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Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, Cross Heading: Director of Public Prosecutions. (See end of Document for details)

SCHEDULES

SCHEDULE 2

FUNCTIONS OF APPLICANT AUTHORITIES UNDER PART 1

Director of Public Prosecutions

- 1 The functions of the Director of Public Prosecutions under this Part are—
 - (a) to have the conduct of applications for serious crime prevention orders in England and Wales or for their variation or discharge;
 - (b) to appear on any application made under section 17 or 18 by another person for the variation or discharge of a serious crime prevention order in England and Wales;
 - (c) to have the conduct of, or (as the case may be) appear in, any other proceedings in connection with serious crime prevention orders (whether proceedings on appeal, by virtue of section 27 or otherwise);
 - (d) to give advice in connection with any proceedings or possible proceedings in connection with serious crime prevention orders; and
 - (e) to do anything for the purposes of, or in connection with, the functions in paragraphs (a) to (d).

Commencement Information

- II Sch. 2 para. 1 in force at 6.4.2008 by S.I. 2008/755, art. 15(1)(h)
- 2 (1) The Director may, to such extent as he may decide, delegate the exercise of his functions under this Part to a Crown Prosecutor.
 - (2) References in this Part to the Director are accordingly to be read, so far as necessary for the purposes of sub-paragraph (1), as references to the Director or any Crown Prosecutor.

Commencement Information

- I2 Sch. 2 para. 2 in force at 6.4.2008 by S.I. 2008/755, art. 15(1)(h)
- The functions of the Director under this Part are exercisable under the superintendence of the Attorney General.

Commencement Information

- I3 Sch. 2 para. 3 in force at 6.4.2008 by S.I. 2008/755, art. 15(1)(h)
- 4 (1) The Code for Crown Prosecutors issued under section 10 of the Prosecution of Offences Act 1985 (c. 23) (guidelines for Crown Prosecutors) may include guidance

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by the Director on general principles to be applied by Crown Prosecutors in determining in any case—

- (a) whether to make an application for a serious crime prevention order in England and Wales or for the variation or discharge of such an order;
- (b) whether to present a petition by virtue of section 27 of this Act; or
- (c) where such an application has been made or petition presented, whether the proceedings concerned should be discontinued.
- (2) Section 10(2) and (3) of that Act (power to make alterations in the Code and duty to set out alterations in Director's report) are to be read accordingly.

Commencement Information

- I4 Sch. 2 para. 4 in force at 1.3.2008 by S.I. 2008/219, art. 3(c)
- Section 14 of that Act (power of Attorney General to make regulations about fees of legal representatives and costs and expenses of witnesses) applies in relation to proceedings in connection with serious crime prevention orders and attendance for the purposes of such cases as it applies in relation to criminal proceedings and attendance for the purposes of such cases.

Commencement Information

I5 Sch. 2 para. 5 in force at 6.4.2008 by S.I. 2008/755, art. 15(1)(h)

[F15A. Section 21 of the Commissioners for Revenue and Customs Act 2005 (disclosure to prosecuting authority) has effect as if the purpose mentioned in subsection (1)(b) included the purpose of enabling the Director to exercise the Director's functions under this Part.]

Textual Amendments

F1 Sch. 2 para. 5A 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. 2 para. 52(2)

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