

DEFENCE STATEMENT

(Criminal Procedure and Investigations Act 1996, section 5 & 6; Criminal Procedure and Investigations Act 1996 (Defence Disclosure Time Limits) Regulations 2011; Criminal Procedure Rules, rule 22.4)

Case details

Name of defendant:

Court:

Case reference number:

Charge(s):

When to use this form

If you are a defendant pleading not guilty:

(a) in a Crown Court case, you **must** give the information listed in Part 2 of this form;

(b) in a magistrates' court case, you **may** give that information but you do not have to do so.

The time limit for giving the information is:

14 days (in a magistrates' court case)

28 days (in a Crown Court case)

after initial prosecution disclosure (or notice from the prosecutor that there is no material to disclose).

How to use this form

- 1. Complete the case details box above, and Part 1 below.**
- 2. Attach as many sheets as you need to give the information listed in Part 2.**
- 3. Sign and date the completed form.**
- 4. Send a copy of the completed form to:**
 - (a) the court, and**
 - (b) the prosecutor**

before the time limit expires.

If you need more time, you **must** apply to the court **before** the time limit expires. You should apply in writing, but no special form is needed.

Part 1: Plea

I confirm that I intend to plead not guilty to [all the charges] [the following charges] against me:

Part 2: Nature of the defence

Attach as many sheets as you need to give the information required.

Under section 6A of the Criminal Procedure and Investigations Act 1996, you must:

- (a) set out the nature of your defence, including any particular defences on which you intend to rely;
- (b) indicate the matters of fact on which you take issue with the prosecutor, and in respect of each explain why;
- (c) set out particulars of the matters of fact on which you intend to rely for the purposes of your defence;
- (d) indicate any point of law that you wish to take, including any point about the admissibility of evidence or about abuse of process, and any authority relied on; and
- (e) if your defence statement includes an alibi (i.e. an assertion that you were in a place, at a time, inconsistent with you having committed the offence), give particulars, including –
 - (i) the name, address and date of birth of any witness who you believe can give evidence in support of that alibi,
 - (ii) if you do not know all of those details, any information that might help identify or find that witness.

Signed: defendant / defendant's solicitor

Date:

WARNING: Under section 11 of the Criminal Procedure and Investigations Act 1996, if you **(a) do not disclose what the Act requires; (b) do not give a defence statement before the time limit expires; (c) at trial, rely on a defence, or facts, that you have not disclosed; or (d) at trial, call an alibi witness whom you have not identified in advance, then the court, the prosecutor or another defendant may comment on that, and the court may draw such inferences as it thinks proper in deciding whether you are guilty.**