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STATUTORY INSTRUMENTS

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**2010 No. 60**

**The Criminal Procedure Rules 2010**

**PART 22**

**DISCLOSURE**

**Defendant's application for prosecution disclosure**

- 22.5.**—(1) This rule applies where the defendant—
- (a) has served a defence statement given under the Criminal Procedure and Investigations Act 1996; and
  - (b) wants the court to require the prosecutor to disclose material.
- (2) The defendant must serve an application on—
- (a) the court officer; and
  - (b) the prosecutor.
- (3) The application must—
- (a) describe the material that the defendant wants the prosecutor to disclose;
  - (b) explain why the defendant thinks there is reasonable cause to believe that—
    - (i) the prosecutor has that material, and
    - (ii) it is material that the Criminal Procedure and Investigations Act 1996 requires the prosecutor to disclose; and
  - (c) ask for a hearing, if the defendant wants one, and explain why it is needed.
- (4) The court may determine an application under this rule—
- (a) at a hearing, in public or in private; or
  - (b) without a hearing.
- (5) The court must not require the prosecutor to disclose material unless the prosecutor—
- (a) is present; or
  - (b) has had at least 14 days in which to make representations.

*[Note. The Practice Direction sets out a form of application for use in connection with this rule.*

*Under section 8 of the Criminal Procedure and Investigations Act 1996(1), a defendant may apply for prosecution disclosure only if the defendant has given a defence statement.]*

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(1) 1996 c. 25; section 8 was amended by section 82 of, and paragraph 7 of Schedule 4 to, the Regulation of Investigatory Powers Act 2000 (c. 23) and section 38 of the Criminal Justice Act 2003 (c. 44).