

SCHEDULES

SCHEDULE 1

TIMES WHEN PROCEEDINGS ARE ACTIVE FOR PURPOSES OF SECTION 2

Criminal proceedings

- 3 Subject to the following provisions of this Schedule, criminal proceedings are active from the relevant initial step specified in paragraph 4 until concluded as described in paragraph 5.
- 4 The initial steps of criminal proceedings are :—
- (a) arrest without warrant;
 - (b) the issue, or in Scotland the grant, of a warrant for arrest;
 - (c) the issue of a summons to appear, or in Scotland the grant of a warrant to cite ;
 - (d) the service of an indictment or other document specifying the charge;
 - (e) except in Scotland, oral charge.
- 5 Criminal proceedings are concluded—
- (a) by acquittal or, as the case may be, by sentence ;
 - (b) by any other verdict, finding, order or decision which puts an end to the proceedings ;
 - (c) by discontinuance or by operation of law.
- 6 The reference in paragraph 5(a) to sentence includes any order or decision consequent on conviction or finding of guilt which disposes of the case, either absolutely or subject to future events, and a deferment of sentence under section 1 of the Powers of Criminal Courts Act 1973, section 219 or 432 of the Criminal Procedure (Scotland) Act 1975 or Article 14 of the Treatment of Offenders (Northern Ireland) Order 1976.
- 7 Proceedings are discontinued within the meaning of paragraph 5(c)—
- (a) in England and Wales or Northern Ireland, if the charge or summons is withdrawn or a nolle prosequi entered ;
 - (b) in Scotland, if the proceedings are expressly abandoned by the prosecutor or are deserted simpliciter;
 - (c) in the case of proceedings in England and Wales or Northern Ireland commenced by arrest without warrant, if the person arrested is released, otherwise than on bail, without having been charged.
- 8 Criminal proceedings before a court-martial or standing civilian court are not concluded until the completion of any review of finding or sentence.
- 9 Criminal proceedings in England and Wales or Northern Ireland cease to be active if an order is made for the charge to lie on the file, but become active again if leave is later given for the proceedings to continue.

Status: This is the original version (as it was originally enacted).

- 10 Without prejudice to paragraph 5(b) above, criminal proceedings against a person cease to be active—
- (a) if the accused is found to be under a disability such as to render him unfit to be tried or unfit to plead or, in Scotland, is found to be insane in bar of trial; or
 - (b) if a hospital order is made in his case under paragraph (b) of subsection (2) of section 76 of the Mental Health Act 1959 or paragraph (b) of subsection (2) of section 62 of the Mental Health Act (Northern Ireland) 1961 or, in Scotland, where a transfer order ceases to have effect by virtue of section 68(1) of the Mental Health (Scotland) Act 1960,
- but become active again if they are later resumed.
- 11 Criminal proceedings against a person which become active on the issue or the grant of a warrant for his arrest cease to be active at the end of the period of twelve months beginning with the date of the warrant unless he has been arrested within that period, but become active again if he is subsequently arrested.