
STATUTORY INSTRUMENTS

2005 No. 1259

The Sudan (United Nations Measures) Order 2005

Proceedings

10.—(1) Proceedings against any person for an offence under this Order may be taken before the appropriate court in the United Kingdom having jurisdiction in the place where that person is for the time being.

(2) Summary proceedings for an offence under this Order may be tried by a magistrate's court in England and Wales if any information is laid at any time within twelve months after the date on which evidence sufficient in the opinion of the prosecutor to justify the proceedings came to his knowledge, provided that such proceedings are not commenced after the expiration of three years from the commission of the offence.

(3) Summary proceedings in Scotland for an offence under this Order may be commenced at any time within twelve months after the date on which evidence sufficient in the Lord Advocate's opinion to justify the proceedings came to his knowledge, provided that such proceedings are not commenced after the expiration of three years from the commission of the offence; section 136(3) of the Criminal Procedure (Scotland) Act 1995(1) applies for the purpose of this paragraph as it applies for the purpose of that section.

(4) Summary proceedings in Northern Ireland for an offence under this Order may be instituted at any time within twelve months after the date on which evidence sufficient in the opinion of the prosecutor to justify the proceedings came to his knowledge, provided that such proceedings are not instituted after the expiration of three years from the commission of the offence.

(5) For the purposes of this article—

- (a) a certificate signed by or on behalf of the prosecutor or the Lord Advocate as to the date on which such evidence as is referred to in paragraphs (2) to (4) came to his knowledge is conclusive evidence of that fact; and
- (b) a certificate purporting to be so signed is presumed to be so signed unless the contrary is proved.

(6) In England and Wales, section 24 of the Police and Criminal Evidence Act 1984(2) applies to the offences under this Order that are not arrestable offences by virtue of the term of imprisonment for which a person may be sentenced in respect of them, as if they were mentioned in Schedule 1A of that Act.

(7) In Scotland, where a constable reasonably believes that a person has committed or is committing an offence under this Order, he may arrest that person without a warrant.

(8) In Northern Ireland, Article 26 of the Police and Criminal Evidence (Northern Ireland) Order 1989(3) applies to the offences under this Order that are not arrestable offences by virtue of the term of imprisonment for which a person may be sentenced in respect of them, as if they were mentioned in paragraph (2) of that Article.

(1) 1995 c. 46.

(2) 1984 c. 60, as amended by the Police Reform Act 2002 (c. 30).

(3) S.I.1989/1341 (N.I. 12), to which there are amendments not relevant to this Order.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(9) No proceedings for an offence under this Order, other than for a summary offence, can be instituted in England, Wales or Northern Ireland except by the Treasury or with the consent of the Attorney-General or, as the case may be, the Attorney-General for Northern Ireland.

(10) Paragraph (9) does not prevent the arrest of any person in respect of such an offence, or the remand in custody or on bail of any person charged with such an offence, notwithstanding that the necessary consent to the institution of proceedings for the offence has not been obtained.