



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, Cross Heading: Confidentiality is up to date with all changes known to be in force on or before 09 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\(2\)](#)

18 Confidentiality: contravention.

- (1) It is a contempt of court for a person knowingly to use or disclose an object or information recorded in it if the use or disclosure is in contravention of section 17.
- (2) The following courts have jurisdiction to deal with a person who is guilty of a contempt under this section—
 - (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).
- (3) A person who is guilty of a contempt under this section may be dealt with as follows—

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- (a) a magistrates' court may commit him to custody for a specified period not exceeding six months or impose on him a fine not exceeding £5,000 or both;
 - (b) the Crown Court may commit him to custody for a specified period not exceeding two years or impose a fine on him or both.
- (4) If—
- (a) a person is guilty of a contempt under this section, and
 - (b) the object concerned is in his possession,
- the court finding him guilty may order that the object shall be forfeited and dealt with in such manner as the court may order.
- (5) The power of the court under subsection (4) includes power to order the object to be destroyed or to be given to the prosecutor or to be placed in his custody for such period as the court may specify.
- (6) If—
- (a) the court proposes to make an order under subsection (4), and
 - (b) the person found guilty, or any other person claiming to have an interest in the object, applies to be heard by the court,
- the court must not make the order unless the applicant has been given an opportunity to be heard.
- (7) If—
- (a) a person is guilty of a contempt under this section, and
 - (b) a copy of the object concerned is in his possession,
- the court finding him guilty may order that the copy shall be forfeited and dealt with in such manner as the court may order.
- (8) Subsections (5) and (6) apply for the purposes of subsection (7) as they apply for the purposes of subsection (4), but as if references to the object were references to the copy.
- (9) An object or information shall be inadmissible as evidence in civil proceedings if to adduce it would in the opinion of the court be likely to constitute a contempt under this section; and “the court” here means the court before which the civil proceedings are being taken.
- (10) The powers of a magistrates' court under this section may be exercised either of the court's own motion or by order on complaint.

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](#)

Modifications etc. (not altering text)

- C2** [Ss. 17, 18](#) excluded (E.W.) (prosp.) by [1997 c. 39, ss. 9\(3\), 11\(2\)](#)

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](#)