



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

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Changes to legislation: There are currently no known outstanding effects for the Prosecution of Offences Act 1985, Cross Heading: Constitution and functions of Service. (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)

2 The Director of Public Prosecutions

- (1) The Director of Public Prosecutions shall be appointed by the Attorney General.
- (2) The Director must be a [^{F2}person who has a ten year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990].
- (3) There shall be paid to the Director such remuneration as the Attorney General may, with the approval of the Treasury, determine.

Textual Amendments

F2 Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 71(2), **Sch. 10 para. 60**

3 Functions of the Director.

- (1) The Director shall discharge his functions under this or any other enactment under the superintendence of the Attorney General.
- (2) It shall be the duty of the Director [^{F3}, subject to any provisions contained in the Criminal Justice Act 1987] —
 - (a) to take over the conduct of all criminal proceedings, other than specified proceedings, instituted on behalf of a police force (whether by a member of that force or by any other person);
 - [^{F4}(aa) to take over the conduct of any criminal proceedings instituted by an immigration officer (as defined for the purposes of the ^{M1}Immigration Act 1971) acting in his capacity as such an officer;]
 - [^{F5}(ab) to take over the conduct of any criminal proceedings instituted in England and Wales by the Revenue and Customs;]
 - [^{F6}(ac) to take over the conduct of any criminal proceedings instituted on behalf of the National Crime Agency;]

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- (b) to institute and have the conduct of criminal proceedings in any case where it appears to him that—
 - (i) the importance or difficulty of the case makes it appropriate that proceedings should be instituted by him; or
 - (ii) it is otherwise appropriate for proceedings to be instituted by him;
- [^{F7}(ba) to institute and have the conduct of any criminal proceedings in any case where the proceedings relate to the subject-matter of a report a copy of which has been sent to him under paragraph 23 or 24 of Schedule 3 to the Police Reform Act 2002 (c. 30)(reports on investigations into conduct of persons serving with the police);]
- [^{F8}(bb) where it appears to him appropriate to do so, to institute and have the conduct of any criminal proceedings in England and Wales relating to a criminal investigation by the Revenue and Customs;]
- [^{F9}(bc) where it appears to him appropriate to do so, to institute and have the conduct of any criminal proceedings relating to a criminal investigation by the National Crime Agency;]
- (c) to take over the conduct of all binding over proceedings instituted on behalf of a police force (whether by a member of that force or by any other person);
- (d) to take over the conduct of all proceedings begun by summons issued under section 3 of the ^{M2}Obscene Publications Act 1959 (forfeiture of obscene articles);
- (e) to give, to such extent as he considers appropriate, advice to police forces on all matters relating to criminal offences;
- [^{F10}(ea) to have the conduct of any extradition proceedings;
- (eb) to give, to such extent as he considers appropriate, and to such persons as he considers appropriate, advice on any matters relating to extradition proceedings or proposed extradition proceedings;
- [^{F11}(ec) to give, to such extent as he considers appropriate, advice to immigration officers on matters relating to criminal offences;]]
- [^{F12}(ed) to give advice, to such extent as he considers appropriate and to such person as he considers appropriate, in relation to—
 - (i) criminal investigations by the National Crime Agency, or
 - (ii) criminal proceedings arising out of such investigations;]
- [^{F13}(ee) to give, to such extent as he considers appropriate, and to such persons as he considers appropriate, advice on matters relating to—
 - (i) a criminal investigation by the Revenue and Customs; or
 - (ii) criminal proceedings instituted in England and Wales relating to a criminal investigation by the Revenue and Customs;]
- (f) to appear for the prosecution, when directed by the court to do so, on any appeal under—
 - (i) section 1 of the ^{M3}Administration of Justice Act 1960 (appeal from the High Court in criminal cases);
 - (ii) Part I or Part II of the ^{M4}Criminal Appeal Act 1968 (appeals from the Crown Court to the criminal division of the Court of Appeal and thence to the [^{F14}Supreme Court]); or
 - (iii) section 108 of the ^{M5}Magistrates’ Courts Act 1980 (right of appeal to Crown Court) as it applies, by virtue of subsection (5) of section 12 of the ^{M6}Contempt of Court Act 1981, to orders made under section 12 (contempt of magistrates’ courts); ^{F15} . . .

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- [^{F16}(fa) to have the conduct of applications for orders under section 1C of the Crime and Disorder Act 1998 (orders made on conviction of certain offences) [^{F17}, section 6 of the Violent Crime Reduction Act 2006 (orders on conviction in criminal proceedings)] and section 14A of the Football Spectators Act 1989 (banning orders made on conviction of certain offences);]
- [^{F18}(faa) where it appears to him appropriate to do so, to have the conduct of applications made by him for orders under section 14B of the Football Spectators Act 1989 (banning orders made on complaint);]
- [^{F19}(fb) where it appears to him appropriate to do so, to have the conduct of applications under section 1CA(3) of the Crime and Disorder Act 1998 for the variation or discharge of orders made under section 1C of that Act;
- (fc) where it appears to him appropriate to do so, to appear on any application under section 1CA of that Act made by a person subject to an order under section 1C of that Act for the variation or discharge of the order.]
- [^{F20}(fd) where it appears to him appropriate to do so, to have the conduct of applications under section 8(1)(b) of the Violent Crime Reduction Act 2006 for the variation or discharge of orders made under section 6 of that Act;
- (fe) where it appears to him appropriate to do so, to appear on any application under section 8(1)(a) of that Act by a person subject to an order under section 6 of that Act for the variation or discharge of the order.]
- [^{F21}(ff) to discharge such duties as are conferred on him by, or in relation to, Part 5 or 8 of the Proceeds of Crime Act 2002 (c. 29) (civil recovery of the proceeds etc. of unlawful conduct, civil recovery investigations and disclosure orders in relation to confiscation investigations);]
- (g) to discharge such other functions as may from time to time be assigned to him by the Attorney General in pursuance of this paragraph.
- [^{F22}(2A) Subsection (2)(ea) above does not require the Director to have the conduct of any extradition proceedings in respect of a person if he has received a request not to do so and—
- (a) in a case where the proceedings are under Part 1 of the Extradition Act 2003, the request is made by the authority which issued the Part 1 warrant in respect of the person;
- (b) in a case where the proceedings are under Part 2 of that Act, the request is made on behalf of the territory to which the person's extradition has been requested.]
- (3) In this section—
- “the court ” means—
- (a) in the case of an appeal to or from the criminal division of the Court of Appeal, that division;
- (b) in the case of an appeal from a Divisional Court of the Queen's Bench Division, the Divisional Court; and
- (c) in the case of an appeal against an order of a magistrates' court, the Crown Court;
- [^{F23}“criminal investigation” means any process—
- (i) for considering whether an offence has been committed;
- (ii) for discovering by whom an offence has been committed; or
- (iii) as a result of which an offence is alleged to have been committed;]

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“police force ” means any police force maintained by a [^{F24}local policing body]^{F25}. . . and any other body of constables for the time being specified by order made by the Secretary of State for the purposes of this section; and

“specified proceedings ” means proceedings which fall within any category for the time being specified by order made by the Attorney General for the purposes of this section.

[^{F26}(3A) In this section a reference to the Revenue and Customs is a reference to—

- (a) the Commissioners for Her Majesty’s Revenue and Customs;
- (b) an officer of Revenue and Customs; or
- (c) a person acting on behalf of the Commissioners or an officer of Revenue and Customs.]

(4) The power to make orders under subsection (3) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F3** Words inserted by [Criminal Justice Act 1987 \(c. 38, SIF 39:1\)](#), s. 15, **Sch. 2 para. 13**
- F4** S. 3(2)(aa) inserted (1.12.2004) by [1999 c. 33, ss. 164, 170\(4\)](#); S.I. 2004/2997, **art. 2**
- F5** S. 3(2)(ab) inserted (27.3.2014) by [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. 1 para. 2(2)**
- F6** S. 3(2)(ac) inserted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 8 para. 30(a)**; S.I. 2013/1682, art. 3(v)
- F7** S. 3(2)(ba) inserted (1.4.2004) by [Police Reform Act 2002 \(c. 30\)](#) ss. 107, 108(2), {Sch. 7 para. 10}; S.I. 2004/913, **art. 2(e)**
- F8** S. 3(2)(bb) inserted (27.3.2014) by [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. 1 para. 2(3)**
- F9** S. 3(2)(bc) inserted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 8 para. 30(b)**; S.I. 2013/1682, art. 3(v)
- F10** S. 3(2)(ea)(eb) inserted (1.1.2004) by [Extradition Act 2003 \(c. 41\)](#), **ss. 190(2)**, 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)))
- F11** S. 3(2)(ec) inserted (1.12.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), **ss. 7, 48(1)-(3)**; S.I. 2004/2999, **art. 2**, Sch.
- F12** S. 3(2)(ed) inserted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 8 para. 30(c)**; S.I. 2013/1682, art. 3(v)
- F13** S. 3(2)(ee) inserted (27.3.2014) by [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. 1 para. 2(4)**
- F14** Words in s. 3(2)(f)(ii) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), **Sch. 9 para. 41(2)**; S.I. 2009/1604, art. 2(d)
- F15** Word in s. 3(2)(f) repealed (20.1.2004) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), ss. 86(6), 92, 93, **Sch. 3**; S.I. 2003/3300, **art. 2(f)(ii)(g)(ii)(b)**
- F16** S. 3(2)(fa) inserted (20.1.2004) by [Anti-social Behaviour Act 2003 \(c. 38\)](#). {ss. 86(6)}, 93; S.I. 2003/3300, **art. 2(f)(ii)**
- F17** Words in s. 3(2)(fa) inserted (1.4.2010 for specified purposes, 1.11.2010 for specified purposes) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), **ss. 7(10)**, 66(2); S.I. 2010/469, arts. 2(b), 4, Sch.; S.I. 2010/2541, arts. 2(b), 4, Sch.

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- F18** S. 3(2)(faa) inserted (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), ss. 52, 66(2), **Sch. 3 para. 15**; S.I. 2007/858, **art. 2(k)**
- F19** S. 3(2)(fb)(fc) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 140(5), 178**; S.I. 2005/1521, **art. 3(s)** (subject to art. 3(4)(5))
- F20** S. 3(2)(fd)(fe) inserted (1.4.2010 for specified purposes, 1.11.2010 for specified purposes) by Violent Crime Reduction Act 2006 (c. 38), **ss. 8(7), 66(2)**; S.I. 2010/469, arts. 2(c), 4, Sch.; S.I. 2010/2541, arts. 2(c), 4, Sch.
- F21** S. 3(2)(ff) inserted (1.4.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), **Sch. 8 para. 149**; S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F22** S. 3(2A) inserted (1.1.2004) by Extradition Act 2003 (c. 41), **ss. 190(3), 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)))
- F23** Words in s. 3(3) inserted (27.3.2014) by 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. 1 para. 2(5)**
- F24** Words in s. 3(3) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 171**; S.I. 2011/3019, art. 3, Sch. 1
- F25** S. 3(3): words in definition of "police force" repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 47, **Sch. 17**; S.I. 2006/378, **art. 4(1)** (subject to art. 4(2)-(7))
- F26** S. 3(3A) inserted (27.3.2014) by 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. 1 para. 2(6)**

Modifications etc. (not altering text)

- C2** S. 3(2) excluded by Criminal Justice Act 1987 (c. 38, SIF 39:1), **s. 5(1)**
- C3** S. 3(2)(a)(d) restricted by S.I. 1986/1029, **art. 5**

Marginal Citations

- M1** 1971 c. 77.
- M2** 1959 c. 66.
- M3** 1960 c. 65.
- M4** 1968 c. 19.
- M5** 1980 c. 43.
- M6** 1981 c. 49.

4 Crown Prosecutors.

- F27(1)
- F27(2)
- F27(3)
- F27(3A)
- F27(3B)
- F27(3C)
- F27(3D)
- F27(3E)

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- (4) In section 88 of the ^{M7}Solicitors Act 1974 (which, amongst other things, provides that solicitors in public departments are not required to hold practising certificates) the following subsection shall be inserted after subsection (1)—

“(1A) The exemption from the requirement to hold a practising certificate conferred by subsection (1) above shall not apply to solicitors who are Crown Prosecutors.”

(5) ^{F28}

^{F29}(6)

Textual Amendments

F27 S. 4(1)-(3E) repealed (31.7.2000) by 1999 c. 22, s. 106, **Sch.15 Pt II** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/1920, **art. 2(c)**

F28 S. 4(5) repealed by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(7), **Sch. 20**

F29 S. 4(6) repealed (1.1.2010) by Legal Services Act 2007 (c. 29), s. 211(2), **Sch. 23** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(i)(iii)**

Marginal Citations

M7 1974 c. 47.

5 Conduct of prosecutions on behalf of the Service.

- (1) The Director may at any time appoint a person who is not a Crown Prosecutor but [^{F30}who has a general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990)] to institute or take over the conduct of such criminal proceedings [^{F31}or extradition proceedings] as the Director may assign to him.

[^{F32}(1A) The Director may at any time appoint such a person—

- (a) to exercise a function of the Director under section 3(2)(ab) or (bb) in relation to a class or description of criminal proceedings specified in the appointment;
- (b) to exercise a function of the Director under section 3(2)(ee) in relation to—
 - (i) such criminal proceedings as are specified in the appointment, or
 - (ii) a class or description of criminal proceedings specified in the appointment; or
- (c) to appear in—
 - (i) Revenue and Customs cash recovery proceedings specified in the appointment, or
 - (ii) a class or description of Revenue and Customs cash recovery proceedings specified in the appointment.

(1B) In subsection (1A)—

“Revenue and Customs cash recovery proceedings” means proceedings in which the Director or a Crown Prosecutor would otherwise appear by virtue of section 302A(2) of the Proceeds of Crime Act 2002 (cash recovery proceedings relating to revenue and customs matters).]

- (2) Any person conducting proceedings assigned to him under [^{F33}subsection (1) or exercising functions by virtue of an appointment made under subsection (1A)] shall

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have all the powers of a Crown Prosecutor but shall exercise those powers subject to any instructions given to him by a Crown Prosecutor.

Textual Amendments

- F30** Words substituted by virtue of [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 71(2), [Sch. 10 para. 61\(2\)](#) [Editorial Note: The amending legislation provides that the new words in s. 5(1) should be substituted for the words from "who is" to "authority". The words "who is" occur three times in s. 5(1) as enacted. It is thought that the context requires the substitution to begin with the second occurrence of those words.]
- F31** Words in s. 5(1) inserted (1.1.2004) by [Extradition Act 2003 \(c. 41\)](#), [ss. 190\(4\)](#), 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\(2\)\)](#))
- F32** [S. 5\(1A\)\(1B\)](#) inserted (27.3.2014) by [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. 1 para. 3\(2\)](#)
- F33** Words in s. 5(2) substituted (27.3.2014) by [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. 1 para. 3\(3\)](#)

6 Prosecutions instituted and conducted otherwise than by the Service.

- (1) Subject to subsection (2) below, nothing in this Part shall preclude any person from instituting any criminal proceedings or conducting any criminal proceedings to which the Director's duty to take over the conduct of proceedings does not apply.
- (2) Where criminal proceedings are instituted in circumstances in which the Director is not under a duty to take over their conduct, he may nevertheless do so at any stage.

7 Delivery of recognizances etc. to Director.

- (1) Where the Director or any Crown Prosecutor gives notice to any justice of the peace that he has instituted, or is conducting, any criminal proceedings, the justice shall—
 - (a) at the prescribed time and in the prescribed manner; or
 - (b) in a particular case, at the time and in the manner directed by the Attorney General;
 send him every recognizance, information, certificate, deposition, document and thing connected with those proceedings which the justice is required by law to deliver to the appropriate officer of the Crown Court.
- (2) The Attorney General may make regulations for the purpose of supplementing this section; and in subsection (1) above "prescribed" means prescribed by the regulations.
- (3) The Director or, as the case may be, Crown Prosecutor shall—
 - (a) subject to the regulations, cause anything which is sent to him under subsection (1) above to be delivered to the appropriate officer of the Crown Court; and
 - (b) be under the same obligation (on the same payment) to deliver to an applicant copies of anything so sent as that officer.

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- (4) It shall be the duty of [^{F34}the designated officer for every magistrates' court] to send to the Director, in accordance with the regulations, a copy of the information and of any depositions and other documents relating to any case in which—
- (a) a prosecution for an offence before [^{F35}the magistrates' court] is withdrawn or is not proceeded with within a reasonable time;
 - (b) the Director does not have the conduct of the proceedings; and
 - (c) there is some ground for suspecting that there is no satisfactory reason for the withdrawal or failure to proceed.

Textual Amendments

- F34** Words in s. 7(4) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 287\(a\)](#); [S.I. 2005/910](#), [art. 3\(y\)](#)
- F35** Words in s. 7(4) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(1), 110, [Sch. 8 para. 287\(b\)](#); [S.I. 2005/910](#), [art. 3\(y\)](#)

[^{F36}7A Powers of non-legal staff.

- (1) The Director may designate [^{F37}under this subsection] members of the staff of the Crown Prosecution Service who are not Crown Prosecutors.
- (2) Subject to such exceptions (if any) as may be specified in the designation [^{F38}under subsection (1)] , a person so designated shall have such of the following as may be so specified, namely—
- (a) the powers and rights of audience of a Crown Prosecutor in relation to—
 - (i) applications for, or relating to, bail in criminal proceedings;
 - (ii) the conduct of criminal proceedings in magistrates' courts other than trials [^{F39}of offences triable either way or offences which are punishable with imprisonment in the case of persons aged 21 or over] ;
[the conduct of applications or other proceedings relating to
 - ^{F40}(iii) preventative civil orders;
 - (iv) the conduct of proceedings (other than criminal proceedings) in, or in connection with, the discharge of functions assigned to the Director under section 3(2)(g) above.]
 - [^{F41}(b) any powers of a Crown Prosecutor that do not involve the exercise of such rights of audience as are mentioned in paragraph (a) above but are exercisable in relation to the conduct of—
 - (i) criminal proceedings in magistrates' courts, or
 - (ii) applications or proceedings falling within paragraph (a)(iii) or (iv).]

[The Director may designate under this subsection members of the staff of the Crown
^{F42}(2A) Prosecution Service who are not Crown Prosecutors.

- (2B) A person designated under subsection (2A) has the powers and rights of audience of a Crown Prosecutor in relation to—
- (a) Revenue and Customs cash recovery proceedings specified in the designation under subsection (2A), or
 - (b) a class or description of Revenue and Customs cash recovery proceedings specified in the designation under subsection (2A).]

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- (3) A person [^{F43}designated under subsection (1) or (2A)] shall exercise [^{F44}any powers so conferred] subject to instructions given to him by the Director.
- (4) Any such instructions may be given so as to apply generally.
- [^{F45}(5) In this section—
- “bail in criminal proceedings” has the same meaning as in the Bail Act 1976 (see section 1 of that Act);
- “preventative civil orders” means—
- (a) orders within section 3(2)(fa) to (fe) above;
- (b) orders under section 5 or 5A of the Protection from Harassment Act 1997 (restraining orders); or
- (c) orders under section 8 of the Crime and Disorder Act 1998 (parenting orders).
- [^{F46}“Revenue and Customs cash recovery proceedings” has the meaning given by section 5(1B).]
- (5A) For the purposes of this section a trial begins with the opening of the prosecution case after the entry of a plea of not guilty and ends with the conviction or acquittal of the accused.]
- ^{F47}[^{F48}(6)]
- (7) Details of the following for any year, namely—
- (a) the criteria applied by the Director in determining whether to designate persons [^{F49}under subsection (1) or (2A)] ;
- (b) the training undergone by persons so designated; and
- (c) any general instructions given by the Director under subsection (4) above,
- shall be set out in the Director’s report under section 9 of this Act for that year.]
- [^{F50}(8) As from 1 May 2011 nothing in this section confers on persons designated [^{F51}under subsection (1) or (2A)] —
- (a) any rights of audience, or
- (b) any right to conduct litigation,
- for the purposes of Part 3 of the Legal Services Act 2007 (reserved legal activities).
- (9) As from that date the following provisions of that Act accordingly do not apply to persons designated [^{F52}under subsection (1) or (2A)] —
- (a) paragraph 1(3) of Schedule 3 (exemption for persons with statutory rights of audience), and
- (b) paragraph 2(3) of that Schedule (exemption for persons with statutory right to conduct litigation).
- (10) The Attorney General may by order make such modifications in the application of any enactment (including this section) in relation to persons designated [^{F53}under subsection (1) or (2A)] as the Attorney General considers appropriate in consequence of, or in connection with, the matters provided for by subsections (8) and (9).
- (11) The Attorney General may also by order amend subsection (2)(a)(ii) so as to omit the words “or offences which are punishable with imprisonment in the case of persons aged 21 or over”.

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- (12) The power to make an order under subsection (10) or (11) is exercisable by statutory instrument, but a statutory instrument containing such an order may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.]

Textual Amendments

- F36** S. 7A substituted (30.9.1998) by 1998 c. 37, s.53; S.I. 1998/2327, art. 2(1)(n).
- F37** Words in s. 7A(1) substituted (27.3.2014) by 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. 1 para. 4(2)
- F38** Words in s. 7A(2) inserted (27.3.2014) by 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. 1 para. 4(3)
- F39** Words in s. 7A(2)(a)(ii) inserted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 55(2)(a), 153(7) (with Sch. 27 para. 21); S.I. 2008/1586, art. 2(1), Sch. 1 para. 29
- F40** S. 7A(2)(a)(iii)(iv) inserted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 55(2)(b), 153(7) (with Sch. 27 para. 21); S.I. 2008/1586, art. 2(1), Sch. 1 para. 29
- F41** S. 7A(2)(b) substituted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 55(2)(c), 153(7) (with Sch. 27 para. 21); S.I. 2008/1586, art. 2(1), Sch. 1 para. 29
- F42** S. 7A(2A)(2B) inserted (27.3.2014) by 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. 1 para. 4(4)
- F43** Words in s. 7A(3) substituted (27.3.2014) by 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. 1 para. 4(5)(a)
- F44** Words in s. 7A(3) substituted (27.3.2014) by 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. 1 para. 4(5)(b)
- F45** S. 7A(5)(5A) substituted for s. 7A(5) (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 55(3), 153(7) (with Sch. 27 para. 21); S.I. 2008/1586, art. 2(1), Sch. 1 para. 29
- F46** Words in s. 7A(5) inserted (27.3.2014) by 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. 1 para. 4(6)
- F47** S. 7A(6) repealed (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 55(4), 153(7), Sch. 28 Pt. 4 (with Sch. 27 para. 21); S.I. 2008/1586, art. 2(1), Sch. 1 paras. 29, 50(4)(b)
- F48** S. 7A(6) substituted (9.5.2005 for certain purposes and otherwise prosp.) by Criminal Justice Act 2003 (c. 44), ss. 41, 336, Sch. 3 para. 57(2); S.I. 2005/1267, art. 2, Sch. Pt. 1
- F49** Words in s. 7A(7)(a) substituted (27.3.2014) by 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. 1 para. 4(7)
- F50** Ss. 7A(8)-(12) inserted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 55(5), 153(7) (with Sch. 27 para. 21); S.I. 2008/1586, art. 2(1), Sch. 1 para. 29
- F51** Words in s. 7A(8) substituted (27.3.2014) by 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. 1 para. 4(8)
- F52** Words in s. 7A(9) substituted (27.3.2014) by 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. 1 para. 4(9)

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F53 Words in s. 7A(10) substituted (27.3.2014) by 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. 1 para. 4(10)**

Status:

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Changes to legislation:

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