



Prosecution of Offences Act 1985

1985 CHAPTER 23

PART I

THE CROWN PROSECUTION SERVICE

Constitution and functions of Service

[^{F1}7A Powers of non-legal staff.

- (1) The Director may designate, for the purposes of this section, 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, 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;
 - (b) the powers of such a Prosecutor in relation to the conduct of criminal proceedings not falling within paragraph (a)(ii) above.
- (3) A person so designated shall exercise any such powers subject to instructions given to him by the Director.
- (4) Any such instructions may be given so as to apply generally.
- (5) For the purposes of this section—
 - (a) “bail in criminal proceedings” has the same meaning as it would have in the ^{M1}Bail Act 1976 by virtue of the definition in section 1 of that Act if in that section “offence” did not include an offence to which subsection (6) below applies;
 - (b) “criminal proceedings” does not include proceedings for an offence to which subsection (6) below applies; and

Status: Point in time view as at 09/05/2005. This version of this provision has been superseded.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 7A. (See end of Document for details)

- (c) 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.

[^{F2}(6) This section applies to an offence if it is triable only on indictment or is an offence for which the accused has been sent for trial.]

(7) Details of the following for any year, namely—

- (a) the criteria applied by the Director in determining whether to designate persons under this section;
- (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.]

Textual Amendments

F1 S. 7A substituted (30.9.1998) by 1998 c. 37, s.53; S.I. 1998/2327, art. 2(1)(n).

F2 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

Marginal Citations

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