



Criminal Procedure and Investigations Act 1996

1996 CHAPTER 25

PART III

PREPARATORY HEARINGS

Preparatory hearings

34 Later stages of trial.

- (1) Any party may depart from the case he disclosed in pursuance of a requirement imposed under section 31.
- (2) Where—
 - (a) a party departs from the case he disclosed in pursuance of a requirement imposed under section 31, or
 - (b) a party fails to comply with such a requirement,the judge or, with the leave of the judge, any other party may make such comment as appears to the judge or the other party (as the case may be) to be appropriate and the jury [^{F1}or, in the case of a trial without a jury, the judge] may draw such inference as appears proper.
- (3) In [^{F2}doing anything under subsection (2) or in deciding whether to do anything under it] the judge shall have regard—
 - (a) to the extent of the departure or failure, and
 - (b) to whether there is any justification for it.
- (4) [^{F3}Except as provided by this section, in the case of a trial with a jury]no part—
 - (a) of a statement given under section 31(6)(a), or
 - (b) of any other information relating to the case for the accused or, if there is more than one, the case for any of them, which was given in pursuance of a requirement imposed under section 31,

Changes to legislation: Criminal Procedure and Investigations Act 1996, Section 34 is up to date with all changes known to be in force on or before 14 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

may be disclosed at a stage in the trial after the jury have been sworn without the consent of the accused concerned.

Textual Amendments

- F1** Words in s. 34(2) inserted (24.7.2006) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 331, 336, [Sch. 36 Pt. 4 para. 68\(1\)\(2\)](#); S.I. 2006/1835, {art. 2h} (subject to art. 3)
- F2** Words in s. 34(3) substituted (24.7.2006) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 331, 336, [Sch. 36 Pt. 4 para. 68\(1\)\(3\)](#); S.I. 2006/1835, {art. 2h} (subject to art. 3)
- F3** Words in s. 34(4) substituted (24.7.2006) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 331, 336, [Sch. 36 Pt. 4 para. 68\(1\)\(4\)](#); S.I. 2006/1835, {art. 2h} (subject to art. 3)

Changes to legislation:

Criminal Procedure and Investigations Act 1996, Section 34 is up to date with all changes known to be in force on or before 14 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.

[View outstanding changes](#)

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](#)