

*This Statutory Instrument has been made in consequence of a defect in SI 2012/1635 and is being issued free of charge to all known recipients of that Statutory Instrument.*

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STATUTORY INSTRUMENTS

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**2012 No. 2067**

**CRIMINAL LAW, ENGLAND AND WALES**

**The Prosecution of Offences Act 1985 (Specified Proceedings)  
(Amendment No. 2) Order 2012**

|                               |         |                           |
|-------------------------------|---------|---------------------------|
| <i>Made</i>                   | - - - - | <i>8th August 2012</i>    |
| <i>Laid before Parliament</i> |         | <i>10th August 2012</i>   |
| <i>Coming into force</i>      | - -     | <i>3rd September 2012</i> |

The Solicitor General makes the following Order in exercise of the powers conferred by section 3(3) of the Prosecution of Offences Act 1985(a).

**Citation and commencement**

1. This Order may be cited as the Prosecution of Offences Act 1985 (Specified Proceedings) (Amendment No. 2) Order 2012 and comes into force on 3rd September 2012.

**Amendment of the Prosecution of Offences Act 1985 (Specified Proceedings) Order 1999**

2.—(1) The Prosecution of Offences Act 1985 (Specified Proceedings) Order 1999(b) is amended as follows.

(2) In article 3(3)(a), for “section 11(1)(a)” substitute “section 11(1)”.

8th August 2012

*Edward Garnier*  
Solicitor General

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(a) 1985 c. 23. Section 3(3) was amended by paragraph 39 of Schedule 7 to the Police Act 1996 (c. 16), paragraph 48 of Schedule 9 to the Police Act 1997 (c. 50), paragraph 47 of Schedule 4 and Part 2 of Schedule 17 to the Serious Organised Crime and Police Act 2005 (c. 15) and paragraph 171 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13). By virtue of section 1 of the Law Officers Act 1997, any function of the Attorney General may be exercised by the Solicitor General.

(b) S.I. 1999/904, as amended by S.I. 2012/1635.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This instrument corrects an error in the Prosecution of Offences Act 1985 (Specified Proceedings) (Amendment) Order 2012.

That Order amends the Prosecution of Offences Act 1985 (Specified Proceedings) Order 1999 (S.I. 1999/904) in order to extend the circumstances in which proceedings for particular offences are exempt from the general duty of the Director of Public Prosecutions under section 3(2)(a) of the Prosecution of Offences Act 1985 to take over the conduct of criminal proceedings instituted on behalf of a police force. One of the amendments was intended to achieve the effect that proceedings no longer cease to be specified where a magistrates' court proceeds in the absence of the accused. Due to a drafting error, this provision was only applied to proceedings against a defendant under the age of 18. Proceedings thus still cease to be specified if a court proceeds in the absence of an adult defendant. That was not the intention.

This Order accordingly corrects the error by substituting a reference to section 11(1) of the Magistrates' Courts Act 1980 for the reference to section 11(1)(a) which was inserted in the Prosecution of Offences Act 1985 (Specified Proceedings) Order 1999 by the previous amending Order.

A full regulatory impact assessment has not been produced for this Order as no impact on the private or voluntary sectors is foreseen.

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