

1985 No. 2010

## CRIMINAL LAW, ENGLAND AND WALES

**The Prosecution of Offences Act 1985  
(Specified Proceedings) Order 1985**

<i>Made - - - -</i>	<i>18th December 1985</i>
<i>Laid before Parliament</i>	<i>19th December 1985</i>
<i>Coming into Operation</i>	<i>1st April 1986</i>

The Attorney General, in exercise of the powers conferred upon him by section 3(3) of the Prosecution of Offences Act 1985 (a), hereby makes the following Order:

1. This Order may be cited as the Prosecution of Offences Act 1985 (Specified Proceedings) Order 1985 and shall come into operation on 1st April 1986.

2.—(1) Subject to paragraphs (2) and (3) below, proceedings for the offences mentioned in the Schedule to this Order are hereby specified for the purposes of section 3 of the Prosecution of Offences Act 1985 (which, amongst other things, places a duty on the Director of Public Prosecutions to take over the conduct of all criminal proceedings, other than specified proceedings, instituted on behalf of a police force).

(2) Where a summons has been issued in respect of an offence mentioned in the Schedule to this Order, proceedings for that offence cease to be specified when the summons is served on the accused unless the documents described in paragraphs (a) and (b) of section 12(1) of the Magistrates' Courts Act 1980 (b) (pleading guilty by post etc.) are served upon the accused with the summons.

(3) Proceedings for an offence cease to be specified if at any time a magistrates' court begins to receive evidence in those proceedings; and for the purpose of this paragraph nothing read out before the court under section 12(4) of the Magistrates' Courts Act 1980 shall be regarded as evidence.

*Michael Havers,*  
Her Majesty's Attorney General.

18th December 1985.

(a) 1985 c.23.

(b) 1980 c.43; section 12 is amended by paragraph 1 of Schedule 1 to the Prosecution of Offences Act 1985.

## SCHEDULE

## OFFENCES PROCEEDINGS FOR WHICH ARE SPECIFIED BY ARTICLE 2(1)

1. Fixed penalty offences within the meaning of section 27(5) of the Transport Act 1982(a) .
2. The offence under section 8(1) of the Vehicles (Excise) Act 1971(b) .
3. The offences under sections 18, 20, 21, 30(1) and (2), 33(2), 33AA(3), 44(1), 161(4) and (5), 162(1), 164(1) and 168(3) of the Road Traffic Act 1972(e) .
4. All offences under the Road Traffic Regulation Act 1984(d) other than those under sections 35(5), 43(5) and (12), 47(3), 52(1), 108(3), 115(1) and (2), 116(1) and 129(3) and paragraph 6(3) of Schedule 12 or those mentioned in paragraph 1 above.
5. The offences arising by contravention of Regulations 3(9) (involving a pedal cycle) and 4(27), (28) and (30) of the Royal and other Parks and Gardens Regulations 1977(e) .

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order specifies proceedings for the offences set out in the Schedule for the purposes of section 3 of the Prosecution of Offences Act 1985 if those proceedings are commenced by the prosecution so as to give the accused the opportunity of pleading guilty by post under section 12 of the Magistrates' Courts Act 1980. They cease to be specified if at any time a magistrates' court begins to receive evidence in those proceedings. The effect is that the duty of the Director of Public Prosecutions as Head of the Crown Prosecution Service to take over the conduct of all criminal proceedings instituted on behalf of a police force will not include a duty to take over the conduct of proceedings specified by this Order.

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(a) 1982 c.49.

(b) 1971 c.10.

(c) 1972 c.20.

(d) 1984 c.27.

(e) S.I. 1977/217.