

2018 No. 198

CRIMINAL LAW, ENGLAND AND WALES

**The Prosecution of Offences Act 1985 (Specified Proceedings)
(Amendment) Order 2018**

Made - - - - - *20th February 2018*

Laid before Parliament *21st February 2018*

Coming into force in accordance with article 1

The Attorney General makes the following Order in exercise of the powers conferred by section 3(3) of the Prosecution of Offences Act 1985(a).

Citation and commencement

1. This Order may be cited as the Prosecution of Offences Act 1985 (Specified Proceedings) (Amendment) Order 2018 and comes into force on the day which is 21 days after the date on which it is laid.

Amendment of the Prosecution of Offences Act 1985 (Specified Proceedings) Order 1999

2. Article 3 of the Prosecution of Offences Act 1985 (Specified Proceedings) Order 1999(b) is amended by inserting the following after paragraph (4)—

“(5) In this article—

“evidence” does not include anything that is considered by the court when trying a written charge in accordance with section 16A (trial by single justice on the papers) of the Magistrates’ Courts Act 1980(c);

“summons” does not include a summons issued under section 16B(3)(b) (cases not tried by single justice on the papers) or section 16C(3)(b) (cases that cease to be tried by single justice on the papers) of the Magistrates’ Courts Act 1980.”.

20th February 2018

Jeremy Wright
Attorney General

(a) 1985 c.23. See definition of “specified proceedings”.

(b) S.I. 1999/904, amended by S.I. 2012/1635, 2012/2067, 2012/2681.

(c) 1980 c.43. Sections 16A to 16C were inserted by section 48 of the Criminal Justice and Courts Act 2015 (c.2).

EXPLANATORY NOTE

(This note is not part of the Order)

Section 3 of the Prosecution of Offences Act 1985 (c.23) sets out the functions of the Director of Public Prosecutions. These include taking over the conduct of all criminal proceedings instituted on behalf of a police force, unless the proceedings are specified in an Order made by the Attorney General under section 3(3) of that Act.

The Prosecution of Offences Act 1985 (Specified Proceedings) Order 1999 (S.I. 1999/904, the “1999 Order”) specifies proceedings for certain offences, but provides that proceedings cease to be specified in certain circumstances, namely those described in article 3 of the 1999 Order.

This Order clarifies the meaning of certain terms used in article 3 of the 1999 Order. In particular, the amendment clarifies that proceedings tried in accordance with the single justice procedure under section 16A of the Magistrates’ Court Act 1980 (c.43) do not cease to be specified proceedings in the circumstances described in article 3 of the 1999 Order.

A full regulatory impact assessment has not been produced for this Order as no impact on the private or voluntary sectors is foreseen.

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