
STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 15

DISCLOSURE

[^{F1}Defence disclosure

- 15.4.**—(1) This rule applies where the defendant pleads not guilty and—
- (a) may give a defence statement in a magistrates’ court under section 6 of the Criminal Procedure and Investigations Act 1996; or
 - (b) must give—
 - (i) a defence statement in the Crown Court under section 5 of the 1996 Act; or
 - (ii) a defence witness notice in either court under section 6C of the 1996 Act.
- (2) In a magistrates’ court a defendant who wants to give a defence statement must do so not more than 14 days after the prosecutor gives initial disclosure under rule 15.2 (Prosecution disclosure and disclosure management) or gives the defendant a statement that there is no such material.
- (3) In the Crown Court the defendant must give a defence statement—
- (a) if the prosecutor has served on the defendant under rule 3.19 (Service of prosecution evidence) copies of the documents containing the evidence on which the prosecution case relies; and
 - (b) not more than 28 days after the prosecutor gives initial disclosure under rule 15.2 or gives the defendant a statement that there is no such material.
- (4) In either court the defendant must give a defence witness notice—
- (a) within the time for giving a defence statement in that court; and
 - (b) whether the defendant gives a defence statement or not.
- (5) If the time for giving a defence statement expires on a day that is not a business day then the time expires on the next business day.
- (6) A defendant gives a defence statement or defence witness notice by serving it on—
- (a) the court officer; and
 - (b) the prosecutor.

[Note. Under section 6A of the Criminal Procedure and Investigations Act 1996 a defence statement must—

- (a) *set out the nature of the defence, including any particular defences on which the defendant intends to rely;*
- (b) *indicate the matters of fact on which the defendant takes issue with the prosecutor, and, in respect of each, explain why;*

- (c) *set out particulars of the matters of fact on which the defendant intends to rely for the purposes of the defence;*
- (d) *indicate any point of law that the defendant wants to raise, including any point about the admissibility of evidence or about abuse of process, and any authority relied on; and*
- (e) *if the defence statement discloses an alibi, give particulars, including—*
 - (i) *the name, address and date of birth of any witness whom the defendant believes can give evidence in support (that is, evidence that the defendant was in a place, at a time, inconsistent with having committed the offence),*
 - (ii) *where the defendant does not know any of those details, any information that might help identify or find that witness.*

Under section 6C of the 1996 Act a defence witness notice that identifies any proposed defence witness (other than the defendant) must—

- (a) *give the name, address and date of birth of each such witness, or as many of those details as are known to the defendant when the notice is given;*
- (b) *provide any information in the defendant's possession which might be of material assistance in identifying or finding any such witness in whose case any of the details mentioned in paragraph (a) are not known to the defendant when the notice is given; and*
- (c) *amend any earlier such notice, if the defendant —*
 - (i) *decides to call a person not included in an earlier notice as a proposed witness,*
 - (ii) *decides not to call a person so included, or*
 - (iii) *discovers any information which the defendant would have had to include in an earlier notice, if then aware of it.*

The time for giving a defence statement and a defence witness notice to which this rule refers is prescribed by section 12 of the 1996 Act and by the Criminal Procedure and Investigations Act 1996 (Defence Disclosure Time Limits) Regulations 2011.

Under section 11 of the 1996 Act, if a defendant—

- (a) *fails to disclose what the Act requires;*
- (b) *fails to do so within the time prescribed;*
- (c) *at trial, relies on a defence, or facts, not mentioned in the defence statement;*
- (d) *at trial, introduces alibi evidence without having given in the defence statement—*
 - (i) *particulars of the alibi, or*
 - (ii) *the details of the alibi witness, or witnesses, required by the Act; or*
- (e) *at trial, calls a witness not identified in a defence witness notice,*

then the court or another party at trial may comment on that, and the court may draw such inferences as appear proper in deciding whether the defendant is guilty.

Under section 6E(2) of the 1996 Act, if before trial in the Crown Court it seems to the court that section 11 may apply then the court must warn the defendant.]]

Textual Amendments

- F1** Rule 15.4 substituted (1.4.2024) by [The Criminal Procedure \(Amendment\) Rules 2024 \(S.I. 2024/62\)](#), rules 1, **7(d)**

Changes to legislation:

There are currently no known outstanding effects for the The Criminal Procedure Rules 2020, Section 15.4.