



Criminal Procedure and Investigations Act 1996

1996 CHAPTER 25

PART VII

MISCELLANEOUS AND GENERAL

Tainted acquittals

54 Acquittals tainted by intimidation etc

- (1) This section applies where—
 - (a) a person has been acquitted of an offence, and
 - (b) a person has been convicted of an administration of justice offence involving interference with or intimidation of a juror or a witness (or potential witness) in any proceedings which led to the acquittal.
- (2) Where it appears to the court before which the person was convicted that—
 - (a) there is a real possibility that, but for the interference or intimidation, the acquitted person would not have been acquitted, and
 - (b) subsection (5) does not apply,the court shall certify that it so appears.
- (3) Where a court certifies under subsection (2) an application may be made to the High Court for an order quashing the acquittal, and the Court shall make the order if (but shall not do so unless) the four conditions in section 55 are satisfied.
- (4) Where an order is made under subsection (3) proceedings may be taken against the acquitted person for the offence of which he was acquitted.
- (5) This subsection applies if, because of lapse of time or for any other reason, it would be contrary to the interests of justice to take proceedings against the acquitted person for the offence of which he was acquitted.

Status: This is the original version (as it was originally enacted).

- (6) For the purposes of this section the following offences are administration of justice offences—
- (a) the offence of perverting the course of justice;
 - (b) the offence under section 51(1) of the Criminal Justice and Public Order Act 1994 (intimidation etc. of witnesses, jurors and others);
 - (c) an offence of aiding, abetting, counselling, procuring, suborning or inciting another person to commit an offence under section 1 of the Perjury Act 1911.
- (7) This section applies in relation to acquittals in respect of offences alleged to be committed on or after the appointed day.
- (8) The reference in subsection (7) to the appointed day is to such day as is appointed for the purposes of this section by the Secretary of State by order.

55 Conditions for making order

- (1) The first condition is that it appears to the High Court likely that, but for the interference or intimidation, the acquitted person would not have been acquitted.
- (2) The second condition is that it does not appear to the Court that, because of lapse of time or for any other reason, it would be contrary to the interests of justice to take proceedings against the acquitted person for the offence of which he was acquitted.
- (3) The third condition is that it appears to the Court that the acquitted person has been given a reasonable opportunity to make written representations to the Court.
- (4) The fourth condition is that it appears to the Court that the conviction for the administration of justice offence will stand.
- (5) In applying subsection (4) the Court shall—
 - (a) take into account all the information before it, but
 - (b) ignore the possibility of new factors coming to light.
- (6) Accordingly, the fourth condition has the effect that the Court shall not make an order under section 54(3) if (for instance) it appears to the Court that any time allowed for giving notice of appeal has not expired or that an appeal is pending.

56 Time limits for proceedings

- (1) Where—
 - (a) an order is made under section 54(3) quashing an acquittal,
 - (b) by virtue of section 54(4) it is proposed to take proceedings against the acquitted person for the offence of which he was acquitted, and
 - (c) apart from this subsection, the effect of an enactment would be that the proceedings must be commenced before a specified period calculated by reference to the commission of the offence,in relation to the proceedings the enactment shall have effect as if the period were instead one calculated by reference to the time the order is made under section 54(3).
- (2) Subsection (1)(c) applies however the enactment is expressed so that (for instance) it applies in the case of—
 - (a) paragraph 10 of Schedule 2 to the Sexual Offences Act 1956 (prosecution for certain offences may not be commenced more than 12 months after offence);

- (b) section 127(1) of the Magistrates' Courts Act 1980 (magistrates' court not to try information unless it is laid within 6 months from time when offence committed);
- (c) an enactment that imposes a time limit only in certain circumstances (as where proceedings are not instituted by or with the consent of the Director of Public Prosecutions).

57 Tainted acquittals: supplementary

- (1) Section 45 of the Offences Against the Person Act 1861 (which releases a person from criminal proceedings in certain circumstances) shall have effect subject to section 54(4) of this Act.
- (2) The Contempt of Court Act 1981 shall be amended as mentioned in subsections (3) and (4).
- (3) In section 4 (contemporary reports of proceedings) after subsection (2) there shall be inserted—
 - “(2A) Where in proceedings for any offence which is an administration of justice offence for the purposes of section 54 of the Criminal Procedure and Investigations Act 1996 (acquittal tainted by an administration of justice offence) it appears to the court that there is a possibility that (by virtue of that section) proceedings may be taken against a person for an offence of which he has been acquitted, subsection (2) of this section shall apply as if those proceedings were pending or imminent.”
- (4) In Schedule 1 (time when proceedings are active for purposes of section 2) in paragraph 3 (period for which criminal proceedings are active) after “4” there shall be inserted “or 4A”, and after paragraph 4 there shall be inserted—
 - “4A Where as a result of an order under section 54 of the Criminal Procedure and Investigations Act 1996 (acquittal tainted by an administration of justice offence) proceedings are brought against a person for an offence of which he has previously been acquitted, the initial step of the proceedings is a certification under subsection (2) of that section; and paragraph 4 has effect subject to this.”