STATUTORY INSTRUMENTS

1978 No. 1357 (L.33)

CRIMINAL LAW, ENGLAND AND WALES

The Prosecution of Offences Regulations 1978

Made - - - -	14*th September* 1978
Laid before Parliament	26*th September* 1978
Coming into Operation	1*st January* 1979

In pursuance of the powers conferred on me by sections 2, 5 and 8 of the Prosecution of Offences Act 1879**(a)** (as amended by section 3 of the Prosecution of Offences Act 1884**(b)**, section 2 of the Prosecution of Offences Act 1908**(c)** and section 27 of the Administration of Justice Act 1965**(d)**), and with the concurrence of a Secretary of State, I hereby make the following Regulations:—

1. These Regulations may be cited as the Prosecution of Offences Regulations 1978 and shall come into operation on 1st January 1979.

2. The Prosecution of Offences Regulations 1946**(e)** are hereby revoked.

3. It shall be the duty of the Director of Public Prosecutions to institute, undertake or carry on criminal proceedings in any case which appears to him to be of importance or difficulty or which for any other reason requires his intervention.

4. The Director of Public Prosecutions shall give advice whether on application by or on his own initiative to Government Departments, clerks to justices, chief officers of police and such other persons as he may think right in any criminal matter which appears to him to be of importance or difficulty or which for any other reason appears to him to require his intervention by way of advice and any such advice may be given at his discretion either orally or in writing.

5. The Director of Public Prosecutions may employ a solicitor to act as his agent in the conduct of a prosecution and shall authorise the payment to an agent so employed of such costs and charges as he shall consider reasonable and proper.

6.—(1) The chief officer of police of every police area within the meaning of the Police Act 1964**(f)**, shall give to the Director of Public Prosecutions information with respect to any of the following offences where it appears to him that there is a prima facie case for proceedings—

(*a*) offences in which the prosecution has by statute to be undertaken by or requires the consent of the Attorney General, the Solicitor General or the Director of Public Prosecutions;

(*b*) offences where it appears to the chief officer of police that the advice or the assistance of the Director of Public Prosecutions is desirable;

(*c*) offences punishable with death;

(*d*) offences of homicide except offences of causing death by reckless driving;

(*e*) offences of abortion;

(a) 1879 c. 22. **(b)** 1884 c. 58. **(c)** 1908 c. 3. **(d)** 1965 c. 2.
(e) S.I. 1946/1467. **(f)** 1964 c. 48.

(*f*) offences of treason felony, misprision of treason, sedition, seditious libel or libel on holders of public offices;

(*g*) offences involving obscene exhibitions or publications;

(*h*) offences under the following enactments:—

(i) the Offences Against the Person Act 1861**(a)**, section 21, 23, 28, 29, 32 or 33;

(ii) the Forgery Act 1913**(b)**, section 2(1), 3 or 5 or uttering any such documents, seals or dies mentioned in those sections;

(*i*) conspiracies, attempts or incitements to commit any of the above offences;

(*j*) offences which may be the subject of an application under the Extradition Acts 1870 to 1935 or the Fugitive Offenders Act 1967**(c)**.

(2) The chief officer of every such police area shall give to the Director of Public Prosecutions such information as he may require with respect to such other cases as the Director of Public Prosecutions may from time to time specify as appearing to him to be of importance or difficulty or for any other reason requiring his intervention.

7. Where a chief officer of police is required under Regulation 6(1) to give information to the Director of Public Prosecutions he shall provide to the Director of Public Prosecutions—

(*a*) a full report of the circumstances;

(*b*) copies of the statements of any witnesses;

(*c*) copies of any material documents; and

(*d*) such other information and material as the Director of Public Prosecutions may require of him.

8. Every justice of the peace to whom a notice shall have been given under section 5 of the Prosecution of Offences Act 1879 shall within three days of receipt of the notice deliver or transmit by post or other means to the Director of Public Prosecutions all documents and things which are required to be transmitted by that section.

9. In any case in which the prosecution for any offence instituted before examining justices or a court of summary jurisdiction is wholly withdrawn or is not proceeded with within a reasonable time and there is some ground for suspecting that there is no satisfactory reason for the withdrawal or failure to proceed, it shall be the duty of the clerk of the court to send to the Director of Public Prosecutions a report of the case and to supply him with such information or documents in relation to the case as he may specify.

Law Officers' Department.

Sam C. Silkin,
Attorney General.

7th September 1978.

I concur.

Merlyn Rees,
One of Her Majesty's Principal Secretaries of State.

14th September 1978.

(a) 1861 c. 100. (b) 1913 c. 27. (c) 1967 c. 68.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations replace the Prosecution of Offences Regulations 1946. They provide for the Director of Public Prosecutions to conduct certain criminal proceedings, to advise on criminal matters and to be supplied with information relating to criminal offences by chief officers of police and clerks to justices. The present Regulations take into account changes in the law and in the type of case requiring action by the Director of Public Prosecutions by reason of their importance or difficulty.

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