



# Prosecution of Offences Act 1985

## 1985 CHAPTER 23

### PART III

#### MISCELLANEOUS

#### **[<sup>F1</sup>23A Discontinuance of proceedings after accused has been sent for trial.**

- (1) This section applies where—
  - (a) the Director of Public Prosecutions, or a public authority (within the meaning of section 17 of this Act), has the conduct of proceedings for an offence; and
  - (b) the accused has been sent for trial <sup>F2</sup>. . . for the offence.
- (2) Where, at any time before the indictment is preferred, the Director or authority gives notice under this section to the Crown Court sitting at the place specified in the notice under section [<sup>F3</sup>51D(1)] of the Crime and Disorder Act 1998 that he or it does not want the proceedings to continue, they shall be discontinued with effect from the giving of that notice.
- (3) The Director or authority shall, in any notice given under subsection (2) above, give reasons for not wanting the proceedings to continue.
- (4) On giving any notice under subsection (2) above the Director or authority shall inform the accused of the notice; but the Director or authority shall not be obliged to give the accused any indication of his reasons for not wanting the proceedings to continue.
- (5) The discontinuance of any proceedings by virtue of this section shall not prevent the institution of fresh proceedings in respect of the same offence.]

#### **Textual Amendments**

- F1** S. 23A inserted (4.1.1999 for specified purposes and otherwise 15.1.2001) by 1998 c. 37, s. 119, **Sch. 8 para.64**; S.I. 1998/2327, **art. 4(2)(c)**; S.I. 2000/3283, **art. 2(c)** (subject to art. 3)
- F2** Words in s. 23A(1)(b) repealed (9.5.2005 for specified purposes, 18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by **Criminal Justice Act 2003** (c. 44), s. 336(3)(4), **Sch. 3 para. 57(7)(a)**, **Sch. 37 Pt. 4**; S.I. 2005/1267, **art. 2(1)(2)(a)**, **Sch. Pt. 1**; S.I.

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**Changes to legislation:** There are currently no known outstanding effects for the Prosecution of Offences Act 1985, Section 23A. (See end of Document for details)

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2012/1320, art. 4(1)(c)(d)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(1)(c)(d)(2)(3), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(d)(2)(3) (with arts. 3, 4)

- F3** Word in s. 23A(2) substituted (9.5.2005 for specified purposes, 18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by **Criminal Justice Act 2003** (c. 44), s. 336(3)(4), **Sch. 3 para. 57(7)(b)**; S.I. 2005/1267, art. 2(1)(2)(b), Sch. Pt. 2; S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(1)(c)(2)(3), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)

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**Modifications etc. (not altering text)**

- C1** S. 23A applied (18.4.2005) by **Commissioners for Revenue and Customs Act 2005** (c. 11), **ss. 36(3), 53**; S.I. 2005/1126, **art. 2(g)**
- C2** S. 23A applied (with modifications) (1.4.2006) by **Serious Organised Crime and Police Act 2005** (c. 15), **ss. 38(5), 178**; S.I. 2006/378, **art. 4(1)**, Sch. para. 5 (subject to art. 4(2)-(7))

**Changes to legislation:**

There are currently no known outstanding effects for the Prosecution of Offences Act 1985, Section 23A.