



Criminal Procedure and Investigations Act 1996

1996 CHAPTER 25

PART VII

MISCELLANEOUS AND GENERAL

General

75 Time when alleged offence committed.

- (1) Subsection (2) applies for the purposes of sections 52(3) and 54(7).
- (2) Where an offence is alleged to be committed over a period of more than one day, or at some time during a period of more than one day, it must be taken to be alleged to be committed on the last of the days in the period.
- (3) Subsection (2) applies for the purposes of section 61(1) as if “alleged to be” (in each place) were omitted.

Extent Information

- E1** In its application to Northern Ireland, this section has effect subject to the modifications set out in Schedule 4; see s. 79

76 Power of magistrates' courts.

[^{F1}In section 148(2) of the ^{M1}Magistrates' Courts Act 1980 (power of court to act where another may act) the reference to that Act includes a reference to this Act.]

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Extent Information

- E2** In its application to Northern Ireland, this section has effect subject to the modifications set out in Schedule 4; see s. 79

Textual Amendments

- F1** S. 76 repealed (N.I.) (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\), s. 106\(2\), Sch. 1 para. 107, Sch. 9 Pt. 1](#) (with [Sch. 8 para. 1](#)); S.R. 2016/387, [art. 2\(k\)\(l\)](#) (with [art. 3](#))

Marginal Citations

- M1** [1980 c. 43.](#)

77 Orders and regulations.

- (1) This section concerns the powers of the Secretary of State to make orders or regulations under this Act.
- (2) Any power to make an order or regulations may be exercised differently in relation to different areas or in relation to other different cases or descriptions of case.
- (3) Any order or regulations may include such supplementary, incidental, consequential or transitional provisions as appear to the Secretary of State to be necessary or expedient.
- (4) Any power to make an order or regulations shall be exercisable by statutory instrument.
- (5) No [^{F2}regulations or] order under section [^{F3}6A or] 25 shall have effect unless approved by a resolution of each House of Parliament.
- (6) A statutory instrument containing—
 - (a) an order under section 78, or
 - (b) regulations [^{F4}(other than regulations under section 6A)] ,
 shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Subordinate Legislation Made

- P1** S. 77(2)(4) power partly exercised: 1.4.1999 (E.W.) appointed for specified provision by [S.I. 1999/718, art. 2](#)
 S. 77(2)(4) power partly exercised: 21.8.2000 (N.I.) appointed for specified provision by [S.I. 2000/1968, art. 2](#)

Textual Amendments

- F2** Words in s. 77(5) inserted (4.4.2005 for E.W. and 15.7.2005 for N.I.) by [Criminal Justice Act 2003 \(c. 44\), ss. 331, 336, Sch. 36 Pt. 3 para. 37\(1\)\(2\)\(a\)](#); [S.I. 2005/950, art. 2\(1\), Sch. 1](#) (subject to [art. 2\(2\)](#) and [Sch. 2](#)); [S.I. 2005/1817, art. 2](#)
- F3** Words in s. 77(5) inserted (4.4.2005 for E.W. and 15.7.2005 for N.I.) by [Criminal Justice Act 2003 \(c. 44\), ss. 331, 336, Sch. 36 Pt. 3 para. 37\(1\)\(2\)\(b\)](#); [S.I. 2005/950, {art. 2 \(1\)}](#), [Sch. 1](#) (subject to [art. 2\(2\)](#) and [Sch. 2](#)); [S.I. 2005/1817, art. 2](#)
- F4** Words in s. 77(6)(b) inserted (4.4.2005 for E.W. and 15.7.2005 for N.I.) by [Criminal Justice Act 2003 \(c. 44\), ss. 331, 336, Sch. 36 Pt. 3 para. 37\(1\)\(3\)](#); [S.I. 2005/950, art. 2\(1\), Sch. 1](#) (subject to [art. 2\(2\)](#) and [Sch. 2](#)); [S.I. 2005/1817, art. 2](#)

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78 Application to armed forces.

- [^{F5}(1) Subject to subsection (2), nothing in this Act applies in relation to—
- (a) proceedings before a court (other than a civilian court) in respect of a service offence; or
 - (b) any investigation conducted with a view to its being ascertained whether a person should be charged with a service offence or whether a person charged with such an offence is guilty of it.
- (2) The Secretary of State may by order—
- (a) make as regards any proceedings mentioned in subsection (1)(a) provision equivalent to the provisions contained in or made under Part 1, subject to such modifications as he considers appropriate;
 - (b) make as regards any investigation mentioned in subsection (1)(b) provision equivalent to the provisions contained in or made under Part 2, subject to such modifications as he considers appropriate.
- (3) An order under this section may make provision in such way as the Secretary of State considers appropriate, and may in particular apply any of the provisions concerned, with or without modifications.
- (4) In this section—
- (a) “civilian court” and “service offence” have the same meanings as in the Armed Forces Act 2006;
 - (b) references to charges are to charges brought under Part 5 of that Act.]

Extent Information

E3 For extent of s. 78 see s. 79(1)(a)(6)

Textual Amendments

F5 S. 78 substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 137](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

Modifications etc. (not altering text)

C1 S. 78(1) modified (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), art. 1(3), [Sch. 1 para. 37](#)

79 Extent.

- (1) This Act does not extend to Scotland, with the exception of—
- (a) sections 37, 38, 41, 42, 59, 60, 61(3), 63, 72, 73, 74(2) and (3) and 78, this section and section 81;
 - (b) paragraphs 6 and 7 of Schedule 3, and paragraph 8 of that Schedule so far as it relates to paragraphs 6 and 7;
 - (c) paragraph 5 of Schedule 5;
 - (d) paragraph 12 of Schedule 5 so far as it relates to provisions amending section 11 of the ^{M2}Criminal Justice Act 1987.
- (2) Section 73 extends only to Scotland.

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(3) Parts III [^{F6}(other than sections 37 and 38)] and VI and sections 44, 47, 65, 67, 68 and 71 do not extend to Northern Ireland.

[^{F7}(3A) Sections 58 to 60 and section 61(1) to (3) extend only to Northern Ireland.]

(4) In its application to Northern Ireland, this Act has effect subject to the modifications set out in Schedule 4.

^{F8}(5)

^{F9}(6)

Textual Amendments

- F6** Words in s. 79(3) inserted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), **ss. 311(9)**, 336; [S.I. 2005/950](#), **art. 2**, **Sch. 1** (subject to [art. 2\(2\)](#) and [Sch. 2](#))
- F7** S. 79(3A) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 138** (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F8** S. 79(5) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 17**; [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4
- F9** S. 79(6) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 17**; [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

Marginal Citations

- M2** 1987 c. 38.

80 Repeals.

The provisions mentioned in Schedule 5 are repealed (or revoked) to the extent specified in column 3, but subject to any provision of that Schedule.

Extent Information

- E4** In its application to Northern Ireland, this section has effect subject to the modifications set out in Schedule 4; see s. 79

81 Citation.

This Act may be cited as the Criminal Procedure and Investigations Act 1996.

Changes to legislation:

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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](#)