



Prosecution of Offences Act 1985

1985 CHAPTER 23

PART I

THE CROWN PROSECUTION SERVICE

Miscellaneous

14 Control of certain fees and expenses etc. paid by the Service.

- (1) The Attorney General may, with the approval of the Treasury, by regulations make such provision as he considers appropriate in relation to—
- the fees of [^{F1}any legal representative] briefed to appear on behalf of the Service in any criminal proceedings [^{F2}or extradition proceedings] ; and
 - the costs and expenses of witnesses attending to give evidence at the instance of the Service [^{F3}and, subject to subsection (1A) below, of any other person who in the opinion of the Service necessarily attends for the purpose of the case otherwise than to give evidence].

[^{F4}(1A) The power conferred on the Attorney General by subsection (1)(b) above only relates to the costs and expenses of an interpreter if the interpreter is required because of the lack of English of a person attending to give evidence at the instance of the Service.]

[^{F4}(1B) In subsection (1)(b) above “attending ” means attending at the court or elsewhere.]

- (2) The regulations may, in particular—
- prescribe scales or rates of fees, costs or expenses; and
 - specify conditions for the payment of fees, costs or expenses.

[^{F5}(3) Regulations made under subsection (1)(b) above may provide that scales or rates of costs and expenses shall be determined by the Attorney General with the consent of the Treasury.]

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Changes to legislation: There are currently no known outstanding effects for the Prosecution of Offences Act 1985, Cross Heading: Miscellaneous. (See end of Document for details)

Subordinate Legislation Made

- P1** S. 14; power conferred by s. 14 previously exercised by [S.I. 1986/405](#), 842, 1250, 1818, 1987/902, 1636, 1851, 1988/807, 1054, 1862

Textual Amendments

- F1** Words in s. 14(1) substituted (1. 4. 1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 125(3), [Sch. 18 para. 52\(1\)](#); [S.I.1991/608](#), art. 2, [Sch.](#)
- F2** Words in s. 14(1)(a) inserted (1.1.2004) by [Extradition Act 2003 \(c. 41\)](#), [ss. 190\(5\)](#), 221; [S.I. 2003/3103](#), [art. 2](#) (subject to savings in Order (as amended by [S.I. 2003/3312](#), art. 2(2) and [S.I. 2003/3258](#), art. 3(2)))
- F3** Words added by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 166(a), [Sch. 8 para. 16](#)
- F4** S. 14(1A)(1B) inserted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 166(1)(b), [Sch. 8 para. 16](#)
- F5** S. 14(3) inserted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 166(1)(c), [Sch. 8 para. 16](#)

Modifications etc. (not altering text)

- C1** S. 14 applied (6.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 2 para. 5](#); [S.I. 2008/755](#), art. 15(1)(h)

15 Interpretation of Part I.

(1) In this Part—

“binding over proceedings” means any proceedings instituted (whether by way of complaint under section 115 of the ^{M1}Magistrates’ Courts Act 1980 or otherwise) with a view to obtaining from a magistrates’ court an order requiring a person to enter into a recognizance to keep the peace or to be of good behaviour;

“Director” means the Director of Public Prosecutions;

[^{F6}“extradition proceedings” means proceedings under the Extradition Act 2003;]

[^{F7}“legal representative” means [^{F8}a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation (within the meaning of that Act);]]

“police force” has the same meaning as in section 3 of this Act;

“prosecution functions” means functions which by virtue of this Part become functions of the Director;

“public authority” has the same meaning as in section 17 of this Act;

[^{F9}[^{F10}“relevant prosecutor”], “requisition” [^{F11}, “single justice procedure notice”] and “written charge” have the same meaning as in section 29 of the Criminal Justice Act 2003;]

“Service” means the Crown Prosecution Service; [^{F12} . . .

^{F12} . . .]

(2) For the purposes of this Part, proceedings in relation to an offence are instituted—

- (a) where a justice of the peace issues a summons under section 1 of the ^{M2}Magistrates’ Courts Act 1980, when the information for the offence is laid before him;
- (b) where a justice of the peace issues a warrant for the arrest of any person under that section, when the information for the offence is laid before him;

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- [^{F13}(ba) where a [^{F14}relevant prosecutor] issues a written charge and requisition for the offence, when the written charge and requisition are issued;]
- [^{F15}(bb) where a relevant prosecutor issues a written charge and single justice procedure notice, when the written charge and single justice procedure notice are issued;]
- (c) where a person is charged with the offence after being taken into custody without a warrant, when he is informed on the particulars of the charge;
- (d) where a bill of indictment is preferred under section 2 of the ^{M3}Administration of Justice (Miscellaneous Provisions) Act 1933 in a case falling within paragraph (b) [^{F16}or (ba)] of subsection (2) of that section, when the bill of indictment is preferred before the court;

and where the application of this subsection would result in there being more than one time for the institution of the proceedings, they shall be taken to have been instituted at the earliest of those times.

- (3) For the purposes of this Part, references to the conduct of any proceedings include references to the proceedings being discontinued and to the taking of any steps (including the bringing of appeals and making of representations in respect of applications for bail) which may be taken in relation to them.
- (4) For the purposes of sections 3(2)(b), 5, 6 [^{F17}, 7(1) and 7A] of this Act, binding over proceedings shall be taken to be criminal proceedings.
- (5) For the purposes of section 5 of this Act, proceedings begun by summons issued under section 3 of the ^{M4}Obscene Publications Act 1959 (forfeiture of obscene articles) shall be taken to be criminal proceedings.
- (6) The functions which become functions of the Director by virtue of this Part shall [^{F18}not be treated as transferred functions] for the purposes of paragraph 1(2) of Schedule 3 to the ^{M5}Pensions (Increase) Act 1971 (meaning of “last employing authority”).

^{F19}(7)

Textual Amendments

- F6** Definition in s. 15(1) inserted (1.1.2004) by [Extradition Act 2003 \(c. 41\)](#), **ss. 190(6)**, 221; S.I. 2003/3103, **art. 2** (subject to savings in Order (as amended by S.I. 2003/3312, art. 2(2) and S.I. 2003/3258, art. 3(2)))
- F7** Definition in s. 15(1) inserted (1.4.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 125(3), **Sch. 18 para. 52(2)**; S.I. 1991/608, art. 2, **Sch.**
- F8** Words in s. 15(1) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), s. 211(2), **Sch. 21 para. 64** (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(h)
- F9** Definition in s. 15(1) inserted (1.10.2007) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 331, 336, **Sch. 36 para. 10(1)(2)**; S.I. 2007/2874, **art. 2(4)**
- F10** Words in s. 15(1) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), **Sch. 11 para. 7(2)(a)**; S.I. 2015/778, art. 3, Sch. 1 para. 77
- F11** Words in s. 15(1) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), **Sch. 11 para. 7(2)(b)**; S.I. 2015/778, art. 3, Sch. 1 para. 77
- F12** Word and definition in s. 15(1) repealed (1. 4. 1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 125(7), **Sch. 20**; S.I. 1991/608, art. 2, **Sch.**
- F13** S. 15(2)(ba) inserted (1.10.2007) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 331, 336, **Sch. 36 para. 10(1)(3)**; S.I. 2007/2874, **art. 2(4)**

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- F14** Words in s. 15(2)(ba) substituted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 11 para. 7(3)(a)**; S.I. 2015/778, art. 3, Sch. 1 para. 77
- F15** S. 15(2)(bb) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 11 para. 7(3)(b)**; S.I. 2015/778, art. 3, Sch. 1 para. 77
- F16** Words in s. 15(2)(d) inserted (24.2.2014) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 17 para. 35** (with **Sch. 17 para. 39**); S.I. 2014/258, art. 2(b)
- F17** Words in s. 15(4) substituted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), **ss. 55(6), 153(7)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 29
- F18** Words in s. 15(6) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 25(3)**
- F19** S. 15(7) repealed (21.7.2008) by Statute Law (Repeals) Act 2008 (c. 12), **Sch. 1 Pt. 3**

Marginal Citations

- M1** 1980 c. 43.
M2 1980 c. 43.
M3 1933 c. 36.
M4 1959 c. 66.
M5 1971 c. 56.

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