



# Prosecution of Offences Act 1985

## CHAPTER 23

### PROSECUTION OF OFFENCES ACT 1985

#### PART I

##### THE CROWN PROSECUTION SERVICE

###### *Constitution and functions of Service*

- 1 The Crown Prosecution Service.
- 2 The Director of Public Prosecutions
- 3 Functions of the Director.
- 4 Crown Prosecutors.
- 5 Conduct of prosecutions on behalf of the Service.
- 6 Prosecutions instituted and conducted otherwise than by the Service.
- 7 Delivery of recognizances etc. to Director.
- 7A Powers of non-legal staff.

###### *Reports*

- 8 Reports to Director by chief officers of police.
- 9 Reports by Director to Attorney General.

###### *Guidelines*

- 10 Guidelines for Crown Prosecutors.

###### *Transfer of staff, etc.*

- 11 Transfer of staff.
- 12 Staff commission.
- 13 Premises formerly used in connection with Director's new functions.

*Status: Point in time view as at 20/01/2004.**Changes to legislation: Prosecution of Offences Act 1985 is up to date with all changes known to be in force on or before 23 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)**Miscellaneous*

- 14 Control of certain fees and expenses etc. paid by the Service.
- 15 Interpretation of Part I.

**PART II****COSTS IN CRIMINAL CASES***Award of costs out of central funds*

- 16 Defence costs.
- 17 Prosecution costs.

*Award of costs against accused*

- 18 Award of costs against accused.

*Other awards*

- 19 Provision for orders as to costs in other circumstances.
- 19A Costs against legal representatives etc.
- 19B Provision for award of costs against third parties

*Supplemental*

- 20 Regulations.
- 21 Interpretation, etc.

**PART III****MISCELLANEOUS**

- 22 Power of Secretary of State to set time limits in relation to preliminary stages of criminal proceedings.
- 22A Additional time limits for persons under 18.
- 22B Re-institution of proceedings stayed under section 22(4) or 22A(5).
- 23 Discontinuance of proceedings in magistrates' courts.
- 23A Discontinuance of proceedings after accused has been sent for trial.
- 24 Restriction of vexatious prosecutions.
- 25 Consents to prosecutions etc.
- 26 Consents to be admissible in evidence.
- 27 Care proceedings involving allegation of offences.
- 28 Repeal of s. 9 of Perjury Act 1911.

**PART IV****SUPPLEMENTAL**

- 29 Regulations.
- 30 Expenses.
- 31 Short title, commencement and extent etc.

**SCHEDULES****SCHEDULE 1 — Minor and Consequential Amendments****Part I — AMENDMENTS RELATING TO PART I**

*Status: Point in time view as at 20/01/2004.*

**Changes to legislation:** *Prosecution of Offences Act 1985 is up to date with all changes known to be in force on or before 23 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

*The Magistrates' Courts Act 1980 (c. 43)*

- 1 .....
- 2 In section 19 of that Act (in cases triable either...
- 3 In section 25 of that Act (power to change from...

*The Contempt of Court Act 1981 (c. 49)*

- 4 In paragraph 7 of Schedule 1 to the Contempt of...
  - 5 After paragraph 9 of Schedule 1 to that Act there...
- Part II — AMENDMENTS RELATING TO PART II

*The Criminal Justice Act 1967 (c. 80)*

- 6 In section 32 of the Criminal Justice Act 1967 (which...

*The Administration of Justice Act 1970 (c. 31)*

- 7 (1) Schedule 9 to the Administration of Justice Act 1970...

*The Criminal Justice Act 1972 (c. 71)*

- 8 In section 36 of the Criminal Justice Act 1972 (reference...

*The Supreme Court Act 1981 (c. 54)*

- 9 In section 52(3) of the Supreme Court Act 1981 (ambit...
  - 10 In section 52(4) of that Act, for the words “Costs...
- Part III — MISCELLANEOUS

*The Supreme Court Act 1981 (c. 54)*

- 11 In section 77 of the Supreme Court Act 1981 (Crown...

SCHEDULE 2 — Repeals

**Status:**

Point in time view as at 20/01/2004.

**Changes to legislation:**

Prosecution of Offences Act 1985 is up to date with all changes known to be in force on or before 23 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.