



Prosecution of Offences Act 1985

1985 CHAPTER 23

PART I

THE CROWN PROSECUTION SERVICE

Constitution and functions of Service

1 The Crown Prosecution Service.

- (1) There shall be a prosecuting service for England and Wales (to be known as the “Crown Prosecution Service”) consisting of—
 - (a) the Director of Public Prosecutions, who shall be head of the Service;
 - (b) the Chief Crown Prosecutors, designated under subsection (4) below, each of whom shall be the member of the Service responsible to the Director for supervising the operation of the Service in his area; and
 - (c) the other staff appointed by the Director under this section.
- (2) The Director shall appoint such staff for the Service as, with the approval of the Treasury as to numbers, remuneration and other terms and conditions of service, he considers necessary for the discharge of his functions.
- (3) The Director may designate any member of the Service [^{F1}who has a general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990)] for the purposes of this subsection, and any person so designated shall be known as a Crown Prosecutor.
- (4) The Director shall divide England and Wales into areas and, for each of those areas, designate a Crown Prosecutor for the purposes of this subsection and any person so designated shall be known as a Chief Crown Prosecutor.
- (5) The Director may, from time to time, vary the division of England and Wales made for the purposes of subsection (4) above.
- (6) Without prejudice to any functions which may have been assigned to him in his capacity as a member of the Service, every Crown Prosecutor shall have all the powers

Status: Point in time view as at 01/04/2008. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Prosecution of Offences Act 1985, Section 1. (See end of Document for details)

of the Director as to the institution and conduct of proceedings but shall exercise those powers under the direction of the Director.

(7) Where any enactment (whenever passed)—

(a) prevents any step from being taken without the consent of the Director or without his consent or the consent of another; or

(b) requires any step to be taken by or in relation to the Director;

any consent given by or, as the case may be, taken by or in relation to, a Crown Prosecutor shall be treated, for the purposes of that enactment, as given by or, as the case may be, taken by or in relation to the Director.

Textual Amendments

F1 Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 71(2), **Sch. 10 para. 61(1)**

Modifications etc. (not altering text)

C1 [S. 1\(7\)](#) excluded (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), **ss. 92(1)**, 336; [S.I. 2005/950](#), **art. 2(1)**, [Sch. 1 para. 5](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)) (as amended by 2005/2122, art. 2 and 2007/391, art. 2)

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