



Criminal Procedure and Investigations Act 1996

1996 CHAPTER 25

PART II

CRIMINAL INVESTIGATIONS

23 Code of practice.

- (1) The Secretary of State shall prepare a code of practice containing provisions designed to secure—
- (a) that where a criminal investigation is conducted all reasonable steps are taken for the purposes of the investigation and, in particular, all reasonable lines of inquiry are pursued;
 - (b) that information which is obtained in the course of a criminal investigation and may be relevant to the investigation is recorded;
 - (c) that any record of such information is retained;
 - (d) that any other material which is obtained in the course of a criminal investigation and may be relevant to the investigation is retained;
 - (e) that information falling within paragraph (b) and material falling within paragraph (d) is revealed to a person who is involved in the prosecution of criminal proceedings arising out of or relating to the investigation and who is identified in accordance with prescribed provisions;
 - (f) that where such a person inspects information or other material in pursuance of a requirement that it be revealed to him, and he requests that it be disclosed to the accused, the accused is allowed to inspect it or is given a copy of it;
 - (g) that where such a person is given a document indicating the nature of information or other material in pursuance of a requirement that it be revealed to him, and he requests that it be disclosed to the accused, the accused is allowed to inspect it or is given a copy of it;

Changes to legislation: Criminal Procedure and Investigations Act 1996, Section 23 is up to date with all changes known to be in force on or before 23 July 2019. 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

- (h) that the person who is to allow the accused to inspect information or other material or to give him a copy of it shall decide which of those (inspecting or giving a copy) is appropriate;
 - (i) that where the accused is allowed to inspect material as mentioned in paragraph (f) or (g) and he requests a copy, he is given one unless the person allowing the inspection is of opinion that it is not practicable or not desirable to give him one;
 - (j) that a person mentioned in paragraph (e) is given a written statement that prescribed activities which the code requires have been carried out.
- (2) The code may include provision—
 - (a) that a police officer identified in accordance with prescribed provisions must carry out a prescribed activity which the code requires;
 - (b) that a police officer so identified must take steps to secure the carrying out by a person (whether or not a police officer) of a prescribed activity which the code requires;
 - (c) that a duty must be discharged by different people in succession in prescribed circumstances (as where a person dies or retires).
- (3) The code may include provision about the form in which information is to be recorded.
- (4) The code may include provision about the manner in which and the period for which—
 - (a) a record of information is to be retained, and
 - (b) any other material is to be retained;
 and if a person is charged with an offence the period may extend beyond a conviction or an acquittal.
- (5) The code may include provision about the time when, the form in which, the way in which, and the extent to which, information or any other material is to be revealed to the person mentioned in subsection (1)(e).
- [^{F1}(6) The code must be so framed that it does not apply to any of the following—
 - (a) material intercepted in obedience to a warrant issued under section 2 of the Interception of Communications Act 1985;
 - (b) material intercepted under the authority of an interception warrant under section 5 of the Regulation of Investigatory Powers Act 2000;
 - (c) material obtained under the authority of a warrant issued under Chapter 1 of Part 2 of the Investigatory Powers Act 2016;
 - (d) material obtained under the authority of a warrant issued under Chapter 1 of Part 6 of that Act.]
- (7) The code may—
 - (a) make different provision in relation to different cases or descriptions of case;
 - (b) contain exceptions as regards prescribed cases or descriptions of case.
- (8) In this section “prescribed” means prescribed by the code.

Textual Amendments

- F1** S. 23(6) substituted (27.6.2018) by [Investigatory Powers Act 2016 \(c. 25\), s. 272\(1\), Sch. 10 para. 39\(5\)](#) (with [Sch. 9 paras. 7, 8, 10](#)); [S.I. 2018/652, reg. 12\(g\)\(iii\)](#)

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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) inserted by [2015 c. 9 \(N.I.\) Sch. 2 para. 8](#)
- Sch. 4 para. 4(f) and word added by [S.I. 2003/1247 \(N.I.\) Sch. 1 para. 16](#)