
STATUTORY INSTRUMENTS

2005 No. 384

The Criminal Procedure Rules 2005

PART 40

TAINTED ACQUITTALS

Service of a copy of the certification

40.3.—(1) Where a magistrates' court or the Crown Court makes a certification as referred to in section 54(2) of the Criminal Procedure and Investigations Act 1996, the court officer shall, as soon as practicable after the drawing up of the form, serve a copy on the acquitted person referred to in the certification, on the prosecutor in the proceedings which led to the acquittal, and, where the acquittal has taken place before a court other than, or at a different place to, the court where the certification has been made, on—

- (a) the clerk of the magistrates' court before which the acquittal has taken place; or
- (b) the Crown Court officer at the place where the acquittal has taken place.

(2) Service as referred to in paragraph (1) above may be made by delivering the copy of the form to the person to be served (where that person is an individual), or by sending it by post in a letter addressed to him at his usual or last known residence or place of business in England or Wales; in the case of a company, such a letter may also be addressed to the company at its registered office in England or Wales (if it has such a registered office).

(3) If the person to be served is acting by a solicitor, the copy of the form may be served by delivering it, or by sending it by post, to the solicitor's address for service.

(4) In paragraph (3) "solicitor" includes a body corporate which is recognised by the Council of the Law Society under section 9 of the Administration of Justice Act 1985 (1) (a "recognised body") and, in the case of a recognised body, the reference to the solicitor's address for service shall be construed as a reference to the address specified by the recognised body as its address for the purposes of the service of the copy of the form (including where the person to be served is a party to the proceedings which led to the conviction referred to in the form, an address specified for the general purposes of those proceedings), or, in the absence of such a specified address, to its registered office.

[Note. Formerly rule 4 of the Magistrates' Courts (Criminal Procedure and Investigations Act 1996) (Tainted Acquittals) Rules 1997 and rule 4 of the Crown Court (Criminal Procedure and Investigations Act 1996) (Tainted Acquittals) Rules 1997.]

(1) 1985 c. 61; section 9 was amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraph 54 and Schedule 20, the Access to Justice Act 1999 (c. 22), Schedule 15, Part 2, S.I. 2001/1090, Schedule 5, paragraph 12 and S.I. 2003/1887, Schedule 2, paragraph 6(a).