
STATUTORY INSTRUMENTS

2005 No. 384

The Criminal Procedure Rules 2005

PART 8

**OBJECTING TO THE DISCONTINUANCE OF
PROCEEDINGS IN A MAGISTRATES' COURT**

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Time for objecting

8.1. The period within which an accused person may give notice under section 23(7) of the Prosecution of Offences Act 1985(1) that he wants proceedings against him to continue is 35 days from the date when the proceedings were discontinued under that section.

[Note. Formerly rule 3 of the Magistrates' Courts (Discontinuance of Proceedings) Rules 1986(2). For the equivalent procedure in the Crown Court see section 23A of the 1985 Act.]

Form of notice

8.2. Notice under section 23(3), (4) or (7) of the Prosecution of Offences Act 1985(3) shall be given in writing and shall contain sufficient particulars to identify the particular offence to which it relates; and, without prejudice to any other lawful method of giving notice, may be given by post in a registered letter or by the recorded delivery service, in which case it shall be treated as having been given on the date on which it is received for dispatch by the postal operator (within the meaning of the Postal Services Act 2000(4)) concerned.

[Note. Formerly rule 4 of the Magistrates' Courts (Discontinuance of Proceedings) Rules 1986.]

Duty of Director of Public Prosecutions

8.3. On giving notice under section 23(3) or (4) of the Prosecution of Offences Act 1985 the Director of Public Prosecutions shall inform any person who is detaining the accused person for

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- (1) 1985 c. 23; section 23(7) was amended by paragraphs 129 and 131 of Schedule 13 to the Access to Justice Act 1999 (c. 22) and paragraph 290 of Schedule 8 to the Courts Act 2003 (c. 39).
- (2) S.I. 1986/367; amending instruments relevant to this Part are S.I. 2001/615 and 2001/1149.
- (3) Section 23(3) was amended by paragraphs 129 and 131 of Schedule 13 to the Access to Justice Act 1999 (c. 22) and paragraph 290 of Schedule 8 to the Courts Act 2003 (c. 39).
- (4) 2000 c. 26.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

the offence in relation to which the notice is given that he has given such notice and of the effect of the notice.

[Note. Formerly rule 5 of the Magistrates' Courts (Discontinuance of Proceedings) Rules 1986.]

Duty of magistrates' court

8.4. On being given notice under section 23(3) of the Prosecution of Offences Act 1985 in relation to an offence for which the accused person has been granted bail by a court, a magistrates' court officer shall inform—

(a) any sureties of the accused; and

(b) any persons responsible for securing the accused's compliance with any conditions of bail

that he has been given such notice and of the effect of the notice.

[Note. Formerly rule 6 of the Magistrates' Courts (Discontinuance of Proceedings) Rules 1986.]