



# Criminal Procedure and Investigations Act 1996

## 1996 CHAPTER 25

### PART I

#### DISCLOSURE

##### *Other provisions*

#### **[<sup>F1</sup>21A Code of practice for police interviews of witnesses notified by accused**

- (1) The Secretary of State shall prepare a code of practice which gives guidance to police officers, and other persons charged with the duty of investigating offences, in relation to the arranging and conducting of interviews of persons—
  - (a) particulars of whom are given in a defence statement in accordance with section 6A(2), or
  - (b) who are included as proposed witnesses in a notice given under section 6C.
- (2) The code must include (in particular) guidance in relation to—
  - (a) information that should be provided to the interviewee and the accused in relation to such an interview;
  - (b) the notification of the accused's solicitor of such an interview;
  - (c) the attendance of the interviewee's solicitor at such an interview;
  - (d) the attendance of the accused's solicitor at such an interview;
  - (e) the attendance of any other appropriate person at such an interview taking into account the interviewee's age or any disability of the interviewee.
- (3) Any police officer or other person charged with the duty of investigating offences who arranges or conducts such an interview shall have regard to the code.
- (4) In preparing the code, the Secretary of State shall consult—
  - [ <sup>F3</sup>the National Police Chiefs' Council ] ;

<sup>F2</sup>(za)

**Changes to legislation:** *Criminal Procedure and Investigations Act 1996, Section 21A is up to date with all changes known to be in force on or before 13 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*

- (a) to the extent the code applies to England and Wales—
    - (i) <sup>F4</sup> .....
    - (ii) the General Council of the Bar;
    - (iii) the Law Society of England and Wales;
    - (iv) the Institute of Legal Executives;
  - (b) to the extent the code applies to Northern Ireland—
    - (i) the Chief Constable of the Police Service of Northern Ireland;
    - (ii) the General Council of the Bar of Northern Ireland;
    - (iii) the Law Society of Northern Ireland;
  - (c) such other persons as he thinks fit.
- (5) The code shall not come into operation until the Secretary of State by order so provides.
- (6) The Secretary of State may from time to time revise the code and subsections (4) and (5) shall apply to a revised code as they apply to the code as first prepared.
- (7) An order bringing the code into operation may not be made unless a draft of the order has been laid before each House of Parliament and approved by a resolution of each House.
- (8) An order bringing a revised code into operation shall be laid before each House of Parliament if the order has been made without a draft having been so laid and approved by a resolution of each House.
- (9) When an order or a draft of an order is laid in accordance with subsection (7) or (8), the code to which it relates shall also be laid.
- (10) No order or draft of an order may be laid until the consultation required by subsection (4) has taken place.
- (11) A failure by a person mentioned in subsection (3) to have regard to any provision of a code for the time being in operation by virtue of an order under this section shall not in itself render him liable to any criminal or civil proceedings.
- (12) In all criminal and civil proceedings a code in operation at any time by virtue of an order under this section shall be admissible in evidence.
- (13) If it appears to a court or tribunal conducting criminal or civil proceedings that—
- (a) any provision of a code in operation at any time by virtue of an order under this section, or
  - (b) any failure mentioned in subsection (11),
- is relevant to any question arising in the proceedings, the provision or failure shall be taken into account in deciding the question.]

#### Textual Amendments

- F1** S. 21A inserted (5.4.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), **ss. 40, 336**; S.I. 2004/829, **art. 2(1)** (subject to **art. 2(3)-(6)**)
- F2** S. 21A(4)(za) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), **ss. 6, 53**, **Sch. 4 para. 9(a)**; S.I. 2007/709, **art. 3(d)**
- F3** Words in s. 21A(4)(za) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 14 paras. 4, 5(b)**; S.I. 2017/399, **reg. 2, Sch. para. 41**

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**F4** S. 21A(4)(a)(i) repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 6, 52, 53, **Sch. 4 para. 9(b), Sch. 15 Pt. 1(B); S.I. 2007/709, art. 3(d)(r)**

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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](#)