



Prosecution of Offences Act 1985

1985 CHAPTER 23

PART I

THE CROWN PROSECUTION SERVICE

Constitution and functions of Service

3 Functions of the Director.

- (1) The Director shall discharge his functions under this or any other enactment under the superintendence of the Attorney General.
- (2) It shall be the duty of the Director [^{F1}, subject to any provisions contained in the Criminal Justice Act 1987]—
 - (a) to take over the conduct of all criminal proceedings, other than specified proceedings, instituted on behalf of a police force (whether by a member of that force or by any other person);
 - [^{F2}(aa) to take over the conduct of any criminal proceedings instituted by an immigration officer (as defined for the purposes of the ^{M1}Immigration Act 1971) acting in his capacity as such an officer;]
 - [^{F3}(ab) to take over the conduct of any criminal proceedings instituted in England and Wales by the Revenue and Customs;]
 - [^{F4}(ac) to take over the conduct of any criminal proceedings instituted on behalf of the National Crime Agency;]
 - (b) to institute and have the conduct of criminal proceedings in any case where it appears to him that—
 - (i) the importance or difficulty of the case makes it appropriate that proceedings should be instituted by him; or
 - (ii) it is otherwise appropriate for proceedings to be instituted by him;
 - [^{F5}(ba) to institute and have the conduct of any criminal proceedings in any case where the proceedings relate to the subject-matter of a report a copy of which has been sent to him under paragraph 23 or 24 of Schedule 3 to the Police

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Prosecution of Offences Act 1985. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Reform Act 2002 (c. 30)(reports on investigations into conduct of persons serving with the police);]

[^{F6}(bb) where it appears to him appropriate to do so, to institute and have the conduct of any criminal proceedings in England and Wales relating to a criminal investigation by the Revenue and Customs;]

[^{F7}(bc) where it appears to him appropriate to do so, to institute and have the conduct of any criminal proceedings relating to a criminal investigation by the National Crime Agency;]

(c) to take over the conduct of all binding over proceedings instituted on behalf of a police force (whether by a member of that force or by any other person);

(d) to take over the conduct of all proceedings begun by summons issued under section 3 of the ^{M2}Obscene Publications Act 1959 (forfeiture of obscene articles);

(e) to give, to such extent as he considers appropriate, advice to police forces on all matters relating to criminal offences;

[^{F8}(ea) to have the conduct of any extradition proceedings;

(eb) to give, to such extent as he considers appropriate, and to such persons as he considers appropriate, advice on any matters relating to extradition proceedings or proposed extradition proceedings;

[^{F9}(ec) to give, to such extent as he considers appropriate, advice to immigration officers on matters relating to criminal offences;]]

[^{F10}(ed) to give advice, to such extent as he considers appropriate and to such person as he considers appropriate, in relation to—

(i) criminal investigations by the National Crime Agency, or

(ii) criminal proceedings arising out of such investigations;]

[^{F11}(ee) to give, to such extent as he considers appropriate, and to such persons as he considers appropriate, advice on matters relating to—

(i) a criminal investigation by the Revenue and Customs; or

(ii) criminal proceedings instituted in England and Wales relating to a criminal investigation by the Revenue and Customs;]

(f) to appear for the prosecution, when directed by the court to do so, on any appeal under—

(i) section 1 of the ^{M3}Administration of Justice Act 1960 (appeal from the High Court in criminal cases);

(ii) Part I or Part II of the ^{M4}Criminal Appeal Act 1968 (appeals from the Crown Court to the criminal division of the Court of Appeal and thence to the [^{F12}Supreme Court]); or

(iii) section 108 of the ^{M5}Magistrates' Courts Act 1980 (right of appeal to Crown Court) as it applies, by virtue of subsection (5) of section 12 of the ^{M6}Contempt of Court Act 1981, to orders made under section 12 (contempt of magistrates' courts); ^{F13} . . .

[^{F14}(fa) to have the conduct of applications for orders under [^{F15}[^{F16}Chapter 1 of Part 11 of the Sentencing Code] (criminal behaviour orders made on conviction)] and section 14A of the Football Spectators Act 1989 (banning orders made on conviction of certain offences);]

[^{F17}(faa) where it appears to him appropriate to do so, to have the conduct of applications made by him for orders under section 14B of the Football Spectators Act 1989 (banning orders made on complaint);]

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Prosecution of Offences Act 1985. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- [^{F18}(fb) where it appears to him appropriate to do so, to have the conduct of [^{F19}applications under section 336 of the Sentencing Code] for the variation or discharge of orders made under [^{F20}Chapter 1 of Part 11 of that Code];
- (fc) where it appears to him appropriate to do so, to appear on any application under [^{F21}section 27] of that Act made by a person subject to an order under [^{F22}section 22] of that Act for the variation or discharge of the order.]
- ^{F23}(fd)
- ^{F23}(fe)
- [^{F24}(ff) to discharge such duties as are conferred on him by, or in relation to, Part 5 or 8 of the Proceeds of Crime Act 2002 (c. 29) (civil recovery of the proceeds etc. of unlawful conduct, civil recovery investigations and disclosure orders in relation to confiscation investigations);]
- [^{F25}(fg) to have the conduct of applications for orders under section 19 of the Offensive Weapons Act 2019 (knife crime prevention orders made on conviction);]
- [^{F26}(fh) to have the conduct of applications for orders under section 342A of the Sentencing Code (serious violence reduction orders);]
- (g) to discharge such other functions as may from time to time be assigned to him by the Attorney General in pursuance of this paragraph.
- [^{F27}(2A) Subsection (2)(ea) above does not require the Director to have the conduct of any extradition proceedings in respect of a person if he has received a request not to do so and—
- (a) in a case where the proceedings are under Part 1 of the Extradition Act 2003, the request is made by the authority which issued the Part 1 warrant in respect of the person;
- (b) in a case where the proceedings are under Part 2 of that Act, the request is made on behalf of the territory to which the person's extradition has been requested.]
- (3) In this section—
- “the court ” means—
- (a) in the case of an appeal to or from the criminal division of the Court of Appeal, that division;
- (b) in the case of an appeal from a Divisional Court of the Queen's Bench Division, the Divisional Court; and
- (c) in the case of an appeal against an order of a magistrates' court, the Crown Court;
- [^{F28}“criminal investigation” means any process—
- (i) for considering whether an offence has been committed;
- (ii) for discovering by whom an offence has been committed; or
- (iii) as a result of which an offence is alleged to have been committed;]
- “police force ” means any police force maintained by a [^{F29}local policing body]^{F30}. . . and any other body of constables for the time being specified by order made by the Secretary of State for the purposes of this section; and
- “specified proceedings ” means proceedings which fall within any category for the time being specified by order made by the Attorney General for the purposes of this section.
- [^{F31}(3A) In this section a reference to the Revenue and Customs is a reference to—
- (a) the Commissioners for Her Majesty's Revenue and Customs;

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Prosecution of Offences Act 1985. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) an officer of Revenue and Customs; or
 - (c) a person acting on behalf of the Commissioners or an officer of Revenue and Customs.]
- (4) The power to make orders under subsection (3) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F1** Words inserted by [Criminal Justice Act 1987 \(c. 38, SIF 39:1\)](#), s. 15, **Sch. 2 para. 13**
- F2** S. 3(2)(aa) inserted (1.12.2004) by [1999 c. 33](#), ss. 164, 170(4); [S.I. 2004/2997](#), **art. 2**
- F3** S. 3(2)(ab) inserted (27.3.2014) by [The Public Bodies \(Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions\) Order 2014 \(S.I. 2014/834\)](#), art. 1(1), **Sch. 1 para. 2(2)**
- F4** S. 3(2)(ac) inserted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 8 para. 30(a)**; [S.I. 2013/1682](#), art. 3(v)
- F5** S. 3(2)(ba) inserted (1.4.2004) by [Police Reform Act 2002 \(c. 30\)](#) ss. 107, 108(2), {Sch. 7 para. 10}; [S.I. 2004/913](#), **art. 2(e)**
- F6** S. 3(2)(bb) inserted (27.3.2014) by [The Public Bodies \(Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions\) Order 2014 \(S.I. 2014/834\)](#), art. 1(1), **Sch. 1 para. 2(3)**
- F7** S. 3(2)(bc) inserted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 8 para. 30(b)**; [S.I. 2013/1682](#), art. 3(v)
- F8** S. 3(2)(ea)(eb) inserted (1.1.2004) by [Extradition Act 2003 \(c. 41\)](#), **ss. 190(2)**, 221; [S.I. 2003/3103](#), **art. 2** (subject to savings in Order (as amended by [S.I. 2003/3312](#), art. 2(2) and [S.I. 2003/3258](#), art. 3(2)))
- F9** S. 3(2)(ec) inserted (1.12.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), **ss. 7**, 48(1)–(3); [S.I. 2004/2999](#), **art. 2**, Sch.
- F10** S. 3(2)(ed) inserted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 8 para. 30(c)**; [S.I. 2013/1682](#), art. 3(v)
- F11** S. 3(2)(ee) inserted (27.3.2014) by [The Public Bodies \(Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions\) Order 2014 \(S.I. 2014/834\)](#), art. 1(1), **Sch. 1 para. 2(4)**
- F12** Words in s. 3(2)(f)(ii) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), **Sch. 9 para. 41(2)**; [S.I. 2009/1604](#), art. 2(d)
- F13** Word in s. 3(2)(f) repealed (20.1.2004) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), ss. 86(6), 92, 93, **Sch. 3**; [S.I. 2003/3300](#), **art. 2(f)(ii)(g)(ii)(b)**
- F14** S. 3(2)(fa) inserted (20.1.2004) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), {ss. 86(6)}, 93; [S.I. 2003/3300](#), **art. 2(f)(ii)**
- F15** Words in s. 3(2)(fa) substituted (20.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), **Sch. 11 para. 5(2)** (with ss. 21, 33, 42, 58, 75, 93); [S.I. 2014/2590](#), art. 3(g)(i)
- F16** Words in s. 3(2)(fa) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 81(a)** (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F17** S. 3(2)(faa) inserted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), ss. 52, 66(2), **Sch. 3 para. 15**; [S.I. 2007/858](#), **art. 2(k)**
- F18** S. 3(2)(fb)(fc) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 140(5)**, 178; [S.I. 2005/1521](#), **art. 3(s)** (subject to art. 3(4)(5))
- F19** Words in s. 3(2)(fb) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 81(b)(i)** (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F20** Words in s. 3(2)(fb) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 81(b)(ii)** (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Prosecution of Offences Act 1985. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- F21** Words in s. 3(2)(fc) substituted (20.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014](#) (c. 12), s. 185(1), **Sch. 11 para. 5(4)(a)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(i)
- F22** Words in s. 3(2)(fc) substituted (20.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014](#) (c. 12), s. 185(1), **Sch. 11 para. 5(4)(b)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(i)
- F23** S. 3(2)(fd)(fe) omitted (20.10.2014) by virtue of [Anti-social Behaviour, Crime and Policing Act 2014](#) (c. 12), s. 185(1), **Sch. 11 para. 5(5)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2590, art. 3(g)(i)
- F24** S. 3(2)(ff) inserted (1.4.2008) by [Serious Crime Act 2007](#) (c. 27), s. 94(1), **Sch. 8 para. 149**; S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F25** S. 3(2)(fg) inserted (5.7.2021 in relation to the metropolitan police district for the specified period) by [Offensive Weapons Act 2019](#) (c. 17), **ss. 32(1), 70(1)**; S.I. 2021/762, regs. 1(2), 2(1)
- F26** S. 3(2)(fh) inserted (28.4.2022 for specified purposes, 19.4.2023 for the specified purpose and for the specified period of 24 months beginning with that date) by [Police, Crime, Sentencing and Courts Act 2022](#) (c. 32), **ss. 165(3), 166, 208(4)(u)**; S.I. 2023/387, regs. 1, 5(1)(c)(2) (with reg. 6)
- F27** S. 3(2A) inserted (1.1.2004) by [Extradition Act 2003](#) (c. 41), **ss. 190(3), 221**; S.I. 2003/3103, **art. 2** (subject to savings in Order (as amended by S.I. 2003/3312, art. 2(2) and S.I. 2003/3258, art. 3(2)))
- F28** Words in s. 3(3) inserted (27.3.2014) by [The Public Bodies \(Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions\) Order 2014](#) (S.I. 2014/834), art. 1(1), **Sch. 1 para. 2(5)**
- F29** Words in s. 3(3) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), s. 157(1), **Sch. 16 para. 171**; S.I. 2011/3019, art. 3, Sch. 1
- F30** S. 3(3): words in definition of "police force" repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005](#) (c. 15), ss. 59, 174, 178, Sch. 4 para. 47, **Sch. 17**; S.I. 2006/378, **art. 4(1)** (subject to art. 4(2)-(7))
- F31** S. 3(3A) inserted (27.3.2014) by [The Public Bodies \(Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions\) Order 2014](#) (S.I. 2014/834), art. 1(1), **Sch. 1 para. 2(6)**

Modifications etc. (not altering text)

- C1** S. 3(2) excluded by [Criminal Justice Act 1987](#) (c. 38, SIF 39:1), **s. 5(1)**
- C2** S. 3(2)(a)(d) restricted by [S.I. 1986/1029](#), **art. 5**
-

Marginal Citations

- M1** 1971 c. 77.
- M2** 1959 c. 66.
- M3** 1960 c. 65.
- M4** 1968 c. 19.
- M5** 1980 c. 43.
- M6** 1981 c. 49.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Prosecution of Offences Act 1985. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 3(3) words inserted by [2023 c. 41 Sch. 13 para. 1\(3\)](#)

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. 3(2)(ad) inserted by [2023 c. 41 Sch. 13 para. 1\(2\)\(a\)](#)
- s. 3(2)(bd) inserted by [2023 c. 41 Sch. 13 para. 1\(2\)\(b\)](#)
- s. 3(2)(ef) inserted by [2023 c. 41 Sch. 13 para. 1\(2\)\(c\)](#)
- s. 3(2)(fi) inserted by [2023 c. 15 s. 33\(1\)](#)