

## 1986 No. 1334 (C. 46)

## CRIMINAL LAW, ENGLAND AND WALES

**The Prosecution of Offences Act 1985  
(Commencement No. 3) Order 1986**

Made - - - 28th July 1986

The Lord Chancellor, in exercise of the powers conferred on him by section 31(2) and (3) of the Prosecution of Offences Act 1985(a), hereby makes the following Order:—

1. This Order may be cited as the Prosecution of Offences Act 1985 (Commencement No. 3) Order 1986.

2. In this Order, “the Act” means the Prosecution of Offences Act 1985.

3.— (1) Subject to the following paragraphs of this article, the provisions of the Act specified in the Schedule to this Order shall come into force on 1st October 1986.

(2) The repeal by section 31(6) of and Schedule 2 to the Act of the Costs in Criminal Cases Act 1973(b) shall not affect the award out of central funds of the costs of the prosecution in respect of proceedings instituted by or on behalf of any of the authorities mentioned in paragraph (3) before 1st April 1986 which are not concluded by 1st October 1986.

(3) The authorities referred to in paragraph (2) are—

- (a) a police force (within the meaning of section 3 of the Act);
- (b) a government department (other than the Crown Prosecution Service);
- (c) a local authority or other authority or body constituted for purposes of—
  - (i) the public service or of local government; or
  - (ii) carrying on under national ownership any industry or undertaking or part of an industry or undertaking;
- (d) any other authority or body whose members are appointed by Her Majesty or by any Minister of the Crown or government department or whose revenues consist wholly or mainly of money provided by Parliament.

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(a) 1985 c. 23.  
(b) 1973 c. 14.

(4) Paragraph (2) shall not have effect where the conduct of proceedings to which the paragraph applies is taken over by the Crown Prosecution Service on or before 1st October 1986.

Dated 28th July 1986.

*Hailsham of St. Marylebone, C.*

## Article 3(1)

## SCHEDULE

PROVISIONS OF THE ACT COMING INTO FORCE ON 1ST OCTOBER  
1986

Provisions of the Act	Subject matter of provisions
Part II. In Schedule 1, paragraphs 6 to 10. So much of Schedule 2 as is specified in the Appendix hereto.	Costs in criminal cases. Minor and consequential amendments. Repeals.

## APPENDIX TO SCHEDULE

## REPEALS TAKING EFFECT ON 1ST OCTOBER 1986

Chapter	Short title	Extent of repeal
1915 c. 90.	The Indictments Act 1915.	In section 5, in subsection (1) the words from "and may make such order" to the end and in paragraph (c) of subsection (5), the words "as to costs and". Section 6.
1967 c. 80.	The Criminal Justice Act 1967.	In section 32(2), the words from "and" where it first appears to "funds" and from "and" where it next appears to the end.
1968 c. 19.	The Criminal Appeal Act 1968.	In Schedule 2, paragraph 3.
1970 c. 31.	The Administration of Justice Act 1970.	In Schedule 9, paragraph 15.
1973 c. 14.	The Costs in Criminal Cases Act 1973.	The whole Act.
1973 c. 15.	The Administration of Justice Act 1973.	Section 17.
1980 c. 43.	The Magistrates' Courts Act 1980.	Section 30(3).
1982 c. 44.	The Legal Aid Act 1982.	In section 13, subsections (1) to (4).

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order brings into force on 1st October 1986 the provisions of the Prosecution of Offences Act 1985 relating to costs in criminal cases which are specified in the Schedule to the Order.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This Note is not part of the Order.)*

The following provisions of the Act have been brought into force by commencement orders made before the date of this Order:—

Provision	Date of commencement	S.I. No.
Part I (excluding s. 9 and those sections which came into force on the passing of the Act on 23.5.1985, namely, ss. 11 to 13 and s. 15 so far as it applies in relation to ss. 11 to 13), ss. 23, 25, 26, 27 and Schedules 1 and 2 (partially).	1.4.86 (certain areas)	1985/1849
	1.10.86 (remaining areas of England and Wales)	1986/1029
Section 9	5.4.87	1986/1029
Section 22	1.10.86	1986/1029
Sections 24 and 28	1.4.86	1985/1849
Sections 31(5) and (6)	1.4.86	1985/1849
Schedules 1 and 2 (partially)	1.4.86	1985/1849

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