

STATUTORY INSTRUMENTS

1985 No. 1849 (C. 43)

CRIMINAL LAW, ENGLAND AND WALES

**The Prosecution of Offences Act 1985 (Commencement No. 1)
Order 1985***Made - - - - 29th November 1985*

In exercise of the powers conferred on me by section 31(2) and (3) of the Prosecution of Offences Act 1985(a), I hereby make the following Order:—

1. This Order may be cited as the Prosecution of Offences Act 1985 (Commencement No. 1) Order 1985.
2. In this Order “the Act” means the Prosecution of Offences Act 1985.
3. The provisions of the Act specified in Schedule 1 to this Order shall come into force on 1st April 1986.
4. The provisions of the Act specified in Schedule 2 to this Order shall come into force on 1st April 1986 in the following areas, namely the counties of—

Durham
Greater Manchester
Merseyside
Northumberland
South Yorkshire
Tyne and Wear
West Midlands and
West Yorkshire,

save that paragraphs (a), (c) and (d) of section 3(2) of the Act shall not apply in relation to proceedings transferred (whether on appeal or otherwise) to an area where those provisions are in force from an area where they are not.

5. Where the Director of Public Prosecutions has the conduct of proceedings under section 3 or 6 of the Act because he has taken them over or instituted them under one of those sections and those proceedings are then transferred (whether on appeal or otherwise) to an area where those sections are not in force, the provisions of the Act specified in Schedule 2 to this Order shall nevertheless continue to apply in relation to those proceedings.

Home Office.
29th November 1985.

Douglas Hurd,
One of Her Majesty's Principal
Secretaries of State.

(a) 1985 c.23.

SCHEDULE 1

Article 3

PROVISIONS OF THE ACT COMING INTO FORCE ON 1ST APRIL 1986 IN ENGLAND AND WALES

Provisions of the Act	Subject matter of provisions
Section 24.	Restriction of vexatious prosecutions.
Section 28.	Repeal of section 9 of Perjury Act 1911.
Section 31(5) and (6).	Minor and consequential amendments and repeals.
In Schedule 1, paragraphs 4 and 5.	Minor and consequential amendments.
So much of Schedule 2 as is specified in the Appendix hereto.	Repeals.

APPENDIX TO SCHEDULE 1

REPEALS TAKING EFFECT ON 1ST APRIL 1986 IN ENGLAND AND WALES

Chapter	Short Title	Extent of repeal
1911 c.6.	The Perjury Act 1911.	Section 9.
1933 c.36.	The Administration of Justice (Miscellaneous Provisions) Act 1933.	In section 2(2)(b), the words from "or pursuant" to "Act 1911".
1966 c.34.	The Industrial Development Act 1966.	In section 8(12), the words "the Director of Public Prosecutions".
1968 c.73.	The Transport Act 1968.	In paragraph 10 of Schedule 8, the words "the Director of Public Prosecutions".
1972 c.68.	The European Communities Act 1972.	In section 11(1), the words "in England or Wales or" and "section 9 of the Perjury Act 1911 or".
1976 c.63.	The Bail Act 1976.	In Schedule 2, paragraph 6.
1983 c.2.	The Representation of the People Act 1983.	In section 181, subsections (4) and (8).

Article 4

SCHEDULE 2

PROVISIONS OF THE ACT COMING INTO FORCE ON 1ST APRIL 1986 IN THE COUNTIES MENTIONED IN ARTICLE 4

Provisions of the Act	Subject matter of provisions
Part I (excluding section 9 and those sections which came into force on the passing of the Act on 23rd May 1985, namely sections 11 to 13 and section 15 so far as it applies in relation to sections 11 to 13).	The Crown Prosecution Service.
Section 23.	Discontinuance of proceedings in magistrates' courts.
Section 25.	Consents to prosecutions etc.
Section 26.	Consents to be admissible in evidence.
Section 27.	Care proceedings involving allegation of offences.
In Schedule 1, paragraphs 1 to 3.	Minor and consequential amendments.
So much of Schedule 2 as is specified in the Appendix hereto.	Repeals.

APPENDIX TO SCHEDULE 2

REPEALS TAKING EFFECT ON 1ST APRIL 1986 IN THE COUNTIES MENTIONED IN ARTICLE 4

Chapter	Short Title	Extent of repeal
1979 c.31.	The Prosecution of Offences Act 1979.	The whole Act.
1980 c.43.	The Magistrates' Courts Act 1980.	In section 25(3), the words from "but" to the end.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order brings into force on 1st April 1986 for the whole of England and Wales the provisions of the Prosecution of Offences Act 1985 specified in Schedule 1 to the Order and for those counties mentioned in Article 4 the provisions of the Act specified in Schedule 2 to the Order.

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