***Changes to legislation:** Crime and Disorder Act 1998, Cross Heading: Prosecution of Offences Act 1985 (c.23) is up to date with all changes known to be in force on or before 13 July 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*

SCHEDULES

SCHEDULE 8

MINOR AND CONSEQUENTIAL AMENDMENTS

Prosecution of Offences Act 1985 (c.23)

63 In subsection (2) of section 23 of the 1985 Act (discontinuance of proceedings), after paragraph (b) there shall be inserted the following paragraph—

"(c) in the case of any offence, any stage of the proceedings after the accused has been sent for trial under section 51 of the Crime and Disorder Act 1998 (no committal proceedings for indictable-only and related offences)."

Commencement Information

I1 Sch. 8 para. 63 wholly in force; Sch. 8 para. 63 not in force at Royal Assent, see s. 121; Sch. 8 para. 63 in force at 4.1.1999 for the purpose of sending any person for trial under s. 51 from any area specified in Sch. 2 of the said S.I. by S.I. 1998/2327, **art. 4(2)**; Sch. 8 para. 63 in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, **art. 2** (subject to transitional provisions in art. 3)

64 After that section there shall be inserted the following section—

"**23A Discontinuance of proceedings after accused has been sent for trial.**

(1) This section applies where—

(a) the Director of Public Prosecutions, or a public authority (within the meaning of section 17 of this Act), has the conduct of proceedings for an offence; and

(b) the accused has been sent for trial under section 51 of the Crime and Disorder Act 1998 for the offence.

(2) Where, at any time before the indictment is preferred, the Director or authority gives notice under this section to the Crown Court sitting at the place specified in the notice under section 51(7) of the Crime and Disorder Act 1998 that he or it does not want the proceedings to continue, they shall be discontinued with effect from the giving of that notice.

(3) The Director or authority shall, in any notice given under subsection (2) above, give reasons for not wanting the proceedings to continue.

(4) On giving any notice under subsection (2) above the Director or authority shall inform the accused of the notice; but the Director or authority shall not be obliged to give the accused any indication of his reasons for not wanting the proceedings to continue.

Changes to legislation: *Crime and Disorder Act 1998, Cross Heading: Prosecution of Offences Act 1985 (c.23) is up to date with all changes known to be in force on or before 13 July 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*

(5) The discontinuance of any proceedings by virtue of this section shall not prevent the institution of fresh proceedings in respect of the same offence."

Commencement Information

I2 Sch. 8 para. 64 wholly in force; Sch. 8 para. 64 not in force at Royal Assent, see s. 121; Sch. 8 para. 64 in force at 4.1.1999 for the purpose of sending any person for trial under s. 51 from any area specified in Sch. 2 of the said S.I. by S.I. 1998/2327, **art. 4(2)**; Sch. 8 para. 64 in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, **art. 2** (subject to transitional provisions in art. 3)

Changes to legislation:
Crime and Disorder Act 1998, Cross Heading: Prosecution of Offences Act 1985 (c.23) is up to date with all changes known to be in force on or before 13 July 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.
View outstanding changes

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(1C) inserted by 2010 c. 17 s. 40(2) (This amendment not applied to legislation.gov.uk. S. 40 repealed (23.3.2015) without ever being in force by 2014 c. 12, Sch. 11 para. 46; S.I. 2015/373, art. 4(f)(x))
- s. 8A inserted by 2010 c. 17 s. 41(3) (This amendment not applied to legislation.gov.uk. S. 41 repealed (23.3.2015) without ever being in force by 2014 c. 12, Sch. 11 para. 46; S.I. 2015/373, art. 4(f)(x))
- s. 8A repealed by 2014 c. 12 Sch. 11 para. 24(c)
- s. 9(2)(d) and word inserted by 2010 c. 17 s. 41(4)(b) (This amendment not applied to legislation.gov.uk. S. 41 repealed (23.3.2015) without ever being in force by 2014 c. 12, Sch. 11 para. 46; S.I. 2015/373, art. 4(f)(x))
- s. 9(2)(d) and word omitted by 2014 c. 12 Sch. 11 para. 26(4)(a)
- s. 9(2AA) inserted by 2010 c. 17 s. 41(4)(c) (This amendment not applied to legislation.gov.uk. S. 41 repealed (23.3.2015) without ever being in force by 2014 c. 12, Sch. 11 para. 46; S.I. 2015/373, art. 4(f)(x))
- s. 9(2AA) repealed by 2014 c. 12 Sch. 11 para. 26(5)
- s. 41(5)(i)(ii) words substituted by 2021 c. 11 Sch. 13 para. 37(3)
- s. 47(A1) inserted by 2022 c. 35 s. 12(2)
- s. 47(1)-(1F) substituted for s. 47(1) by 2022 c. 35 s. 12(3)
- s. 47(4)(a) word substituted by 2022 c. 35 s. 12(6)(b)
- s. 47(4)(a) words renumbered as s. 47(4)(a) by 2022 c. 35 s. 12(6)(a)
- s. 47(4)(b) and word inserted by 2022 c. 35 s. 12(6)(c)
- s. 47(4A) inserted by 2022 c. 35 s. 12(7)
- s. 50A(6) inserted by 2022 c. 35 Sch. 2 para. 8(2)(b)
- s. 51(2A)-(2E) inserted by 2022 c. 35 s. 10(4)
- s. 51(3A)(3B) substituted for s. 51(3)-(12) by 2022 c. 35 s. 10(5)
- s. 51A(A1) inserted by 2022 c. 35 s. 10(7)
- s. 51A(3A)-(3E) inserted by 2022 c. 35 s. 10(9)
- s. 51A(4A)(4B) substituted for s.0051A(4)-(10) by 2022 c. 35 s. 10(10)
- s. 52(2A) inserted by 2022 c. 35 s. 10(11)
- Sch. 3 para. 3(11A) inserted by 2003 c. 44 Sch. 3 para. 71(d)