

1. MG6B – This gives details of the discipline record and convictions (if any) of any police officer/member of police staff that is involved in the case. It also includes Penalty Notices for disorder. If no officer/member of police staff has a disciplinary consideration (or conviction) there is no need to put the form on the file, an entry on the MG6 to this effect will suffice. This form can also be used to declare the convictions/disciplinary matters of employees of other investigative agencies on behalf of whom the CPS prosecutes e.g. UK Border Agency.
2. MG6C – The schedule of relevant non-sensitive material will be disclosed to the defence and any material described on it may also be disclosed to the defence on instruction from the CPS. Material that must be listed on the schedule covers all relevant unused non-sensitive material recorded, retained or generated during the course of an investigation. The exception to this is material seized during the course of a major investigation which has not been examined due to its lack of immediate and apparent relevance to the investigation. This falls outside the CPIA and is not ‘unused material’ but its existence must be recorded on form MG11 with the appropriate caption, i.e. ‘the following material has not been examined by the investigator or disclosure officer and is considered not to fall within the CPIA definition of prosecution material’. If an item of unused material contains both sensitive and non-sensitive material, it must be listed on the MG6C as being an ‘edited version’ or ‘edited’ e.g. a pocket notebook entry containing both the personal details of a witness and the circumstances of the arrest. Block out the sensitive part (witness details) on a copy of the original with a dark marker pen (never white correcting fluid). The original must never be marked. Do not list the unedited version on the MG6D.
3. MG6D – The schedule of relevant sensitive material will not be disclosed to the defence because it is not in the public interest to do so. You must state the reason why the item should not be disclosed to the defence. For example, details that identify an observation post must not be disclosed to the defence. If there is no sensitive material in a case, endorse form MG6D to that effect and submit it with the MG6C and MG6E. Where you think you have material that is very sensitive, such as information from a covert human intelligence source (CHIS), make contact with the prosecutor who will refer you, as necessary, to the appropriate person for advice.
4. MG6E – Disclosure Officer’s Report. On the MG6E the following information must be brought to the attention of the CPS: Material which contains a first description of an offender (Para 7.3 CPIA Code of Practice); or Material which might undermine the prosecution case or assist the defence. The disclosure officer must record on the form the following: Whether the undermining or descriptive information was originally listed on the MG6C or MG6D the original item number from the MG6C or D. Briefly, the reason for it being recorded on the MG6E, e.g. ‘Contains first description of suspect’, or ‘May cast doubt on reliability of witness’.

The prosecutor must always inspect, view or listen to any material that could reasonably be considered capable of undermining the prosecution case against the accused or of assisting the case for the accused. The Disclosure officer may need to consult with and allow the prosecutor to inspect the retained material.

Failure to Disclose: -

Any party’s disclosure obligations are governed under the Civil Procedure Rules require it to disclose documents which could be very detrimental to its chances of success, but which the opponent may not know exists until disclosure. This is an onerous obligation, much stricter than that in many other jurisdictions and the extent of these obligations often takes litigants by surprise. In order to ensure that parties comply fully and honestly with their disclosure obligations, the rules provide for very serious consequences where a party fails to comply with those obligations.

Firstly, making a false disclosure statement can potentially put the person making the statement in contempt of court. Secondly, a party’s credibility will be seriously weakened if it transpires that it has destroyed or failed to disclose a relevant document, whether or not this omission was deliberate. Thirdly, where a party fails to disclose a document which is damaging to its case and a fair trial is no longer possible, its case may be struck out altogether. Fourthly, deliberate destruction of relevant documents is likely to be a contempt of court and may constitute the offence of attempting to pervert the course of justice. Documents damaging a