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*Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Paragraph 9. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 17

#### DEFERRED PROSECUTION AGREEMENTS

##### PART 1

##### GENERAL

##### *Breach of DPA*

- 9 (1) At any time when a DPA is in force, if the prosecutor believes that P has failed to comply with the terms of the DPA, the prosecutor may make an application to the Crown Court under this paragraph.
- (2) On an application under sub-paragraph (1) the court must decide whether, on the balance of probabilities, P has failed to comply with the terms of the DPA.
- (3) If the court finds that P has failed to comply with the terms of the DPA, it may—
- (a) invite the prosecutor and P to agree proposals to remedy P's failure to comply,
  - or
  - (b) terminate the DPA.
- (4) The court must give reasons for its decisions under sub-paragraphs (2) and (3).
- (5) Where the court decides that P has not failed to comply with the terms of the DPA, the prosecutor must publish the court's decision and its reasons for that decision, unless the prosecutor is prevented from doing so by an enactment or by an order of the court under paragraph 12 (postponement of publication to avoid prejudicing proceedings).
- (6) Where the court invites the prosecutor and P to agree proposals to remedy P's failure to comply, the prosecutor must publish the court's decisions under sub-paragraphs (2) and (3) and the reasons for those decisions, unless the prosecutor is prevented from doing so by an enactment or by an order of the court under paragraph 12 (postponement of publication to avoid prejudicing proceedings).
- (7) Where the court terminates a DPA under sub-paragraph (3)(b), the prosecutor must publish—
- (a) the fact that the DPA has been terminated by the court following a failure by P to comply with the terms of the DPA, and
  - (b) the court's reasons for its decisions under sub-paragraphs (2) and (3),
- unless the prosecutor is prevented from doing so by an enactment or by an order of the court under paragraph 12 (postponement of publication to avoid prejudicing proceedings).

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- (8) If the prosecutor believes that P has failed to comply with the terms of the DPA but decides not to make an application to the Crown Court under this paragraph, the prosecutor must publish details relating to that decision, including—
- (a) the reasons for the prosecutor's belief that P has failed to comply, and
  - (b) the reasons for the prosecutor's decision not to make an application to the court,
- unless the prosecutor is prevented from doing so by an enactment or by an order of the court under paragraph 12 (postponement of publication to avoid prejudicing proceedings).

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**Commencement Information**

**II** Sch. 17 para. 9 in force at 24.2.2014 by [S.I. 2014/258](#), **art. 2(b)**

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