
STATUTORY INSTRUMENTS

2009 No. 186

**The European Parliamentary Elections
(Amendment) Regulations 2009**

Amendments to the 2004 Regulations

37. For regulation 114 (time limit for prosecution), substitute—

“Time limit for prosecution

114.—(1) A proceeding against a person in respect of any offence under any provision contained in these Regulations shall be commenced within one year after the offence was committed, and the time so limited by this regulation shall, in the case of any proceedings under the Magistrates’ Court Act 1980(1) or, in the case of Gibraltar, the Criminal Procedure Act(2), for any such offence be substituted for any limitation of time contained in those Acts.

(2) A magistrates’ court in England, Wales or Gibraltar may act under paragraph (3) if it is satisfied on an application by a constable or Crown Prosecutor, or in Gibraltar, the Attorney General—

- (a) that there are exceptional circumstances which justify the granting of the application, and
- (b) that there has been no undue delay in the investigation of the offence to which the application relates.

(3) A magistrates’ court may extend the time within which proceedings must be commenced in pursuance of paragraph (1) to not more than 24 months after the offence was committed.

(4) If a magistrates’ court acts under paragraph (3), it may also make an order under paragraph (5) if it is satisfied, on an application by a constable or Crown Prosecutor, or in Gibraltar, the Attorney General, that documents retained by the relevant registration officer in pursuance of rule 66 of the European Parliamentary elections rules may provide evidence relating to the offence.

(5) An order under this paragraph is an order—

- (a) directing the relevant registration officer not to cause the documents to be destroyed at the expiry of the period of one year mentioned in rule 66 of the European Parliamentary elections rules, and
- (b) extending the period for which he is required to retain them under that rule by such further period not exceeding 12 months as is specified in the order.

(6) The making of an order under paragraph (5) does not affect any other power to require the retention of the documents.

(7) An application under this regulation must be made not more than one year after the offence was committed.

(1) 1980 c.43.

(2) Gibraltar Act No. 1961-24.

(8) Any party to—

- (a) an application under paragraph (2), or
- (b) an application under paragraph (4),

who is aggrieved by the refusal of the magistrates' court to act under paragraph (3) or to make an order under paragraph (5) (as the case may be) may appeal to the Crown Court or, in Gibraltar, the Supreme Court.

(9) For the purposes of this regulation—

- (a) in England and Wales, the laying of information;
- (b) in Gibraltar, the laying of information; and
- (c) in Scotland, the granting of a warrant to apprehend or cite the accused (if, in relation to an offence alleged to have been committed within the United Kingdom, such warrant is executed without delay),

shall be deemed to be the commencement of the proceeding.”