

2011 No. 209

CRIMINAL LAW, ENGLAND AND WALES

The Criminal Procedure and Investigations Act 1996 (Defence Disclosure Time Limits) Regulations 2011

<i>Made</i>	- - - -	<i>2nd February 2011</i>
<i>Laid before Parliament</i>		<i>4th February 2011</i>
<i>Coming into force</i>	- -	<i>28th February 2011</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 12 and 77(2) and (3) of the Criminal Procedure and Investigations Act 1996(a):

Citation, commencement, extent and interpretation

1.—(1) These Regulations—

- (a) may be cited as the Criminal Procedure and Investigations Act 1996 (Defence Disclosure Time Limits) Regulations 2011;
- (b) come into force on 28th February 2011; and
- (c) extend to England and Wales only.

(2) In these Regulations, a reference to a section or Part is a reference to a section or Part of the Criminal Procedure and Investigations Act 1996.

Prescribed period for disclosure by the accused

2.—(1) The relevant period for section 5 (compulsory disclosure), section 6 (voluntary disclosure) and section 6C (notification of intention to call defence witnesses) begins with the day on which the prosecutor complies or purports to comply with section 3 (initial duty of the prosecutor to disclose)(b).

(2) In a case where Part 1 applies by virtue of section 1(1) (application of Part 1 in respect of summary proceedings), the relevant period for section 6 and section 6C expires at the end of 14 days beginning with the first day of the relevant period.

(3) In a case where Part 1 applies by virtue of section 1(2) (application of Part 1 in respect of Crown Court proceedings)(c), the relevant period for section 5 and section 6C expires at the end of 28 days beginning with the first day of the relevant period.

(a) 1996 c. 25. Sections 12 and 77 were amended by (respectively) paragraphs 28 and 37 of Schedule 3 to the Criminal Justice Act 2003 (c. 44) (“the 2003 Act”).

(b) Relevant amendments to section 3 were made by section 32 of, and paragraph 21 of Schedule 36 to, the 2003 Act. Section 5 was amended by paragraph 126 of Schedule 8 to the Crime and Disorder Act 1998 (c. 37) (“the 1998 Act”) and by section 33 of, and Schedule 37 to, the 2003 Act. Section 6C was inserted by section 34 of the 2003 Act.

(c) Section 1(2) was amended by paragraph 125 of Schedule 8 to the 1998 Act and by paragraph 66 of Schedule 8 to the 2003 Act.

(4) Where the relevant period would expire on a Saturday, Sunday, Christmas Day, Good Friday or any day that under the Banking and Financial Dealings Act 1971(a) is a bank holiday in England and Wales, the relevant period is treated as expiring on the next day that is not one of those days.

(5) Paragraphs (2) and (3) are subject to regulation 3.

Power to extend

3.—(1) The court may by order extend (or further extend) the relevant period by so many days as it specifies.

(2) The court may only make such an order—

- (a) on an application by the accused; and
- (b) if it is satisfied that it would be unreasonable to require the accused to give a defence statement under section 5 or section 6, or give notice under section 6C, as the case may be, within the relevant period.

(3) Such an application must—

- (a) be made within the relevant period;
- (b) specify the grounds on which it is made; and
- (c) state the number of days by which the accused wishes the relevant period to be extended.

(4) There is no limit on the number of applications that may be made under paragraph (2)(a).

Revocation

4. The Criminal Procedure and Investigations Act 1996 (Defence Disclosure Time Limits) Regulations 1997(b) and the Criminal Procedure and Investigations Act 1996 (Notification of Intention to Call Defence Witnesses) (Time Limits) Regulations 2010(c) are revoked, but that revocation shall not have effect in relation to a case to which Part 1 applies before the coming into force of these Regulations.

2nd February 2011

Kenneth Clarke
Secretary of State for Justice
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the relevant period for the purposes of sections 5, 6 and 6C of the Criminal Procedure and Investigations Act 1996 (c. 25) (“the Act”). That period is the period within which the accused in criminal proceedings must give: a compulsory defence statement under section 5 of the Act; a voluntary defence statement under section 6 of the Act; or a notice of his or her intention to call any person, other than him or herself, as a witness at trial under section 6C of the Act. The Regulations extend to England and Wales only.

Regulation 2 provides for the relevant period to begin on the day the prosecutor complies, or purports to comply, with section 3 of the Act (initial duty of prosecutor to disclose). That period expires at the end of 14 days in respect of summary proceedings, or 28 days in respect of Crown Court proceedings. Any such period that ends on specified days such as weekends and bank holidays is to be treated as expiring on the next day that is not one of those specified days.

(a) 1971 c. 80.
(b) S.I.1997/684.
(c) S.I. 2010/214.

Regulation 3 provides for the extension of the relevant period by the court. The court can only grant an extension if satisfied that the accused could not reasonably have given a defence statement or given notification within the relevant period. There is no limit on the number of days by which the relevant period may be extended or the number of applications for extensions that may be made.

Regulation 4 revokes the Criminal Procedure and Investigations Act 1996 (Defence Disclosure Time Limits) Regulations 1997 (S.I. 1997/684) and the Criminal Procedure and Investigations Act 1996 (Notification of Intention to Call Defence Witnesses) (Time Limits) Regulations 2010 (S.I. 2010/214) subject to transitional provisions.

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