



# Prosecution of Offences Act 1985

## 1985 CHAPTER 23

### PART I

#### THE CROWN PROSECUTION SERVICE

##### *Constitution and functions of Service*

#### **[<sup>F1</sup>7A Powers of non-legal staff.**

- (1) The Director may designate [<sup>F2</sup>under this subsection] members of the staff of the Crown Prosecution Service who are not Crown Prosecutors.
- (2) Subject to such exceptions (if any) as may be specified in the designation [<sup>F3</sup>under subsection (1)] , a person so designated shall have such of the following as may be so specified, namely—
  - (a) the powers and rights of audience of a Crown Prosecutor in relation to—
    - (i) applications for, or relating to, bail in criminal proceedings;
    - (ii) the conduct of criminal proceedings in magistrates' courts other than trials [<sup>F4</sup>of offences triable either way or offences which are punishable with imprisonment in the case of persons aged 21 or over] ;
    - [ the conduct of applications or other proceedings relating to
    - <sup>F5</sup>(iii) preventative civil orders;
    - (iv) the conduct of proceedings (other than criminal proceedings) in, or in connection with, the discharge of functions assigned to the Director under section 3(2)(g) above.]
  - [<sup>F6</sup>(b) any powers of a Crown Prosecutor that do not involve the exercise of such rights of audience as are mentioned in paragraph (a) above but are exercisable in relation to the conduct of—
    - (i) criminal proceedings in magistrates' courts, or
    - (ii) applications or proceedings falling within paragraph (a)(iii) or (iv).]

[ The Director may designate under this subsection members of the staff of the Crown <sup>F7</sup>(2A) Prosecution Service who are not Crown Prosecutors.

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- (2B) A person designated under subsection (2A) has the powers and rights of audience of a Crown Prosecutor in relation to—
  - (a) Revenue and Customs cash recovery proceedings specified in the designation under subsection (2A), or
  - (b) a class or description of Revenue and Customs cash recovery proceedings specified in the designation under subsection (2A).]

(3) A person [F8designated under subsection (1) or (2A)] shall exercise [F9any powers so conferred] subject to instructions given to him by the Director.

(4) Any such instructions may be given so as to apply generally.

[F10(5) In this section—

“bail in criminal proceedings” has the same meaning as in the Bail Act 1976 (see section 1 of that Act);

“preventative civil orders” means—

- (a) orders within section 3(2)(fa) to (fe) above;
- (b) orders under [F11section 360 of the Sentencing Code or section] 5A of the Protection from Harassment Act 1997 (restraining orders); or
- (c) orders under section 8 of the Crime and Disorder Act 1998 [F12or section 366 or 369 of the Sentencing Code] (parenting orders).

[F13“Revenue and Customs cash recovery proceedings” has the meaning given by section 5(1B).]

(5A) For the purposes of this section a trial begins with the opening of the prosecution case after the entry of a plea of not guilty and ends with the conviction or acquittal of the accused.]

[F14[F15(6) . . . . .

(7) Details of the following for any year, namely—

- (a) the criteria applied by the Director in determining whether to designate persons [F16under subsection (1) or (2A)] ;
  - (b) the training undergone by persons so designated; and
  - (c) any general instructions given by the Director under subsection (4) above,
- shall be set out in the Director’s report under section 9 of this Act for that year.]

[F17(8) As from 1 May 2011 nothing in this section confers on persons designated [F18under subsection (1) or (2A)] —

- (a) any rights of audience, or
- (b) any right to conduct litigation,

for the purposes of Part 3 of the Legal Services Act 2007 (reserved legal activities).

(9) As from that date the following provisions of that Act accordingly do not apply to persons designated [F19under subsection (1) or (2A)] —

- (a) paragraph 1(3) of Schedule 3 (exemption for persons with statutory rights of audience), and
- (b) paragraph 2(3) of that Schedule (exemption for persons with statutory right to conduct litigation).

(10) The Attorney General may by order make such modifications in the application of any enactment (including this section) in relation to persons designated [F20under

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subsection (1) or (2A)] as the Attorney General considers appropriate in consequence of, or in connection with, the matters provided for by subsections (8) and (9).

(11) The Attorney General may also by order amend subsection (2)(a)(ii) so as to omit the words “or offences which are punishable with imprisonment in the case of persons aged 21 or over”.

(12) The power to make an order under subsection (10) or (11) is exercisable by statutory instrument, but a statutory instrument containing such an order may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.]

### Textual Amendments

- F1** S. 7A substituted (30.9.1998) by 1998 c. 37, s.53; S.I. 1998/2327, art. 2(1)(n).
- F2** Words in s. 7A(1) substituted (27.3.2014) by The Public Bodies (Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions) Order 2014 (S.I. 2014/834), art. 1(1), Sch. 1 para. 4(2)
- F3** Words in s. 7A(2) inserted (27.3.2014) by The Public Bodies (Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions) Order 2014 (S.I. 2014/834), art. 1(1), Sch. 1 para. 4(3)
- F4** Words in s. 7A(2)(a)(ii) inserted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 55(2)(a), 153(7) (with Sch. 27 para. 21); S.I. 2008/1586, art. 2(1), Sch. 1 para. 29
- F5** S. 7A(2)(a)(iii)(iv) inserted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 55(2)(b), 153(7) (with Sch. 27 para. 21); S.I. 2008/1586, art. 2(1), Sch. 1 para. 29
- F6** S. 7A(2)(b) substituted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 55(2)(c), 153(7) (with Sch. 27 para. 21); S.I. 2008/1586, art. 2(1), Sch. 1 para. 29
- F7** S. 7A(2A)(2B) inserted (27.3.2014) by The Public Bodies (Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions) Order 2014 (S.I. 2014/834), art. 1(1), Sch. 1 para. 4(4)
- F8** Words in s. 7A(3) substituted (27.3.2014) by The Public Bodies (Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions) Order 2014 (S.I. 2014/834), art. 1(1), Sch. 1 para. 4(5)(a)
- F9** Words in s. 7A(3) substituted (27.3.2014) by The Public Bodies (Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions) Order 2014 (S.I. 2014/834), art. 1(1), Sch. 1 para. 4(5)(b)
- F10** S. 7A(5)(5A) substituted for s. 7A(5) (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 55(3), 153(7) (with Sch. 27 para. 21); S.I. 2008/1586, art. 2(1), Sch. 1 para. 29
- F11** Words in s. 7A(5) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 82(a) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F12** Words in s. 7A(5) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 82(b) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F13** Words in s. 7A(5) inserted (27.3.2014) by The Public Bodies (Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions) Order 2014 (S.I. 2014/834), art. 1(1), Sch. 1 para. 4(6)
- F14** S. 7A(6) repealed (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 55(4), 153(7), Sch. 28 Pt. 4 (with Sch. 27 para. 21); S.I. 2008/1586, art. 2(1), Sch. 1 paras. 29, 50(4)(b)
- F15** S. 7A(6) substituted (9.5.2005 for certain purposes and otherwise prosp.) by Criminal Justice Act 2003 (c. 44), ss. 41, 336, Sch. 3 para. 57(2); S.I. 2005/1267, art. 2, Sch. Pt. 1
- F16** Words in s. 7A(7)(a) substituted (27.3.2014) by The Public Bodies (Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions) Order 2014 (S.I. 2014/834), art. 1(1), Sch. 1 para. 4(7)

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- F17** Ss. 7A(8)-(12) inserted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), **ss. 55(5), 153(7)** (with Sch. 27 para. 21); S.I. 2008/1586, art. 2(1), Sch. 1 para. 29
- F18** Words in s. 7A(8) substituted (27.3.2014) by The Public Bodies (Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions) Order 2014 (S.I. 2014/834), art. 1(1), **Sch. 1 para. 4(8)**
- F19** Words in s. 7A(9) substituted (27.3.2014) by The Public Bodies (Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions) Order 2014 (S.I. 2014/834), art. 1(1), **Sch. 1 para. 4(9)**
- F20** Words in s. 7A(10) substituted (27.3.2014) by The Public Bodies (Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions) Order 2014 (S.I. 2014/834), art. 1(1), **Sch. 1 para. 4(10)**

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**Changes and effects yet to be applied to :**

- s. 7A(5) words inserted by [2010 c. 17 s. 41\(6\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 41 repealed (23.3.2015) without ever being in force by 2014 c. 12, Sch. 11 para. 46; S.I. 2015/373, art. 4(f)(x))

**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\(2\)\(c\)](#)