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STATUTORY INSTRUMENTS

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**1986 No. 1029 (C.25)**

**CRIMINAL LAW, ENGLAND AND WALES**

The Prosecution of Offences Act 1985  
(Commencement No. 2) Order 1986

Made - - - - 19th June 1986

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

1. This Order may be cited as the Prosecution of Offences Act 1985 (Commencement No. 2) Order 1986.

2. In this Order “the Act” means the Prosecution of Offences Act 1985.

3. Section 22 of the Act (power of Secretary of State to set time limits in relation to preliminary stages of criminal proceedings) shall come into force on 1st October 1986.

4. The provisions of the Act specified in the Schedule to this Order shall come into force on 1st October 1986 in all areas other than the counties in which they are already in force, that is to say in all areas other than the counties of Durham, Greater Manchester, Merseyside, Northumberland, South Yorkshire, Tyne and Wear, West Midlands and West Yorkshire<sup>(1)</sup>.

5.—(1) Paragraphs (a), (c) and (d) of section 3(2) of the Act shall not apply in relation to proceedings to which this Article applies transferred (whether on appeal or otherwise) after 30th September 1986 to a county mentioned in Article 4 above from any other area.

(2) This Article applies—

(a) in relation to the said paragraphs (a) and (c), to proceedings instituted, and

(b) in relation to the said paragraph (d), to proceedings begun by a summons issued,

before 1st October 1986 in any area other than a county mentioned in Article 4 above.

6. Section 9 of the Act (reports by Director to Attorney General) shall come into force on 5th April 1987.

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(1) See S.I. 1985/1849.

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19th June 1986

*Douglas Hurd*  
One of Her Majesty's Principal Secretaries of  
State  
Home Office

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SCHEDULE

Article 4

PROVISIONS OF THE ACT COMING INTO FORCE ON 1ST OCTOBER 1986  
IN ALL AREAS OTHER THAN THE COUNTIES MENTIONED IN ARTICLE 4

<i>Provisions of the Act</i>	<i>Subject matter of provisions</i>
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

REPEALS TAKING EFFECT ON 1ST OCTOBER 1986 IN ALL  
AREAS OTHER THAN THE COUNTIES MENTIONED IN ARTICLE 4

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of repeal</i>
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 Order brings into force on 1st October 1986 the provisions of the Prosecution of Offences Act 1985 specified in the Schedule to the Order throughout England and Wales except where those provisions are already in force. It also brings into force, throughout England and Wales, section 22 (time limits) on 1st October 1986 and section 9 (Director's reports) on 5th April 1987.

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### NOTE AS TO EARLIER COMMENCEMENT ORDER

The following provisions of the Act have been brought into force by commencement order made before the date of this Order:—

<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
Part I (excluding s. 9 and those sections which came into force on the passing of the Act on 23.5.1985, namely, ss. 11 to 13 and s. 15 so far as it applies in relation to ss. 11 to 13), ss. 23, 25, 26, 27 and 31 and Schedules 1 and 2 (partially).	1.4.86	1985/1849
ss. 24 and 28.	1.4.86	1985/1849