

SCHEDULES

SCHEDULE 17

DEFERRED PROSECUTION AGREEMENTS

PART 1

GENERAL

Court approval of DPA: final hearing

- 8 (1) When a prosecutor and P have agreed the terms of a DPA, the prosecutor must apply to the Crown Court for a declaration that—
- (a) the DPA is in the interests of justice, and
 - (b) the terms of the DPA are fair, reasonable and proportionate.
- (2) But the prosecutor may not make an application under sub-paragraph (1) unless the court has made a declaration under paragraph 7(1) (declaration on preliminary hearing).
- (3) A DPA only comes into force when it is approved by the Crown Court making a declaration under sub-paragraph (1).
- (4) The court must give reasons for its decision on whether or not to make a declaration under sub-paragraph (1).
- (5) A hearing at which an application under this paragraph is determined may be held in private.
- (6) But if the court decides to approve the DPA and make a declaration under sub-paragraph (1) it must do so, and give its reasons, in open court.
- (7) Upon approval of the DPA by the court, the prosecutor must publish—
- (a) the DPA,
 - (b) the declaration of the court under paragraph 7 and the reasons for its decision to make the declaration,
 - (c) in a case where the court initially declined to make a declaration under paragraph 7, the court's reason for that decision, and
 - (d) the court's declaration under this paragraph and the reasons for its decision to make the declaration,
- unless the prosecutor is prevented from doing so by an enactment or by an order of the court under paragraph 12 (postponement of publication to avoid prejudicing proceedings).