
STATUTORY INSTRUMENTS

2014 No. 834

The Public Bodies (Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions) Order 2014

Citation, commencement and extent

1.—(1) This Order may be cited as the Public Bodies (Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions) Order 2014 and comes into force on the day after the day on which it is made.

(2) Any amendment, repeal or revocation made by this Order has the same extent as the enactment to which it relates.

Interpretation

2. In this Order—

“the CPS” means the Crown Prosecution Service;

“the CRCA 2005” means the Commissioners for Revenue and Customs Act 2005(1);

“the DPP” means the Director of Public Prosecutions;

“the DRCP” means the Director of Revenue and Customs Prosecutions;

“the POA 1985” means the Prosecution of Offences Act 1985(2);

“the RCPO” means the Revenue and Customs Prosecutions Office.

Abolition of the DRCP and transfer of statutory functions to the DPP: merger of offices

3.—(1) The office of the DRCP(3) is abolished.

(2) Subject to provision made by Schedules 1 to 3 to this Order, the functions of the DRCP are transferred to the DPP.

(3) The following Schedules have effect—

(a) Schedule 1 (amendments of the POA 1985 and the CRCA 2005);

(b) Schedule 2 (amendments of other Acts);

(c) Schedule 3 (amendments of secondary legislation).

Transfer of property, rights and liabilities

4.—(1) All property, rights and liabilities to which the DRCP or the RCPO is entitled or subject at the coming into force of this Order are transferred to the DPP or, as the case may be, the CPS.

(1) 2005 c. 11.

(2) 1985 c. 23.

(3) The office of the DRCP was established by section 34(1) of the CRCA 2005. The Director and his staff are together referred to as the RCPO.

- (2) Paragraph (1) has effect in relation to property, rights and liabilities—
 - (a) whether or not they would otherwise be capable of being transferred;
 - (b) without any instrument or other formality being required;
 - (c) irrespective of any requirement for consent that would otherwise apply.

The abolition of the office of the DRCP: supplementary

5.—(1) This Order does not affect the validity of anything done (or having effect as if done) by or in relation to the DRCP before the coming into force of this Order.

(2) Anything done (or having effect as if done) by or in relation to the DRCP has effect, so far as is necessary for continuing its effect after the coming into force of this Order, as if done by or in relation to the DPP.

(3) Anything (including legal proceedings) which at the coming into force of this Order is in the process of being done by or in relation to the DRCP may be continued by or in relation to the DPP.

(4) So far as is necessary or appropriate, after the coming into force of this Order, a reference to the DRCP in an enactment, agreement (whether written or not), instrument or other document is to be treated as a reference to the DPP.

- (5) In this article—
 - (a) a reference to the DRCP includes a reference to the RCPO, a Revenue and Customs Prosecutor, a member of the staff of the RCPO other than a Revenue and Customs Prosecutor and a person appointed under section 38(4) of the CRCA 2005, and
 - (b) a reference to the DPP is to be read, so far as is necessary or appropriate, as being a reference to the CPS, a Crown Prosecutor, a member of the staff of the CPS other than a Crown Prosecutor or a person appointed under section 5(5) of the POA 1985.

Saving of powers to conduct proceedings

6.—(1) Where the DPP has conduct of proceedings by virtue of article 5(3), the DPP is to be treated, notwithstanding the repeals and amendments made by this Order—

- (a) as acting under the enactment under which the DRCP was acting at the coming into force of this Order, and
- (b) as having the same powers to take steps in relation to those proceedings as the DRCP would have had.

- (2) In this article—
 - (a) a reference to the DRCP includes a reference to a Revenue and Customs Prosecutor and a person appointed under section 38 of the CRCA 2005, and
 - (b) a reference to the DPP is to be read, so far as is necessary or appropriate, as being a reference to a Crown Prosecutor or a person appointed under section 5 of the POA 1985.

Transfer of appointments, etc

7. An appointment of a person under section 38 of the CRCA 2005 (appointment of person to conduct proceedings on behalf of the RCPO) relating to—

- (a) specified proceedings, or
- (b) a specified class or description of proceedings,

(4) Section 38(1A) was inserted by the Serious Crime Act 2007 (c. 27), section 84(3).

(5) Section 5(1) was amended by the Courts and Legal Services Act 1990 (c.41), section 71(2), Schedule 10, paragraph 61(2) and by the Extradition Act 2003, section 190(1) and (4).

is to be treated after the coming into force of this Order as if it were an appointment of a person by the DPP under section 5 of the POA 1985 relating to the same proceedings or the same class or description of proceedings.

Assignment of functions

8. An assignment of a function to the DRCP by order under section 31(1) of the Borders, Citizenship and Immigration Act 2009⁽⁶⁾ (power to assign prosecution functions relating to criminal investigations by designated customs officials etc) is to be treated after the coming into force of this Order as if it were an assignment to the DPP under section 3(2)(g)⁽⁷⁾ of the POA 1985.

Confidentiality of information

9. Information held by the CPS by reason of a transfer of property, rights and liabilities to the DPP or the CPS under article 4 is to be treated for the purposes of section 40⁽⁸⁾ of the CRCA 2005 (as amended by this Order) as if it were information disclosed to the DPP by Her Majesty's Revenue and Customs for use in connection with a Revenue and Customs function of the DPP (within the meaning of section 40(6A) of the CRCA 2005).

Superintendence of the Attorney General

10. Functions exercisable by the DPP by virtue of this Order are to be discharged under the superintendence of the Attorney General.

Signed by the authority of the Secretary of State

26th March 2014

Damian Green
Minister of State
Ministry of Justice

⁽⁶⁾ 2009 c. 11.

⁽⁷⁾ No amendments have been made to section 3(2)(g). Amendments to section 3 appear below.

⁽⁸⁾ Section 40(2)(ca) was inserted by the Serious Crime Act 2007, section 74(2), Schedule 8, paragraph 167(1) and (2); amended by that Act, section 79, Schedule 11, paragraph 16; and amended by the Crime and Courts Act 2013, section 15(3), Schedule 8, paragraph 186. Section 40(2)(cb) was inserted by the Serious Crime Act 2007, section 74(2), Schedule 8, paragraph 167(1) and (2). Section 40(10A) was inserted by the Serious Crime Act 2007, section 74(2), Schedule 8, paragraph 167(1) and (3).