



# Criminal Procedure and Investigations Act 1996

## 1996 CHAPTER 25

### PART I

#### DISCLOSURE

##### *The main provisions*

#### **8 Application by accused for disclosure.**

- [<sup>F1</sup>(1) This section applies where the accused has given a defence statement under section 5, 6 or 6B and the prosecutor has complied with section 7A(5) or has purported to comply with it or has failed to comply with it.
- (2) If the accused has at any time reasonable cause to believe that there is prosecution material which is required by section 7A to be disclosed to him and has not been, he may apply to the court for an order requiring the prosecutor to disclose it to him.]
- (3) For the purposes of this section prosecution material is material—
- which is in the prosecutor's possession and came into his possession in connection with the case for the prosecution against the accused,
  - which, in pursuance of a code operative under Part II, he has inspected in connection with the case for the prosecution against the accused, or
  - which falls within subsection (4).
- (4) Material falls within this subsection if in pursuance of a code operative under Part II the prosecutor must, if he asks for the material, be given a copy of it or be allowed to inspect it in connection with the case for the prosecution against the accused.
- (5) 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.

**Changes to legislation:** Criminal Procedure and Investigations Act 1996, Section 8 is up to date with all changes known to be in force on or before 21 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) View outstanding changes

- (6) Material must not be disclosed under this section to the extent that [<sup>F2</sup>it is material the disclosure of which is prohibited by [<sup>F3</sup>section 56 of the Investigatory Powers Act 2016] .]

#### Textual Amendments

- F1** S. 8(1)(2) substituted (4.4.2005 for E.W. and 15.7.2005 for N.I.) by [Criminal Justice Act 2003 \(c. 44\)](#), [ss. 38, 336](#); [S.I. 2005/950](#), [art. 2](#); [S.I.2005/1817](#), [art. 2](#)
- F2** Words in s. 8(6) substituted for s. 8(6)(a)(b) (2.10.2000) by [2000 c. 23](#), [s. 82\(1\)](#), [Sch.4 para. 7\(1\)](#) (with [s. 82\(3\)](#)); [S.I. 2000/2543](#), [art. 3](#)
- F3** Words in s. 8(6) substituted (27.6.2018) by [Investigatory Powers Act 2016 \(c. 25\)](#), [s. 272\(1\)](#), [Sch. 10 para. 39\(4\)](#) (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\(a\)\(v\)](#))
- C2** S. 8(2) modified by [SI 2015/1490 rule 23.2\(8\)\(a\)](#) (as substituted (2.4.2018) by [The Criminal Procedure \(Amendment\) Rules 2018 \(S.I. 2018/132\)](#), [rules 1, 11\(a\)\(iv\)](#))

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(6) added by [1997 c. 39 s. 9\(4\)](#)
- s. 5(1A) amendment to earlier affecting provision 2015 c. 9 (N.I.), Sch. 2 para. 8 by [2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(i\)](#)
- s. 5(1A) inserted by [2015 c. 9 \(N.I.\) Sch. 2 para. 8](#)
- s. 5(1A) words substituted in earlier affecting provision 2015 c. 9 (N.I.), Sch. 2 para. 8(1) by [2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(ii\)](#)
- s. 13(1)(ba)(b) substituted for s. 13(1)(b) by 2015 c. 9 (N.I.), Sch. 2 para. 8(2) (as inserted) by [2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(iii\)](#)
- Sch. 4 para. 4(f) and word added by [S.I. 2003/1247 \(N.I.\) Sch. 1 para. 16](#)