



# Prosecution of Offences Act 1985

## 1985 CHAPTER 23

### PART III

#### MISCELLANEOUS

#### [<sup>F1</sup>22A Additional time limits for persons under 18.

- (1) The Secretary of State may by regulations make provision—
  - (a) with respect to a person under the age of 18 at the time of his arrest in connection with an offence, as to the maximum period to be allowed for the completion of the stage beginning with his arrest and ending with the date fixed for his first appearance in court in connection with the offence (“the initial stage”);
  - (b) with respect to a person convicted of an offence who was under that age at the time of his arrest for the offence or (where he was not arrested for it) the laying of the information charging him with it, as to the period within which the stage between his conviction and his being sentenced for the offence should be completed.
- (2) Subsection (2) of section 22 above applies for the purposes of regulations under subsection (1) above as if—
  - (a) the reference in paragraph (d) to custody or overall time limits were a reference to time limits imposed by the regulations; and
  - (b) the reference in paragraph (e) to proceedings instituted before the commencement of any provisions of the regulations were a reference to a stage begun before that commencement.
- (3) A magistrates’ court may, at any time before the expiry of the time limit imposed by the regulations under subsection (1)(a) above (“the initial stage time limit”), extend, or further extend, that limit; but the court shall not do so unless it is satisfied—
  - (a) that the need for the extension is due to some good and sufficient cause; and
  - (b) that the investigation has been conducted, and (where applicable) the prosecution has acted, with all due diligence and expedition.

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*Status: Point in time view as at 01/10/2009. This version of this provision has been superseded.*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 22A. (See end of Document for details)*

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- (4) Where the initial stage time limit (whether as originally imposed or as extended or further extended under subsection (3) above) expires before the person arrested is charged with the offence, he shall not be charged with it unless further evidence relating to it is obtained, and—
- (a) if he is then under arrest, he shall be released;
  - (b) if he is then on bail under Part IV of the <sup>M1</sup>Police and Criminal Evidence Act 1984, his bail (and any duty or conditions to which it is subject) shall be discharged.
- (5) Where the initial stage time limit (whether as originally imposed or as extended or further extended under subsection (3) above) expires after the person arrested is charged with the offence but before the date fixed for his first appearance in court in connection with it, the court shall stay the proceedings.
- (6) Where—
- (a) a person escapes from arrest; or
  - (b) a person who has been released on bail under Part IV of the <sup>M2</sup>Police and Criminal Evidence Act 1984 fails to surrender himself at the appointed time, and is accordingly unlawfully at large for any period, that period shall be disregarded, so far as the offence in question is concerned, for the purposes of the initial stage time limit.
- (7) Subsections (7) to (9) of section 22 above apply for the purposes of this section, at any time after the person arrested has been charged with the offence in question, as if any reference (however expressed) to a custody or overall time limit were a reference to the initial stage time limit.
- (8) Where a person is convicted of an offence in any proceedings, the exercise of the power conferred by subsection (3) above shall not be called into question in any appeal against that conviction.
- (9) Any reference in this section (however expressed) to a person being charged with an offence includes a reference to the laying of an information charging him with it.]

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**Textual Amendments**

**F1** S. 22A inserted (1.6.1999) by 1998 c. 37, ss.44, S.I. 1999/1279, art. 2(b)

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**Marginal Citations**

**M1** 1984 c.60.

**M2** 1984 c.60.

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Prosecution of Offences Act 1985, Section 22A.