



Criminal Procedure and Investigations Act 1996

1996 CHAPTER 25

PART I

DISCLOSURE

The main provisions

8 Application by accused for disclosure

- (1) This section applies where the accused gives a defence statement under section 5 or 6 and the prosecutor complies with section 7 or purports to comply with it or fails to comply with it.
- (2) If the accused has at any time reasonable cause to believe that—
 - (a) there is prosecution material which might be reasonably expected to assist the accused's defence as disclosed by the defence statement given under section 5 or 6, and
 - (b) the material has not been disclosed to the accused,the accused may apply to the court for an order requiring the prosecutor to disclose such material to the accused.
- (3) 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,
 - (b) 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
 - (c) 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.

Status: This is the original version (as it was originally enacted).

- (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.
- (6) Material must not be disclosed under this section to the extent that—
 - (a) it has been intercepted in obedience to a warrant issued under section 2 of the Interception of Communications Act 1985, or
 - (b) it indicates that such a warrant has been issued or that material has been intercepted in obedience to such a warrant.