



# Crime and Disorder Act 1998

## 1998 CHAPTER 37

### PART III

#### CRIMINAL JUSTICE SYSTEM

##### *Time limits etc.*

#### 43 Time limits.

- (1) In subsection (2) of section 22 (time limits in relation to criminal proceedings) of the <sup>M1</sup>Prosecution of Offences Act 1985 (“the 1985 Act”), for paragraphs (a) and (b) there shall be substituted the following paragraphs—
- “(a) be made so as to apply only in relation to proceedings instituted in specified areas, or proceedings of, or against persons of, specified classes or descriptions;
  - (b) make different provision with respect to proceedings instituted in different areas, or different provision with respect to proceedings of, or against persons of, different classes or descriptions;”.
- (2) For subsection (3) of that section there shall be substituted the following subsection—
- “(3) The appropriate court may, at any time before the expiry of a time limit imposed by the regulations, extend, or further extend, that limit; but the court shall not do so unless it is satisfied—
- (a) that the need for the extension is due to—
    - (i) the illness or absence of the accused, a necessary witness, a judge or a magistrate;
    - (ii) a postponement which is occasioned by the ordering by the court of separate trials in the case of two or more accused or two or more offences; or
    - (iii) some other good and sufficient cause; and
  - (b) that the prosecution has acted with all due diligence and expedition.”

**Changes to legislation:** *Crime and Disorder Act 1998, Cross Heading: Time limits etc. is up to date with all changes known to be in force on or before 20 April 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*

- (3) In subsection (4) of that section, for the words from “the accused” to the end there shall be substituted the words “ the appropriate court shall stay the proceedings ”.
- (4) In subsection (6) of that section—
  - (a) for the word “Where” there shall be substituted the words “ Subsection (6A) below applies where ”; and
  - (b) for the words from “the overall time limit” to the end there shall be substituted the words “ and is accordingly unlawfully at large for any period. ”
- (5) After that subsection there shall be inserted the following subsection—
 

“(6A) The following, namely—

  - (a) the period for which the person is unlawfully at large; and
  - (b) such additional period (if any) as the appropriate court may direct, having regard to the disruption of the prosecution occasioned by—
    - (i) the person’s escape or failure to surrender; and
    - (ii) the length of the period mentioned in paragraph (a) above, shall be disregarded, so far as the offence in question is concerned, for the purposes of the overall time limit which applies in his case in relation to the stage which the proceedings have reached at the time of the escape or, as the case may be, at the appointed time.”
- (6) In subsection (7) of that section, after the words “time limit,” there shall be inserted the words “ or to give a direction under subsection (6A) above, ”.
- (7) In subsection (8) of that section, after the words “time limit” there shall be inserted the words “ , or to give a direction under subsection (6A) above, ”.
- (8) After subsection (11) of that section there shall be inserted the following subsection—
 

“(11ZA) For the purposes of this section, proceedings for an offence shall be taken to begin when the accused is charged with the offence or, as the case may be, an information is laid charging him with the offence.”

**Commencement Information**

**II** S. 43 wholly in force at 1.6.1999; S. 43 not in force at Royal Assent see s. 121; S. 43(1) in force at 30.9.1998 by S.I. 1998/2327, art. 2(1) (subject to savings in arts. 5-8); s. 43 in force at 1.6.1999 insofar as not already in force by S.I. 1999/1279, art. 2(a)

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**Marginal Citations**

**M1** 1985 c.23.

**44 Additional time limits for persons under 18.**

F1 .....

**Textual Amendments**

**F1** S. 44 repealed (12.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112(2), 116(6)(a), Sch. 8 Pt. 13

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## 45 Re-institution of stayed proceedings.

After section 22A of the 1985 Act there shall be inserted the following section—

### “22B Re-institution of proceedings stayed under section 22(4) or 22A(5).

- (1) This section applies where proceedings for an offence (“the original proceedings”) are stayed by a court under section 22(4) or 22A(5) of this Act.
- (2) If—
  - (a) in the case of proceedings conducted by the Director, the Director or a Chief Crown Prosecutor so directs;
  - (b) in the case of proceedings conducted by the Director of the Serious Fraud Office, the Commissioners of Inland Revenue or the Commissioners of Customs and Excise, that Director or those Commissioners so direct; or
  - (c) in the case of proceedings not conducted as mentioned in paragraph (a) or (b) above, a person designated for the purpose by the Secretary of State so directs,fresh proceedings for the offence may be instituted within a period of three months (or such longer period as the court may allow) after the date on which the original proceedings were stayed by the court.
- (3) Fresh proceedings shall be instituted as follows—
  - (a) where the original proceedings were stayed by the Crown Court, by preferring a bill of indictment;
  - (b) where the original proceedings were stayed by a magistrates’ court, by laying an information.
- (4) Fresh proceedings may be instituted in accordance with subsections (2) and (3)(b) above notwithstanding anything in section 127(1) of the <sup>M2</sup>Magistrates’ Courts Act 1980 (limitation of time).
- (5) Where fresh proceedings are instituted, anything done in relation to the original proceedings shall be treated as done in relation to the fresh proceedings if the court so directs or it was done—
  - (a) by the prosecutor in compliance or purported compliance with section 3, 4, 7 or 9 of the <sup>M3</sup>Criminal Procedure and Investigations Act 1996; or
  - (b) by the accused in compliance or purported compliance with section 5 or 6 of that Act.
- (6) Where a person is convicted of an offence in fresh proceedings under this section, the institution of those proceedings shall not be called into question in any appeal against that conviction.”

#### Marginal Citations

M2 1980 c.43.

M3 1996 c.25.

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#### **46 Date of first court appearance in bail cases.**

(1) In subsection (3) of section 47 of the 1984 Act (bail after arrest), for the words “subsection (4)” there shall be substituted the words “ subsections (3A) and (4) ”.

(2) After that subsection there shall be inserted the following subsection—

“(3A) Where a custody officer grants bail to a person subject to a duty to appear before a magistrates’ court, he shall appoint for the appearance—

- (a) a date which is not later than the first sitting of the court after the person is charged with the offence; or
- (b) where he is informed by the clerk to the justices for the relevant petty sessions area that the appearance cannot be accommodated until a later date, that later date.”

#### **Commencement Information**

**I2** [S. 46](#) wholly in force at 1.11.1999; [S. 46](#) not in force at Royal Assent see [s. 121](#); [S. 46](#) in force at 30.9.1998 in the areas specified in Sch. 2 of the said S.I. by [S.I. 1998/2327](#), [art. 3\(2\)](#), [Sch. 2](#); [S. 46](#) in force at 1.11.1999 insofar as not already in force by [S.I. 1999/2976](#), [art. 2](#)

**Changes to legislation:**

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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. 1(1C) inserted by [2010 c. 17 s. 40\(2\)](#) (This amendment not applied to legislation.gov.uk. S. 40 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))
- s. 8A inserted by [2010 c. 17 s. 41\(3\)](#) (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))
- s. 8A repealed by [2014 c. 12 Sch. 11 para. 24\(c\)](#)
- s. 9(2)(d) and word inserted by [2010 c. 17 s. 41\(4\)\(b\)](#) (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))
- s. 9(2)(d) and word omitted by [2014 c. 12 Sch. 11 para. 26\(4\)\(a\)](#)
- s. 9(2AA) inserted by [2010 c. 17 s. 41\(4\)\(c\)](#) (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))
- s. 9(2AA) repealed by [2014 c. 12 Sch. 11 para. 26\(5\)](#)
- s. 41(5)(i)(ii) words substituted by [2021 c. 11 Sch. 13 para. 37\(3\)](#)
- s. 47(A1) inserted by [2022 c. 35 s. 12\(2\)](#)
- s. 47(1)-(1F) substituted for s. 47(1) by [2022 c. 35 s. 12\(3\)](#)
- s. 47(4)(a) word substituted by [2022 c. 35 s. 12\(6\)\(b\)](#)
- s. 47(4)(a) words renumbered as s. 47(4)(a) by [2022 c. 35 s. 12\(6\)\(a\)](#)
- s. 47(4)(b) and word inserted by [2022 c. 35 s. 12\(6\)\(c\)](#)
- s. 47(4A) inserted by [2022 c. 35 s. 12\(7\)](#)
- s. 50A(6) inserted by [2022 c. 35 Sch. 2 para. 8\(2\)\(b\)](#)
- s. 51(2A)-(2E) inserted by [2022 c. 35 s. 10\(4\)](#)
- s. 51(3A)(3B) substituted for s. 51(3)-(12) by [2022 c. 35 s. 10\(5\)](#)
- s. 51A(A1) inserted by [2022 c. 35 s. 10\(7\)](#)
- s. 51A(3A)-(3E) inserted by [2022 c. 35 s. 10\(9\)](#)
- s. 51A(4A)(4B) substituted for s.0051A(4)-(10) by [2022 c. 35 s. 10\(10\)](#)
- s. 52(2A) inserted by [2022 c. 35 s. 10\(11\)](#)
- Sch. 3 para. 3(11A) inserted by [2003 c. 44 Sch. 3 para. 71\(d\)](#)