STATUTORY INSTRUMENTS

2016 No. 430

CRIMINAL LAW, ENGLAND AND WALES

The Criminal Justice Act 2003 (New Method of Instituting Proceedings) (Specification of Relevant Prosecutors) Order 2016

Made - - - -	*22nd March 2016*
Laid before Parliament	*24th March 2016*
Coming into force - -	*14th April 2016*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 29(5)(h), 29(5A) and 330(3) of the Criminal Justice Act 2003(**1**) ("the Act").

Citation and commencement

1. This Order may be cited as the Criminal Justice Act 2003 (New Method of Instituting Proceedings) (Specification of Relevant Prosecutors) Order 2016 and comes into force on 14th April 2016.

Specification of relevant prosecutors

2. The persons specified in articles 3 to 8 are specified as relevant prosecutors for the purposes of section 29 of the Act (new method of instituting proceedings).

The Environment Agency

3. The Environment Agency(**2**).

Local authorities

4. The following local authorities—

(a) a county council;

(b) a county or county borough council in Wales;

(c) a district council;

(**1**) 2003 c. 44; section 29 was amended by section 46 of the Criminal Justice and Courts Act 2015 (c. 2).
(**2**) A body corporate established by section 1 of the Environment Act 1995 (c. 25).

(d) a London borough council;

(e) the Common Council of the City of London in its capacity as a local authority; and

(f) the Council of the Isles of Scilly.

The Natural Resources Body for Wales

5. The Natural Resources Body for Wales(**3**).

Railway operators

6.—(1) For the purpose of prosecuting a railway offence—

(a) a person who is authorised to be the operator of a railway asset by a licence granted in accordance with section 8(1) of the Railways Act 1993(**4**) (licences); and

(b) a person who is exempt from being so authorised by virtue of section 7(1)(**5**) of that Act (exemptions from section 6) and has the management of a railway asset for the time being.

(2) In this article—

"the 2005 Act" means the Railways Act 2005(**6**);

"operator", in relation to a railway asset, means the person having the management of that railway asset for the time being;

"railway" means a system of transport employing parallel rails which—

(a) provide support and guidance for vehicles carried on flanged wheels; and

(b) form a track which either is of a gauge of at least 350 millimetres or crosses a carriageway (whether or not on the same level),

but does not include a tramway (within the meaning of article 7);

"railway asset" means any train being used on a network, whether for the purpose of carrying passengers or goods by railway or for any other purpose whatsoever; and

"railway offence" means—

(a) an offence under section 5 of the Tyne and Wear Passenger Transport Act 1979(**7**) (avoidance of fare);

(b) an offence contained in bye-laws made under section 46(1) of the 2005 Act(**8**) (bye-laws);

(c) an offence contained in bye-laws which continue to have effect by virtue of section 46(4) and paragraph 2 of Part 2 of Schedule 13 to the 2005 Act; and

(d) an offence contained in bye-laws saved by the Transport Act 2000(**9**), as defined by section 46(6) of the 2005 Act.

(3) In the definition of railway asset—

"network" means—

(**3**) A body corporate established by article 3 of the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903).

(**4**) 1993 c. 43; section 8(1) was amended by the Transport Act 2000 (c. 38), section 216 and Schedule 17, Part 1, paragraphs 1, 4(1) and (2); the Railways and Transport Safety Act 2003 (c. 20) Schedule 2, Part 1, paragraphs 1 and 3; the Railways Act 2005 (c. 14) sections 1(1), 59(6) and Schedule 1, Part 1, paragraph 3(1) and Schedule 13, Part 1; and S.I. 2015/1682.

(**5**) Section 7(1) was amended by the Transport Act 2000, section 216 and Schedule 17, Part 1, paragraphs 1, 2(1) and (2); the Railways and Transport Safety Act 2003, Schedule 2, Part 1, paragraphs 1 and 3; the Railways Act 2005, section 1(1), 59(6) and Schedule 1, Part 1, paragraphs 1(1)(a) and Schedule 13, Part 1; and S.I. 2015/1682.

(**6**) 2005 c. 14.

(**7**) 1979 c. i.

(**8**) 2005 c. 14; section 46 was amended by S.I. 2005/3050.

(**9**) 2000 c. 38.