

# JUSTICE (NORTHERN IRELAND) ACT 2002

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## EXPLANATORY NOTES

### COMMENTARY

#### **Part 2: Law Officers and Public Prosecution Service**

#### **Public Prosecution Service**

#### *Section 31: Conduct of prosecutions*

60. This section sets out the core functions of the Prosecution Service. It will be the responsibility of the Prosecution Service to undertake all prosecutions for both indictable and summary offences committed in Northern Ireland that were previously the responsibility of the Director of Public Prosecutions for Northern Ireland or the police.
61. Under *subsection (1)*, the Director will have a duty to take over all prosecutions instituted by the police. On commencement the Director will take over responsibility for all prosecutions instituted by the police. Section 89(4) provides that if, for example, preparatory work is not sufficiently advanced to allow the Prosecution Service to take on all prosecutions at that time, the Director will only have responsibility for those types of prosecutions which it is reasonably practicable for him to conduct. Under *subsection (2)*, the Director will also be able to institute criminal proceedings himself where he considers it appropriate.
62. *Subsection (3)* ensures that the right to institute private prosecutions remains, although it will continue to be open to the Director to take over any privately instituted prosecution under *subsection (4)* (other than proceedings instituted by the Serious Fraud Office). *Subsection (5)* requires the Director to give advice to police forces operating in Northern Ireland on prosecutorial matters. Advice is limited to such issues; it is not intended that the Director should supervise police investigations.