



Prosecution of Offences Act 1985

1985 CHAPTER 23

PART III

MISCELLANEOUS

24 [F1 Restriction of vexatious prosecutions.]

(1) Section 42 of the ^{M1}[F2Senior Courts Act 1981] (restriction of vexatious civil proceedings) shall be amended as follows.

(2) In subsection (1)—

(a) in paragraphs (a) and (b) for the word “legal ” there shall be substituted, in each case, “civil ”;

(b) at the end of paragraph (b) there shall be inserted—

“or

(c) instituted vexatious prosecutions (whether against the same person or different persons),”; and

(c) for the words from “order ” to the end of the subsection there shall be substituted—

“make a civil proceedings order, a criminal proceedings order or an all proceedings order.”.

(3) After subsection (1) there shall be inserted—

“(1A) In this section—

“civil proceedings order ” means an order that—

(a) no civil proceedings shall without the leave of the High Court be instituted in any court by the person against whom the order is made;

(b) any civil proceedings instituted by him in any court before the making of the order shall not be continued by him without the leave of the High Court; and

Changes to legislation: *Prosecution of Offences Act 1985, Section 24 is up to date with all changes known to be in force on or before 18 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (c) no application (other than one for leave under this section) shall be made by him, in any civil proceedings instituted in any court by any person, without the leave of the High Court;

“criminal proceedings order ” means an order that—

- (a) no information shall be laid before a justice of the peace by the person against whom the order is made without the leave of the High Court; and
- (b) no application for leave to prefer a bill of indictment shall be made by him without the leave of the High Court; and

“all proceedings order ” means an order which has the combined effect of the two other orders.”.

- (4) In subsection (3), for the word “legal ” there shall be substituted “civil ”.

- (5) After subsection (3) there shall be inserted—

“(3A) Leave for the laying of an information or for an application for leave to prefer a bill of indictment by a person who is the subject of an order for the time being in force under subsection (1) shall not be given unless the High Court is satisfied that the institution of the prosecution is not an abuse of the criminal process and that there are reasonable grounds for the institution of the prosecution by the applicant.”

- (6) In subsection (4), for the words from “for the institution ” to the end there shall be substituted “required by virtue of this section ”.

- (7) An order made under section 42 before the commencement of this section and in force at the time of that commencement shall, for the purposes of that section as amended by this section, be treated as a civil proceedings order.

Textual Amendments

- F1** S. 23A inserted (4.1.1999 for specified purposes and otherwise 15.1.2001) by [1998 c. 37, s. 119, Sch. 8 para.64](#); [S.I. 1998/2327, art. 4\(2\)\(c\)](#); [S.I. 2000/3283, art. 2\(c\)](#) (subject to [art. 3](#))
- F2** Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 11 para. 1\(2\)](#); [S.I. 2009/1604, art. 2\(d\)](#)

Marginal Citations

- M1** [1981 c. 54.](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3(2)(ad) inserted by [2023 c. 41 Sch. 13 para. 1\(2\)\(a\)](#)
- s. 3(2)(bd) inserted by [2023 c. 41 Sch. 13 para. 1\(2\)\(b\)](#)
- s. 3(2)(ef) inserted by [2023 c. 41 Sch. 13 para. 1\(2\)\(c\)](#)
- s. 3(2)(fi) inserted by [2023 c. 15 s. 33\(1\)](#)