

22. Disclosure requirements, orders as to (CPA s. 138)

- (1) A prosecutor applying for an order under the CPA section 138 (the “**section 138 application**”) may also apply for an order that the section 138 application be heard in private and in the absence of the accused.
- (2) If an application is made under subrule (1) —
 - (a) the prosecutor must not serve either that application or the section 138 application on the accused; and
 - (b) the court must hear the application made under subrule (1) in private in the absence of the accused.
- (3) If the court grants the application made under subrule (1), it may proceed to hear and determine the section 138 application but otherwise the section 138 application will be adjourned and the prosecutor must serve it on the accused.
- (4) An order made under the CPA section 138 in the absence of the accused must not be disclosed to the accused except with the leave of the court.