



Criminal Procedure and Investigations Act 1996

1996 CHAPTER 25

PART I

DISCLOSURE

Other provisions

19 Rules of court

- (1) Without prejudice to the generality of subsection (1) of—
 - (a) section 144 of the Magistrates' Courts Act 1980 (magistrates' court rules), and
 - (b) section 84 of the Supreme Court Act 1981 (rules of court),the power to make rules under each of those sections includes power to make provision mentioned in subsection (2).
- (2) The provision is provision as to the practice and procedure to be followed in relation to—
 - (a) proceedings to deal with a contempt of court under section 18;
 - (b) an application under section 3(6), 7(5), 8(2) or (5), 9(8), 14(2), 15(4), 16(b), 17(4) or (6)(b) or 18(6);
 - (c) an application under regulations made under section 12;
 - (d) an order under section 3(6), 7(5), 8(2) or (5), 9(8), 14(3), 17(4) or 18(4) or (7);
 - (e) an order under section 15(5) (whether or not an application is made under section 15(4));
 - (f) an order under regulations made under section 12.
- (3) Rules made under section 144 of the Magistrates' Courts Act 1980 by virtue of subsection (2)(a) above may contain or include provision equivalent to Schedule 3 to the Contempt of Court Act 1981 (proceedings for disobeying magistrates' court order)

with any modifications which the Lord Chancellor considers appropriate on the advice of or after consultation with the rule committee for magistrates' courts.

- (4) Rules made by virtue of subsection (2)(b) in relation to an application under section 17(4) may include provision—
- (a) that an application to a magistrates' court must be made to a particular magistrates' court;
 - (b) that an application to the Crown Court must be made to the Crown Court sitting at a particular place;
 - (c) requiring persons to be notified of an application.
- (5) Rules made by virtue of this section may make different provision for different cases or classes of case.

20 Other statutory rules as to disclosure

- (1) A duty under any of the disclosure provisions shall not affect or be affected by any duty arising under any other enactment with regard to material to be provided to or by the accused or a person representing him; but this is subject to subsection (2).
- (2) In making an order under section 9 of the Criminal Justice Act 1987 or section 31 of this Act (preparatory hearings) the judge may take account of anything which—
- (a) has been done,
 - (b) has been required to be done, or
 - (c) will be required to be done,
- in pursuance of any of the disclosure provisions.
- (3) Without prejudice to the generality of section 144(1) of the Magistrates' Courts Act 1980 (magistrates' court rules) the power to make rules under that section includes power to make, with regard to any proceedings before a magistrates' court which relate to an alleged offence, provision for—
- (a) requiring any party to the proceedings to disclose to the other party or parties any expert evidence which he proposes to adduce in the proceedings;
 - (b) prohibiting a party who fails to comply in respect of any evidence with any requirement imposed by virtue of paragraph (a) from adducing that evidence without the leave of the court.
- (4) Rules made by virtue of subsection (3)—
- (a) may specify the kinds of expert evidence to which they apply;
 - (b) may exempt facts or matters of any description specified in the rules.
- (5) For the purposes of this section—
- (a) the disclosure provisions are sections 3 to 9;
 - (b) “enactment” includes an enactment comprised in subordinate legislation (which here has the same meaning as in the Interpretation Act 1978).

21 Common law rules as to disclosure

- (1) Where this Part applies as regards things falling to be done after the relevant time in relation to an alleged offence, the rules of common law which—
- (a) were effective immediately before the appointed day, and
 - (b) relate to the disclosure of material by the prosecutor,

do not apply as regards things falling to be done after that time in relation to the alleged offence.

- (2) Subsection (1) does not affect the rules of common law as to whether disclosure is in the public interest.
- (3) References in subsection (1) to the relevant time are to the time when—
 - (a) the accused pleads not guilty (where this Part applies by virtue of section 1(1)),
 - (b) the accused is committed for trial (where this Part applies by virtue of section 1(2)(a))
 - (c) the proceedings are transferred (where this Part applies by virtue of section 1(2)(b) or (c)),
 - (d) the count is included in the indictment (where this Part applies by virtue of section 1(2)(d)), or
 - (e) the bill of indictment is preferred (where this Part applies by virtue of section 1(2)(e)).
- (4) The reference in subsection (1) to the appointed day is to the day appointed under section 1(5).