



# Police, Crime, Sentencing and Courts Act 2022

## 2022 CHAPTER 32

### PART 2

#### PREVENTION, INVESTIGATION AND PROSECUTION OF CRIME

#### CHAPTER 4

##### OTHER PROVISIONS

##### *Domestic abuse*

#### **49 Time limit for prosecution of common assault or battery in domestic abuse cases**

After section 39 of the Criminal Justice Act 1988 insert—

##### **“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

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***Changes to legislation:** There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Cross Heading: Domestic abuse. (See end of Document for details)*

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- (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—
  - (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.”

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**Commencement Information**

- I1** S. 49 not in force at Royal Assent, see [s. 208\(1\)](#)
- I2** [S. 49](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(f\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Cross Heading: Domestic abuse.