



Criminal Procedure and Investigations Act 1996

1996 CHAPTER 25

PART I

DISCLOSURE

Confidentiality

17 Confidentiality of disclosed information.

- (1) If the accused is given or allowed to inspect a document or other object under—
- (a) section 3, 4, [F17A], 14 or 15, or
 - (b) an order under section 8,
- then, subject to subsections (2) to (4), he must not use or disclose it or any information recorded in it.
- (2) The accused may use or disclose the object or information—
- (a) in connection with the proceedings for whose purposes he was given the object or allowed to inspect it,
 - (b) with a view to the taking of further criminal proceedings (for instance, by way of appeal) with regard to the matter giving rise to the proceedings mentioned in paragraph (a), or
 - (c) in connection with the proceedings first mentioned in paragraph (b).
- (3) The accused may use or disclose—
- (a) the object to the extent that it has been displayed to the public in open court, or
 - (b) the information to the extent that it has been communicated to the public in open court;
- but the preceding provisions of this subsection do not apply if the object is displayed or the information is communicated in proceedings to deal with a contempt of court under section 18.

Changes to legislation: *Criminal Procedure and Investigations Act 1996, Section 17 is up to date with all changes known to be in force on or before 06 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (4) If—
- (a) the accused applies to the court for an order granting permission to use or disclose the object or information, and
 - (b) the court makes such an order,
- the accused may use or disclose the object or information for the purpose and to the extent specified by the court.
- (5) An application under subsection (4) may be made and dealt with at any time, and in particular after the accused has been acquitted or convicted or the prosecutor has decided not to proceed with the case concerned; but this is subject to rules made by virtue of section 19(2).
- (6) Where—
- (a) an application is made under subsection (4), and
 - (b) the prosecutor or a person claiming to have an interest in the object or information applies to be heard by the court,
- the court must not make an order granting permission unless the person applying under paragraph (b) has been given an opportunity to be heard.
- (7) References in this section to the court are to—
- (a) a magistrates’ court, where this Part applies by virtue of section 1(1);
 - (b) the Crown Court, where this Part applies by virtue of section 1(2).
- (8) Nothing in this section affects any other restriction or prohibition on the use or disclosure of an object or information, whether the restriction or prohibition arises under an enactment (whenever passed) or otherwise.

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](#)

Textual Amendments

F1 Words in [s. 17\(1\)\(a\)](#) substituted (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. 33](#); S.I. 2005/950, [art. 2](#), Sch. 1; S.I. 2005/1817, [art. 2](#)

Modifications etc. (not altering text)

C1 [Ss. 17, 18](#) excluded (E.W.) (prosp.) by [1997 c. 39](#), [ss. 9\(3\), 11\(2\)](#)

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Changes and effects yet to be applied to :

- s. 17 excluded by [1997 c. 39 s. 9\(3\)](#)

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](#)