



Crime and Disorder Act 1998

1998 CHAPTER 37

PART III

CRIMINAL JUSTICE SYSTEM

Time limits etc.

43 Time limits.

- (1) In subsection (2) of section 22 (time limits in relation to criminal proceedings) of the ^{M1}Prosecution of Offences Act 1985 (“the 1985 Act”), for paragraphs (a) and (b) there shall be substituted the following paragraphs—
- “(a) be made so as to apply only in relation to proceedings instituted in specified areas, or proceedings of, or against persons of, specified classes or descriptions;
 - (b) make different provision with respect to proceedings instituted in different areas, or different provision with respect to proceedings of, or against persons of, different classes or descriptions;”.
- (2) For subsection (3) of that section there shall be substituted the following subsection—
- “(3) The appropriate court may, at any time before the expiry of a time limit imposed by the regulations, 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—
 - (i) the illness or absence of the accused, a necessary witness, a judge or a magistrate;
 - (ii) a postponement which is occasioned by the ordering by the court of separate trials in the case of two or more accused or two or more offences; or
 - (iii) some other good and sufficient cause; and
 - (b) that the prosecution has acted with all due diligence and expedition.”

Status: Point in time view as at 30/09/1998.

Changes to legislation: Crime and Disorder Act 1998, Section 43 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) In subsection (4) of that section, for the words from “the accused” to the end there shall be substituted the words “ the appropriate court shall stay the proceedings ”.
- (4) In subsection (6) of that section—
- (a) for the word “Where” there shall be substituted the words “ Subsection (6A) below applies where ”; and
 - (b) for the words from “the overall time limit” to the end there shall be substituted the words “ and is accordingly unlawfully at large for any period. ”
- (5) After that subsection there shall be inserted the following subsection—
- “(6A) The following, namely—
- (a) the period for which the person is unlawfully at large; and
 - (b) such additional period (if any) as the appropriate court may direct, having regard to the disruption of the prosecution occasioned by—
 - (i) the person’s escape or failure to surrender; and
 - (ii) the length of the period mentioned in paragraph (a) above,
 shall be disregarded, so far as the offence in question is concerned, for the purposes of the overall time limit which applies in his case in relation to the stage which the proceedings have reached at the time of the escape or, as the case may be, at the appointed time.”

(6) In subsection (7) of that section, after the words “time limit,” there shall be inserted the words “ or to give a direction under subsection (6A) above, ”.

(7) In subsection (8) of that section, after the words “time limit” there shall be inserted the words “ , or to give a direction under subsection (6A) above, ”.

(8) After subsection (11) of that section there shall be inserted the following subsection—

“(11ZA) For the purposes of this section, proceedings for an offence shall be taken to begin when the accused is charged with the offence or, as the case may be, an information is laid charging him with the offence.”

Commencement Information

II S. 43 wholly in force at 1.6.1999; S. 43 not in force at Royal Assent see s. 121; S. 43(1) in force at 30.9.1998 by S.I. 1998/2327, art. 2(1) (subject to savings in arts. 5-8); s. 43 in force at 1.6.1999 insofar as not already in force by S.I. 1999/1279, art. 2(a)

Marginal Citations

M1 1985 c.23.

Status:

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