



# Criminal Justice Act 2003

## 2003 CHAPTER 44

### PART 4

#### CHARGING ETC

#### 28 Charging or release of persons in police detention

Schedule 2 (which makes provision in relation to the charging or release of persons in police detention) shall have effect.

##### Commencement Information

- II** S. 28 wholly in force at 1.10.2007; s. 28 not in force at Royal Assent, see s. 336(3); s. 28 in force for certain purposes at 29.1.2004 by [S.I. 2004/81, art. 4](#); s. 28 in force for certain purposes at 3.7.2004 by [S.I. 2004/1629, art. 2](#) and s. 28 in force for certain further purposes at 1.10.2007 by [S.I. 2007/2874, art. 2\(1\)\(2\)\(a\)](#)

#### 29 <sup>[F1]</sup>Instituting proceedings by written charge]

(1) A <sup>[F2]</sup>relevant prosecutor] may institute criminal proceedings against a person by issuing a document (a “written charge”) which charges the person with an offence.

<sup>[F3]</sup>(2) Where a relevant prosecutor issues a written charge, it must at the same time issue—  
(a) a requisition, or  
(b) a single justice procedure notice.

<sup>[F4]</sup>(2AA) A single justice procedure notice may be issued only if—

- (a) the offence is a summary offence not punishable with imprisonment, and  
(b) the person being charged has attained the age of 18, or is not an individual.]

(2A) A requisition is a document which requires the person on whom it is served to appear before a magistrates' court to answer the written charge.

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(2B) A single justice procedure notice is a document which requires the person on whom it is served to serve on the designated officer for a magistrates' court specified in the notice a written notification stating—

- (a) whether the person desires to plead guilty or not guilty, and
- (b) if the person desires to plead guilty, whether or not the person desires to be tried in accordance with section 16A of the Magistrates' Courts Act 1980.]

[<sup>F5</sup>(2C) Subsection (2D) applies if—

- (a) the offence is specified in regulations under section 16H(3)(a) of the Magistrates' Courts Act 1980, and
- (b) the relevant prosecutor decides that it would be appropriate for the automatic online conviction option to be offered (see section 16G(1) of the Magistrates' Courts Act 1980).

(2D) The single justice procedure notice must also explain—

- (a) the steps that the person on whom the notice is served can take if the person wants to be offered the automatic online conviction option, and
- (b) that if the person is offered, and accepts, that option, the requirements referred to in subsection (2B) will no longer apply.

(2E) The Lord Chancellor may by order make provision about the matters that are to be taken into account by a relevant prosecutor before deciding as mentioned in subsection (2C)(b).]

(3) [<sup>F6</sup>Where a relevant prosecutor issues a written charge and a requisition, the] written charge and requisition must be served on the person concerned, and a copy of both must be served on the court named in the requisition.

[<sup>F7</sup>(3A) Where a relevant prosecutor issues a written charge and a single justice procedure notice, the written charge and notice must be served on the person concerned, and a copy of both must be served on the designated officer specified in the notice.

(3B) If a single justice procedure notice is served on a person, the relevant prosecutor must—

- (a) at the same time serve on the person such documents as may be prescribed by Criminal Procedure Rules, and
- (b) serve copies of those documents on the designated officer specified in the notice.]

[<sup>F8</sup>(3C) The written notification required by a single justice procedure notice may be served by the legal representative of the person charged on the person's behalf.]

(4) [<sup>F9</sup>A relevant prosecutor authorised to issue a requisition] is not to have the power to lay an information for the purpose of obtaining the issue of a summons under section 1 of the Magistrates' Courts Act 1980 (c. 43).

(5) In this section [<sup>F10</sup>“relevant prosecutor”] means—

- (a) a police force or a person authorised by a police force to institute criminal proceedings,
- (b) the Director of the Serious Fraud Office or a person authorised by him to institute criminal proceedings,
- (c) the Director of Public Prosecutions or a person authorised by him to institute criminal proceedings,

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- <sup>F11</sup>(ca) .....
- <sup>F12</sup>(cb) the [<sup>F13</sup>Director General of the National Crime Agency] or a person authorised by him to institute criminal proceedings;
- (d) the Attorney General or a person authorised by him to institute criminal proceedings,
- (e) a Secretary of State or a person authorised by a Secretary of State to institute criminal proceedings,
- (f) the Commissioners of Inland Revenue or a person authorised by them to institute criminal proceedings,
- (g) the Commissioners of Customs and Excise or a person authorised by them to institute criminal proceedings, or
- (h) a person specified in an order made by the Secretary of State for the purposes of this section or a person authorised by such a person to institute criminal proceedings.
- <sup>F14</sup>(5A) An order under subsection (5)(h) specifying a person for the purposes of this section must also specify whether that person and a person authorised by that person to institute criminal proceedings—
- (a) are authorised to issue written charges, requisitions and single justice procedure notices, or
- (b) are authorised to issue only written charges and single justice procedure notices.]
- (6) In subsection (5) “police force” has the meaning given by section 3(3) of the Prosecution of Offences Act 1985 (c. 23).

#### Textual Amendments

- F1** S. 29 heading substituted (7.11.2023) by Judicial Review and Courts Act 2022 (c. 35), s. 51(4), **Sch. 2 para. 4(2)(a)**; S.I. 2023/1194, reg. 2(e)
- F2** Words in s. 29(1) substituted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), **ss. 46(2), 95(1)** (with s. 46(10)); S.I. 2015/778, art. 3, Sch. 1 para. 37
- F3** S. 29(2)-(2B) substituted for s. 29(2) (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), **ss. 46(3), 95(1)** (with s. 46(10)); S.I. 2015/778, art. 3, Sch. 1 para. 37
- F4** S. 29(2AA) inserted (7.11.2023) by Judicial Review and Courts Act 2022 (c. 35), s. 51(4), **Sch. 2 para. 4(2)(b)**; S.I. 2023/1194, reg. 2(e)
- F5** S. 29(2C)-(2E) inserted (7.11.2023) by Judicial Review and Courts Act 2022 (c. 35), s. 51(4), **Sch. 2 para. 4(2)(c)**; S.I. 2023/1194, reg. 2(e)
- F6** Words in s. 29(3) substituted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), **ss. 46(4), 95(1)** (with s. 46(10)); S.I. 2015/778, art. 3, Sch. 1 para. 37
- F7** S. 29(3A)(3B) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), **ss. 46(5), 95(1)** (with s. 46(10)); S.I. 2015/778, art. 3, Sch. 1 para. 37
- F8** S. 29(3C) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), **ss. 46(6), 95(1)** (with s. 46(10)); S.I. 2015/778, art. 3, Sch. 1 para. 37
- F9** Words in s. 29(4) substituted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), **ss. 46(7), 95(1)** (with s. 46(10)); S.I. 2015/778, art. 3, Sch. 1 para. 37
- F10** Words in s. 29(5) substituted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), **ss. 46(8), 95(1)** (with s. 46(10)); S.I. 2015/778, art. 3, Sch. 1 para. 37
- F11** S. 29(5)(ca) omitted (27.3.2014) by virtue of 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. 2 para. 39**

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- F12** S. 29(5)(cb) inserted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 178, **Sch. 4 para. 196**; S.I. 2006/378, **art. 4(1)**, Sch. (subject to art. 4(2)-(7))
- F13** Words in s. 29(5)(cb) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 187**; S.I. 2013/1682, **art. 3(v)**
- F14** S. 29(5A) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), **ss. 46(9)**, 95(1) (with s. 46(10)); S.I. 2015/778, **art. 3**, Sch. 1 **para. 37**

#### Commencement Information

- I2** S. 29 partly in force; s. 29 not in force at Royal Assent, see s. 336(3); s. 29(1)-(3) (5) (6) in force for certain purposes at 25.7.2007 by S.I. 2007/1999, **arts. 2, 3**; s. 29(1)-(3) (5) (6) in force for certain further purposes at 9.6.2008, 1.11.2009, 1.1.2011, 6.9.2011 and 3.10.2011 by S.I. 2008/1424, **arts. 2, 3**, S.I. 2009/2879, **arts. 2, 3**, S.I. 2010/3005, **art. 2**, S.I. 2011/2188, **arts. 2, 3**; s. 29(1)-(3)(5) in force for certain further purposes at 19.3.2012 by S.I. 2012/825, **art. 2**; s. 29(1)-(3)(5)(6) in force at 1.4.2014 for specified purposes by S.I. 2014/633, **art. 2**

### 30 Further provision about <sup>F15</sup>written charges]

- (1) <sup>F16</sup>Criminal Procedure Rules] may make—
- (a) provision as to the form, content, recording, authentication and service of written charges<sup>F17</sup>, requisitions or single justice procedure notices], and
  - (b) such other provision in relation to written charges<sup>F18</sup>, requisitions or single justice procedure notices] as appears to the <sup>F19</sup>Criminal Procedure Rule Committee] to be necessary or expedient.
- (2) Without limiting subsection (1), the provision which may be made by virtue of that subsection includes provision—
- (a) which applies (with or without modifications), or which disapplies, the provision of any enactment relating to the service of documents,
  - (b) for or in connection with the issue of further requisitions <sup>F20</sup>or further single justice procedure notices].
- (3) <sup>F21</sup>.....
- (4) Nothing in section 29 affects—
- (a) the power of a public prosecutor to lay an information for the purpose of obtaining the issue of a warrant under section 1 of the Magistrates' Courts Act 1980 (c. 43),
  - (b) the power of a person who is not a public prosecutor to lay an information for the purpose of obtaining the issue of a summons or warrant under section 1 of that Act, or
  - (c) any power to charge a person with an offence whilst he is in custody.
- (5) Except where the context otherwise requires, in any enactment contained in an Act passed before this Act—
- (a) any reference (however expressed) which is or includes a reference to an information within the meaning of section 1 of the Magistrates' Courts Act 1980 (c. 43) (or to the laying of such an information) is to be read as including a reference to a written charge (or to the issue of a written charge),
  - (b) any reference (however expressed) which is or includes a reference to a summons under section 1 of the Magistrates' Courts Act 1980 (or to a justice of the peace issuing such a summons) is to be read as including a reference to a requisition (or to a <sup>F22</sup>relevant prosecutor] issuing a requisition)<sup>F23</sup>, and

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- (c) any reference (however expressed) which is or includes a reference to a summons under section 1 of the Magistrates' Courts Act 1980 (or to a justice of the peace issuing such a summons) is to be read as including a reference to a single justice procedure notice (or to a relevant prosecutor issuing a single justice procedure notice).]
- (6) Subsection (5) does not apply to section 1 of the Magistrates' Courts Act 1980.
- (7) The reference in subsection (5) to an enactment contained in an Act passed before this Act includes a reference to an enactment contained in that Act as a result of an amendment to that Act made by this Act or by any other Act passed in the same Session as this Act.
- [<sup>F24</sup>(7A) The reference in subsection (5) to an enactment contained in an Act passed before this Act is to be read, in relation to paragraph (c) of subsection (5), as including—
- (a) a reference to an enactment contained in an Act passed before or in the same Session as the Criminal Justice and Courts Act 2015, and
  - (b) a reference to an enactment contained in such an Act as a result of an amendment to that Act made by the Criminal Justice and Courts Act 2015 or by any other Act passed in the same Session as the Criminal Justice and Courts Act 2015.]
- (8) In this section [<sup>F25</sup>“relevant prosecutor”], “requisition” [<sup>F26</sup>], “single justice procedure notice”] and “written charge” have the same meaning as in section 29.

#### Textual Amendments

- F15** Words in s. 30 heading substituted (7.11.2023) by [Judicial Review and Courts Act 2022 \(c. 35\)](#), s. 51(4), [Sch. 2 para. 4\(3\)](#); S.I. 2023/1194, reg. 2(e)
- F16** Words in s. 30(1) substituted (1.9.2004) by [The Courts Act 2003 \(Consequential Amendments\) Order 2004 \(S.I. 2004/2035\)](#), art. 3, [Sch. para. 46\(2\)\(a\)](#) (with art. 2(2))
- F17** Words in s. 30(1)(a) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 47\(2\)\(a\)](#), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 38
- F18** Words in s. 30(1)(b) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 47\(2\)\(b\)](#), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 38
- F19** Words in s. 30(1)(b) substituted (1.9.2004) by [The Courts Act 2003 \(Consequential Amendments\) Order 2004 \(S.I. 2004/2035\)](#), art. 3, [Sch. para. 46\(2\)\(b\)](#) (with art. 2(2))
- F20** Words in s. 30(2)(b) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 47\(3\)](#), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 38
- F21** S. 30(3) omitted (1.9.2004) by virtue of [The Courts Act 2003 \(Consequential Amendments\) Order 2004 \(S.I. 2004/2035\)](#), art. 3, [Sch. para. 46\(3\)](#) (with art. 2(2))
- F22** Words in s. 30(5)(b) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 47\(4\)\(a\)](#), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 38
- F23** S. 30(5)(c) and word inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 47\(4\)\(b\)](#), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 38
- F24** S. 30(7A) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 47\(5\)](#), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 38
- F25** Words in s. 30(8) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 47\(6\)\(a\)](#), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 38
- F26** Words in s. 30(8) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 47\(6\)\(b\)](#), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 38

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- I3** S. 30 partly in force; s. 30 not in force at Royal Assent, see s. 336(3); s. 30 in force for certain purposes at 25.7.2007 by [S.I. 2007/1999](#), arts. 2, 3; s. 30 in force for certain further purposes at 9.6.2008, 1.11.2009, 1.1.2011, 6.9.2011, 3.10.2011, 19.3.2012 and 1.4.2014 by [S.I. 2008/1424](#), arts. 2, 3, [S.I. 2009/2879](#), arts. 2, 3, [S.I. 2010/3005](#), art. 2, [S.I. 2011/2188](#), arts. 2, 3, [S.I. 2012/825](#), art. 2, [S.I. 2014/633](#), [art. 2](#)

### 31 Removal of requirement to substantiate information on oath

- (1) In section 1(3) of the Magistrates' Courts Act 1980 (warrant may not be issued unless information substantiated on oath) the words “and substantiated on oath” are omitted.
- (2) In section 13 of that Act (non-appearance of defendant: issue of warrant) in subsection (3)(a) the words “the information has been substantiated on oath and” are omitted.
- (3) For subsection (3A)(a) of that section there is substituted—
  - “(a) the offence to which the warrant relates is punishable, in the case of a person who has attained the age of 18, with imprisonment, or”.



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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2012/2574, Sch. by [S.I. 2012/2761 art. 2](#)

**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. 150(aa) inserted by [2012 c. 10 Sch. 26 para. 19\(2\)](#) (This amendment not applied to legislation.gov.uk. Sch. 26 para. 19 omitted (11.12.2013) by virtue of 2013 c. 22, Sch. 16 para. 23(2); S.I. 2013/2981, art. 2(d))
- s. 150(ba) inserted by [2012 c. 10 Sch. 26 para. 19\(3\)](#) (This amendment not applied to legislation.gov.uk. Sch. 26 para. 19 omitted (11.12.2013) by virtue of 2013 c. 22, Sch. 16 para. 23(2); S.I. 2013/2981, art. 2(d))
- s. 151(A1) inserted by [2008 c. 4 s. 11\(3\)](#)
- s. 151(1A) inserted by [2008 c. 4 s. 11\(5\)](#)
- s. 151(1A)(b) word substituted by [2008 c. 4 Sch. 4 para. 76\(3\)](#) (This amendment not applied to legislation.gov.uk. S. 151(1A) is still only prospectively inserted by 2008 c. 4, s. 11(5))
- s. 151(1A)(c) substituted by [2009 c. 25 Sch. 17 para. 8\(3\)](#) (This amendment not applied to legislation.gov.uk. S. 151(1A) is still only prospectively inserted by 2008 c. 4, s. 11(5))
- s. 151(2A)(b) substituted by [2009 c. 25 Sch. 17 para. 8\(4\)](#)
- s. 151(4A) inserted by [2009 c. 25 Sch. 17 para. 8\(5\)](#)
- s. 151(8)(a) words substituted by [2009 c. 25 Sch. 17 para. 8\(6\)\(a\)](#)
- s. 151(8)(b) words inserted by [2009 c. 25 Sch. 17 para. 8\(6\)\(b\)\(i\)](#)
- s. 151(8)(b) words substituted by [2009 c. 25 Sch. 17 para. 8\(6\)\(b\)\(ii\)](#)
- s. 151(8)(c)-(f) inserted by [2009 c. 25 Sch. 17 para. 8\(6\)\(c\)](#)
- s. 165(5) inserted by [2014 c. 12 s. 179\(3\)](#)
- s. 237(1A) inserted by [2006 c. 48 s. 34\(3\)](#)
- s. 237(1B)(f)(g) inserted by [2021 c. 11 Sch. 13 para. 40\(b\)](#)
- s. 239A inserted by [2015 c. 2 s. 8\(1\)](#)
- s. 239A cross-heading inserted by [2015 c. 2 Sch. 3 para. 5](#)
- s. 250(5C) inserted by [2015 c. 2 Sch. 3 para. 7\(4\)](#)
- s. 255A(4A) inserted by [2015 c. 2 s. 9\(2\)](#)
- s. 255B(3A) inserted by [2015 c. 2 s. 9\(3\)\(b\)](#)
- s. 255B(4A)-(4C) inserted by [2015 c. 2 s. 9\(3\)\(d\)](#)
- s. 255C(3A) inserted by [2015 c. 2 s. 9\(4\)\(b\)](#)
- s. 255C(4A)-(4C) inserted by [2015 c. 2 s. 9\(4\)\(d\)](#)
- s. 256A(1)-(1B) substituted for s. 256A(1) by [2015 c. 2 s. 9\(6\)\(a\)](#)
- s. 256A(4A)(4B) inserted by [2015 c. 2 s. 9\(6\)\(f\)](#)
- s. 256A(5)(6) substituted for s. 256A(5) by [2015 c. 2 s. 9\(6\)\(g\)](#)
- s. 256AZA inserted by [2015 c. 2 s. 10\(1\)](#)
- s. 257(3) inserted by [2006 c. 48 s. 34\(4\)](#)
- s. 258(1A) inserted by [2006 c. 48 s. 34\(5\)](#)
- s. 260(4)(aa) substituted for word by [2008 c. 4 s. 34\(7\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S. 34(2)(4)(b)(7)(10) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(b); S.I. 2012/2906, art. 2(d))

- Sch. 15B para. 49A omitted by [S.I. 2019/780 reg. 26\(4\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- Sch. 15B para. 49B omitted by [S.I. 2019/780 reg. 26\(4\)\(d\)](#) (This amendment not applied to legislation.gov.uk. Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- Sch. 20B para. 34(6)(7) substituted for Sch. 20B para. 34(6) by [2015 c. 2 Sch. 3 para. 10](#)