



Criminal Justice Act 2003

2003 CHAPTER 44

PART 4

CHARGING ETC

28 Charging or release of persons in police detention

Schedule 2 (which makes provision in relation to the charging or release of persons in police detention) shall have effect.

Commencement Information

- II** S. 28 wholly in force at 1.10.2007; s. 28 not in force at Royal Assent, see s. 336(3); s. 28 in force for certain purposes at 29.1.2004 by [S.I. 2004/81, art. 4](#); s. 28 in force for certain purposes at 3.7.2004 by [S.I. 2004/1629, art. 2](#) and s. 28 in force for certain further purposes at 1.10.2007 by [S.I. 2007/2874, art. 2\(1\)\(2\)\(a\)](#)

29 New method of instituting proceedings

- (1) A public prosecutor may institute criminal proceedings against a person by issuing a document (a “written charge”) which charges the person with an offence.
- (2) Where a public prosecutor issues a written charge, it must at the same time issue a document (a “requisition”) which requires the person to appear before a magistrates' court to answer the written charge.
- (3) The written charge and requisition must be served on the person concerned, and a copy of both must be served on the court named in the requisition.
- (4) In consequence of subsections (1) to (3), a public prosecutor is not to have the power to lay an information for the purpose of obtaining the issue of a summons under section 1 of the Magistrates' Courts Act 1980 (c. 43).
- (5) In this section “public prosecutor” means—

Status: Point in time view as at 01/06/2014.

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- (a) a police force or a person authorised by a police force to institute criminal proceedings,
- (b) the Director of the Serious Fraud Office or a person authorised by him to institute criminal proceedings,
- (c) the Director of Public Prosecutions or a person authorised by him to institute criminal proceedings,
- ^{F1}(ca)
- ^{F2}(cb) the [^{F3}Director General of the National Crime Agency] or a person authorised by him to institute criminal proceedings;]
- (d) the Attorney General or a person authorised by him to institute criminal proceedings,
- (e) a Secretary of State or a person authorised by a Secretary of State to institute criminal proceedings,
- (f) the Commissioners of Inland Revenue or a person authorised by them to institute criminal proceedings,
- (g) the Commissioners of Customs and Excise or a person authorised by them to institute criminal proceedings, or
- (h) a person specified in an order made by the Secretary of State for the purposes of this section or a person authorised by such a person to institute criminal proceedings.

(6) In subsection (5) “police force” has the meaning given by section 3(3) of the Prosecution of Offences Act 1985 (c. 23).

Textual Amendments

- F1** S. 29(5)(ca) omitted (27.3.2014) by virtue of [The Public Bodies \(Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions\) Order 2014 \(S.I. 2014/834\)](#), art. 1(1), [Sch. 2 para. 39](#)
- F2** S. 29(5)(cb) inserted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 59, 178, [Sch. 4 para. 196](#); [S.I. 2006/378](#), [art. 4\(1\)](#), [Sch.](#) (subject to art. 4(2)-(7))
- F3** Words in s. 29(5)(cb) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 8 para. 187](#); [S.I. 2013/1682](#), art. 3(v)

Commencement Information

- I2** S. 29 partly in force; s. 29 not in force at Royal Assent, see s. 336(3); s. 29(1)-(3) (5) (6) in force for certain purposes at 25.7.2007 by [S.I. 2007/1999](#), [arts. 2, 3](#); s. 29(1)-(3) (5) (6) in force for certain further purposes at 9.6.2008, 1.11.2009, 1.1.2011, 6.9.2011 and 3.10.2011 by [S.I. 2008/1424](#), [arts. 2, 3](#), [S.I. 2009/2879](#), arts. 2, 3, [S.I. 2010/3005](#), [art. 2](#), [S.I. 2011/2188](#), [arts. 2, 3](#); s. 29(1)-(3)(5) in force for certain further purposes at 19.3.2012 by [S.I. 2012/825](#), [art. 2](#); s. 29(1)-(3)(5)(6) in force at 1.4.2014 for specified purposes by [S.I. 2014/633](#), [art. 2](#)

30 Further provision about new method

- (1) [^{F4}Criminal Procedure Rules] may make—
- (a) provision as to the form, content, recording, authentication and service of written charges or requisitions, and
 - (b) such other provision in relation to written charges or requisitions as appears to the [^{F5}Criminal Procedure Rule Committee] to be necessary or expedient.

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- (2) Without limiting subsection (1), the provision which may be made by virtue of that subsection includes provision—
- (a) which applies (with or without modifications), or which disappplies, the provision of any enactment relating to the service of documents,
 - (b) for or in connection with the issue of further requisitions.
- (3) ^{F6}.....
- (4) Nothing in section 29 affects—
- (a) the power of a public prosecutor to lay an information for the purpose of obtaining the issue of a warrant under section 1 of the Magistrates' Courts Act 1980 (c. 43),
 - (b) the power of a person who is not a public prosecutor to lay an information for the purpose of obtaining the issue of a summons or warrant under section 1 of that Act, or
 - (c) any power to charge a person with an offence whilst he is in custody.
- (5) Except where the context otherwise requires, in any enactment contained in an Act passed before this Act—
- (a) any reference (however expressed) which is or includes a reference to an information within the meaning of section 1 of the Magistrates' Courts Act 1980 (c. 43) (or to the laying of such an information) is to be read as including a reference to a written charge (or to the issue of a written charge),
 - (b) any reference (however expressed) which is or includes a reference to a summons under section 1 of the Magistrates' Courts Act 1980 (or to a justice of the peace issuing such a summons) is to be read as including a reference to a requisition (or to a public prosecutor issuing a requisition).
- (6) Subsection (5) does not apply to section 1 of the Magistrates' Courts Act 1980.
- (7) The reference in subsection (5) to an enactment contained in an Act passed before this Act includes a reference to an enactment contained in that Act as a result of an amendment to that Act made by this Act or by any other Act passed in the same Session as this Act.
- (8) In this section “public prosecutor”, “requisition” and “written charge” have the same meaning as in section 29.

Textual Amendments

- F4** Words in s. 30(1) substituted (1.9.2004) by [The Courts Act 2003 \(Consequential Amendments\) Order 2004 \(S.I. 2004/2035\)](#), art. 3, [Sch. para. 46\(2\)\(a\)](#) (with art. 2(2))
- F5** Words in s. 30(1)(b) substituted (1.9.2004) by [The Courts Act 2003 \(Consequential Amendments\) Order 2004 \(S.I. 2004/2035\)](#), art. 3, [Sch. para. 46\(2\)\(b\)](#) (with art. 2(2))
- F6** S. 30(3) omitted (1.9.2004) by virtue of [The Courts Act 2003 \(Consequential Amendments\) Order 2004 \(S.I. 2004/2035\)](#), art. 3, [Sch. para. 46\(3\)](#) (with art. 2(2))

Commencement Information

- I3** S. 30 partly in force; s. 30 not in force at Royal Assent, see s. 336(3); s. 30 in force for certain purposes at 25.7.2007 by [S.I. 2007/1999](#), arts. 2, 3; s. 30 in force for certain further purposes at 9.6.2008, 1.11.2009, 1.1.2011, 6.9.2011, 3.10.2011, 19.3.2012 and 1.4.2014 by [S.I. 2008/1424](#), arts. 2,

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3, S.I. 2009/2879, arts. 2, 3, S.I. 2010/3005, art. 2, S.I. 2011/2188, arts. 2, 3, S.I. 2012/825, art. 2, S.I. 2014/633, **art. 2**

31 Removal of requirement to substantiate information on oath

- (1) In section 1(3) of the Magistrates' Courts Act 1980 (warrant may not be issued unless information substantiated on oath) the words “and substantiated on oath” are omitted.
- (2) In section 13 of that Act (non-appearance of defendant: issue of warrant) in subsection (3)(a) the words “the information has been substantiated on oath and” are omitted.
- (3) For subsection (3A)(a) of that section there is substituted—
 - “(a) the offence to which the warrant relates is punishable, in the case of a person who has attained the age of 18, with imprisonment, or”.

Status:

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