

## SCHEDULES

### SCHEDULE 17

#### DEFERRED PROSECUTION AGREEMENTS

##### PART 1

##### GENERAL

###### *Use of material in criminal proceedings*

- 13 (1) Sub-paragraph (2) applies where a DPA between a prosecutor and P has been approved by the Crown Court under paragraph 8.
- (2) The statement of facts contained in the DPA is, in any criminal proceedings brought against P for the alleged offence, to be treated as an admission by P under section 10 of the Criminal Justice Act 1967 (proof by formal admission).
- (3) Sub-paragraph (4) applies where a prosecutor and P have entered into negotiations for a DPA but the DPA has not been approved by the Crown Court under paragraph 8.
- (4) Material described in sub-paragraph (6) may only be used in evidence against P—
- (a) on a prosecution for an offence consisting of the provision of inaccurate, misleading or incomplete information, or
  - (b) on a prosecution for some other offence where in giving evidence P makes a statement inconsistent with the material.
- (5) However, material may not be used against P by virtue of sub-paragraph (4)(b) unless evidence relating to it is adduced, or a question relating to it is asked, by or on behalf of P in the proceedings arising out of the prosecution.
- (6) The material is—
- (a) material that shows that P entered into negotiations for a DPA, including in particular—
    - (i) any draft of the DPA;
    - (ii) any draft of a statement of facts intended to be included within the DPA;
    - (iii) any statement indicating that P entered into such negotiations;
  - (b) material that was created solely for the purpose of preparing the DPA or statement of facts.