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## SCHEDULES

### SCHEDULE 1

#### THE SERIOUS FRAUD OFFICE

##### *Procedure*

- 4 (1) Where any enactment (whenever passed) prohibits the taking of any step—
- (a) except by the Director of Public Prosecutions or except by him or another; or
  - (b) without the consent of the Director of Public Prosecutions or without his consent or the consent of another,
- it shall not prohibit the taking of any such step by the Director of the Serious Fraud Office.
- (2) In this paragraph references to the Director of Public Prosecutions include references to the Director of Public Prosecutions for Northern Ireland.
- 5 (1) Where the Director has the conduct of any criminal proceedings in England and Wales, the Director of Public Prosecutions shall not in relation to those proceedings be subject to any duty by virtue of section 3(2) of the <sup>M1</sup>Prosecution of Offences Act 1985.

<sup>F1</sup>(2) .....

##### **Textual Amendments**

**F1** Sch. 1 para. 5(2) repealed (13.6.2005) by Justice (Northern Ireland) Act 2002 (c. 26), s. 87(1), **Sch. 13**; S.R. 2005/281, art. 2(1), Sch. 1 para. 14(d)

##### **Marginal Citations**

**M1** 1985 c. 23.

- 6 (1) Where the Director or any member of the Serious Fraud Office designated for the purposes of section 1 [<sup>F2</sup>(5)]above (“designated official”) gives notice to any justice of the peace that he has instituted, or is conducting, any criminal proceedings in England and Wales, 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) Where the Director or any designated official gives notice that he has instituted, or is conducting, any criminal proceedings in Northern Ireland—
- (a) to a resident magistrate or a justice of the peace in Northern Ireland;

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- (b) to a clerk of petty sessions in Northern Ireland, the person to whom the notice is given shall—
- (i) at the prescribed time and in the prescribed manner; or
  - (ii) in a particular case, at the time and in the manner directed by the Attorney General,
- send him every recognizance, complaint, certificate, deposition, document and thing connected with those proceedings which that person is required by law to deliver to the appropriate officer of the Crown Court.
- (3) The Attorney General may make regulations for the purpose of supplementing this paragraph; and in this paragraph “prescribed” means prescribed by the regulations.
- (4) The Director or, as the case may be, designated official shall—
- (a) subject to the regulations, cause anything which is sent to him under this paragraph 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.

#### Textual Amendments

**F2** Number substituted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170, Sch. 8 para. 16, [Sch. 15 para. 116](#)

- 7 (1) The Attorney General may make regulations requiring the chief officer of any police force to which the regulations are expressed to apply to give to the Director information with respect to every offence of a kind prescribed by the regulations which is alleged to have been committed in his area and in respect of which it appears to him that there is a prima facie case for proceedings.
- (2) The regulations may also require every such chief officer to give to the Director such information as the Director may require with respect to such cases or classes of case as he may from time to time specify.
- 8 (1) The Attorney General may, with the approval of the Treasury, by regulations make such provision as he considers appropriate in relation to—
- (a) the fees of counsel briefed to appear on behalf of the Serious Fraud Office in any criminal proceedings; and
  - (b) the costs and expenses of witnesses attending to give evidence at the instance of the Serious Fraud Office and, subject to sub-paragraph (2) below, [<sup>F3</sup>of]any other person who in the opinion of that Office necessarily attends for the purpose of the case otherwise than to give evidence.
- (2) The power conferred on the Attorney General by sub-paragraph (1)(b) above only relates to the costs and expenses of an interpreter if he is required because of the lack of English of a person attending to give evidence at the instance of the Serious Fraud Office.
- (3) The regulations may, in particular—
- (a) prescribe scales or rates of fees, costs or expenses; and
  - (b) specify conditions for the payment of fees, costs or expenses.

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(4) Regulations made under sub-paragraph (1)(b) above may provide that scales or rates of costs and expenses shall be determined by the Attorney General with the consent of the Treasury.

[<sup>F4</sup>(5) In sub-paragraph (1)(b) above “attends” means attends at the court or elsewhere.]

**Textual Amendments**

**F3** Word substituted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 166(5)(a), **Sch. 8 para. 16**

**F4** [Sch. 1 para. 8\(5\)](#) inserted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 166(5)(b), **Sch. 8 para. 16**

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

**C1** [Sch. 1 para. 8](#) applied (6.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), **Sch. 2 para. 15**; [S.I. 2008/755](#), art. 15(1)(h)

- 9 (1) Any power to make regulations under this Schedule shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) Any such regulations may make different provision with respect to different cases or classes of case.

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