

Point in time view as at 27/06/2018.

**Changes to legislation:**

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