



Criminal Justice Act 1988

1988 CHAPTER 33

PART V

JURISDICTION, IMPRISONMENT, FINES, ETC.

Jurisdiction

[^{F1}39A Time limit for prosecution of common assault or battery in domestic abuse cases

- (1) This section applies to proceedings for an offence of common assault or battery where—
 - (a) the alleged behaviour of the accused amounts to domestic abuse, and
 - (b) the condition in subsection (2) or (3) is met.
- (2) The condition in this subsection is that—
 - (a) the complainant has made a witness statement with a view to its possible admission as evidence in the proceedings, and
 - (b) the complainant has provided the statement to—
 - (i) a constable of a police force, or
 - (ii) a person authorised by a constable of a police force to receive the statement.
- (3) The condition in this subsection is that—
 - (a) the complainant has been interviewed by—
 - (i) a constable of a police force, or
 - (ii) a person authorised by a constable of a police force to interview the complainant, and
 - (b) a video recording of the interview has been made with a view to its possible admission as the complainant's evidence in chief in the proceedings.
- (4) Proceedings to which this section applies may be commenced at any time which is both—

Changes to legislation: *Criminal Justice Act 1988, Section 39A is up to date with all changes known to be in force on or before 21 April 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) View outstanding changes*

- (a) within two years from the date of the offence to which the proceedings relate, and
 - (b) within six months from the first date on which either of the conditions in subsection (2) or (3) was met.
- (5) This section has effect despite section 127(1) of the Magistrates’ Court Act 1980 (limitation of time).
- (6) In this section—
- “domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2021;
 - “police force” has the meaning given by section 3(3) of the Prosecution of Offences Act 1985;
 - “video recording” has the meaning given by section 63(1) of the Youth Justice and Criminal Evidence Act 1999;
 - “witness statement” means a written statement that satisfies the conditions in section 9(2)(a) and (b) of the Criminal Justice Act 1967.
- (7) This section does not apply in relation to an offence committed before the coming into force of section 49 of the Police, Crime, Sentencing and Courts Act 2022.]

Textual Amendments

- F1** S. 39A inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 49**, 208(1); S.I. 2022/520, reg. 5(f)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 36(2)(b)(v) and word inserted by [2019 c. 17 s. 13\(3\)\(b\)](#)
- s. 36(3A)(3B) substituted for s. 36(3A) by [2008 c. 4 s. 46\(2\)](#)
- s. 41(4A) inserted by [2004 c. 28 Sch. 10 para. 28](#)
- s. 139AZA(1)(a)(iii) and word inserted by [2019 c. 17 s. 13\(4\)\(b\)](#)