

1999 No. 904

CRIMINAL LAW, ENGLAND AND WALES

The Prosecution of Offences Act 1985 (Specified Proceedings) Order 1999

<i>Made</i> - - - -	<i>18th March 1999</i>
<i>Laid before Parliament</i>	<i>22nd March 1999</i>
<i>Coming into Operation</i>	<i>4th May 1999</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 1999 and shall come into operation on 4th May 1999.

2. The Prosecution of Offences Act 1985 (Specified Proceedings) Order 1985(b) is hereby revoked.

3.—(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 section 12(3)(b) of the Magistrates' Courts Act 1980(c) (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(7) of the Magistrates' Courts Act 1980 shall be regarded as evidence.

18th March 1999

John Morris
Her Majesty's Attorney General

(a) 1985 c.23.

(b) S.I. 1985/2010, amended by S.I. 1988/1121.

(c) 1980 c.43; section 12 was substituted by paragraph 1 of Schedule 5 to the Criminal Justice and Public Order Act 1994 (c.33) and amended by section 1 of the Magistrates' Courts (Procedure) Act 1998 (c.15).

OFFENCES PROCEEDINGS FOR WHICH ARE SPECIFIED BY ARTICLE 3(1)

1. Fixed penalty offences within the meaning of section 51(1) of the Road Traffic Offenders Act 1988**(a)**.
2. The offences under section 29(1) of the Vehicle Excise and Registration Act 1994**(b)**.
3. The offences under sections 17(2), 18(3), 24(3), 26(1) and (2), 29, 31(1), 42(b), 47(1), 87(2), 143, 164(6) and (9), 165(3) and (6), 168 and 172(3) of the Road Traffic Act 1988**(c)**.
4. All offences under the Road Traffic Regulation Act 1984**(d)** other than those under sections 35A(2), 43(5) and (12), 47(3), 52(1), 108(3), 115(1) and (2), 116(1) and 129(3) or those mentioned in paragraph 1 above.
5. The offences arising by contravention of Regulations 3(9)(a) (involving a pedal cycle) and 3(9)(b) and 4(27), (28) and (30) of the Royal and Other Open Spaces Regulations 1997**(e)**.

(a) 1988 c.53.

(b) 1994 c.22.

(c) 1988 c.52. Section 29 was amended by Schedule 8 to the Road Traffic Act 1991 (c.40). Section 42(b) was substituted by section 8(2) of the Road Traffic Act 1991. Section 87(2) was amended by section 17(2) of the Road Traffic Act 1991. Section 164(6) was amended by paragraph 18(c) of Schedule 3 to the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22), by paragraph 68(6) of Schedule 4 to and Schedule 8 to the Road Traffic Act 1991, by regulations 2(1) and 3 of and paragraph 9(e) of Schedule 1 to the Driving Licences (Community Driving Licence) Regulations 1990 (S.I. 1990/144); and its application to licences was modified by regulation 74(2A)(e) of the Motor Vehicles (Driving Licences) Regulations 1996 (S.I. 1996/2824) as substituted by regulation 22 of the Motor Vehicles (Driving Licences) (Amendment) Regulations 1998 (S.I. 1998/20). Section 168 was amended by paragraph 71 of Schedule 4 to the Road Traffic Act 1991. Section 172(3) was substituted by section 21 of the Road Traffic Act 1991.

(d) 1984 c.27. Section 35A(2) was inserted by section 2 of the Parking Act 1989 (c.16). Section 43(5) was amended by Schedule 17 to the Local Government Act 1985 (c.51). Section 47(3) was amended by paragraph 3(a) of the Schedule to the Parking Act 1989. Section 115(1) was substituted by section 2(2) of the Road Traffic Regulation (Parking) Act 1986 (c.27).

(e) S.I. 1997/1639.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and re-enacts the provisions of the Prosecutions of Offences Act (Specified Proceedings) Order 1985 with amendments to take account of section 1 of the Magistrates' Courts (Procedure) Act 1998. It 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. Section 12 was amended by section 1 of the Magistrates' Courts (Procedures) Act 1998 to permit the prosecution to serve a witness statement or statements instead of a statement of facts. Proceedings 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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Proceedings) Order 1999

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