



Criminal Justice Act 2003

2003 CHAPTER 44

PART 4

CHARGING ETC

29 [F¹Instituting proceedings by written charge]

(1) A [F²relevant prosecutor] may institute criminal proceedings against a person by issuing a document (a “written charge”) which charges the person with an offence.

[F³(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.

[F⁴(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.

(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.]

[F⁵(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).

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- (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) [^{F6}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.
- [^{F7}(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.]

[^{F8}(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) [^{F9}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 [^{F10}“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,
 - ^{F11}(ca)
 - [^{F12}(cb) the [^{F13}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

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- (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.

[^{F14}(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**
- 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

- I1** 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

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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](#)

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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](#)