



STAFFORDSHIRE
POLICE

JUSTICE SERVICES

POLICY

POSTAL CHARGE REQUISITION (PCR)

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1. Introduction

National Guidance

APP guidance through the College of Policing can be found within the '**Charging and Case Preparation**' section. This can be found by entering the words into the search field on the APP site. Additionally, the context can be found by entering the words **Postal Requisitions** and **Postal Charging**.

The overarching consideration, the same as a charge emanating from custody, is that the PCR process is subject to the required evidential rules, file process and disclosure requirements built within the Manual of Guidance (MG) system.

The PCR is not a summons. A PCR is used to replace the traditional summons system, ending the requirement to lay information before the court to issue a summons. The PCR replaces the charging process in appropriate cases; for example, when a person is released on unconditional police bail awaiting a charging decision.

Within the context of the PCR, as per any case, the police may seek CPS advice throughout the investigating and prosecuting process. This includes assistance in any pre-charge procedures.

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In criminal cases, the PCR process is subject to the same Criminal Procedure Rules, and if there is sufficient evidence to provide a realistic prospect of conviction against each subject on each charge, a decision to charge is made. Depending on the type and the seriousness of the offence committed, this decision is made by the police service or the Crown Prosecution Service (CPS). Further information can be found through the '**CPS Guidance on: Joint Enterprise Charging Decisions**' – updated 2019.

In summary, the PCR process provides an alternative means to a custody charge process, and it can be an efficient method of instituting criminal proceedings.

2. Legal Provision

The legal provision for the PCR is placed within ***The Criminal Justice Act 2003, Sections 29 and 30***. The APP site takes the reader to the key point at legislation.gov.uk, which should be read alongside the APP advice. In summary;

- A relevant prosecutor may institute criminal proceedings against a person by issuing a document (a “written charge”) which charges the person with an offence.
- Where a relevant prosecutor issues a written charge, it must at the same time issue, a) a requisition, or b) a single justice procedure notice.
- A requisition is a document which requires the person on whom it is served to appear before a magistrates’ court to answer the written charge.
- The written charge and requisition must be served on the defendant and a copy served on the court named in the requisition.
- A single justice procedure notice (SJP) is a document which is served on a person, who is then required to indicate in writing whether they desire to plead guilty/not-guilty. If the person pleads guilty they may apply to the court for the case to be heard in their absence and not hear the case in open court, provided the following:
 - It is a summary offence not punishable by imprisonment.
 - The accused has attained the age of 18 years.
 - The court is satisfied the documents have been served in the required time.
- An SJP may also be served by the legal representative of the person charged on the persons behalf.
- If a SJP notice is served on the person, other documents prescribed by the Criminal Procedure Rules must be served.
- Section 30 of the CJA 2003 makes provision for the context of the Criminal Procedure Rules and what should be included in terms of the content with the PCR.

It is important to note that in the context of the legislation, a PCR should be placed in two parts: 1) a written charge which charges the person with the offence, and 2) a ‘Requisition’ which requires the person to appear before a magistrates’ court to answer the written charge.

Pre-Charge Bail

The provisions for Pre-Charge Bail has changed through the enactment of the Police, Crime, Sentencing and Courts (PCSCA) Act 2022. The Act went live on 28th October 2022.

Section 45 and Schedule 4 of the PCSCA 2022 amends the Police and Criminal Evidence Act (PACE) 1984.

The Government is reforming the pre-charge bail system to make it more effective for victims and suspects. The removal of the presumption against bail and changes to the timescales will ensure that bail is consistently used in cases where it is necessary and proportionate. We also want victims to be informed and given the opportunity to voice their

opinion on the conditions attached to bail to ensure that they feel confident with any safeguarding protections which are put in place.

The removal of the presumption against pre-charge bail is expected to lead to an increase in the number of those placed on bail and a decrease in the number of those subject to the RUI process. This is good news for both victims and suspects, as RUI does not include statutory timescales, accountability for the police or regular communication with victims and suspects. RUI may still be appropriate in a small number of cases and will be available at the discretion of the police, where bail is not considered necessary and proportionate and “no further action” is not appropriate.

Pre-Charge Bail Timescales under the PCSCA 2022

- Initial pre-charge bail period of three months: this will give officers space to conduct and conclude their investigations.
- The three-month bail period can be authorised by a custody officer.
- Two further extensions are available, which are;
 - From three to six months by an Inspector.
 - From six to nine months by a Superintendent.
- Further extensions beyond the nine-month period will require authorisation from a magistrate.

3. Staffordshire Police Procedures

A Postal Requisition can only be raised when a charge has been authorised, either by the CPS or by the police by an authorising officer.

For Staffordshire, the Chief Constable has designated authority for the following groups or persons:

- Police Officers and Police Staff employed by Justice Services; those persons who have responsibility as Custody Officers and file processors.
- Staffordshire Safer Roads Partnership (SSRP) operatives.

Where the offence charged through the PCR process is a Summary Only Offence, it will be subject to the **six-month limitation of proceedings (LOP) rule**. The date that the police prepare the PCR is the date in which the prosecution commences. Provided this date is in the time limit of the LOP, the prosecution will be valid.

In accordance with The Magistrates' Courts (Miscellaneous amendments) Rules 1992, acceptable service of the PCR will normally be achieved by sending it First Class Letter Post addressed to the last known or usual place of abode. A PCR can also be served personally on the person to whom it is directed; or by leaving it for them with some person at their last known or usual place of abode (however, please see service on young people below). The appropriate copy of the PCR MUST be endorsed to prove the actual method of service.

Best Practice

if a person is RUI or on unconditional police bail, a PCR removes the requirement for a person to return to custody purely for the purpose of being charged. Bail conditions **CANNOT** be applied if a PCR has been issued. The following is a risk assessment guide for officers and staff to consider when making the decision to issue a PCR.

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4. File Process

Compliance with the national standards for file process must be adhered to and depending on court availability the following applies after the charge.

- [REDACTED]
- [REDACTED]

The following guide is relevant:

- [illegible]

- § 87(2)(b)

Copies of the PCR:

- File Copy – [REDACTED]
- Defendant Copy – [REDACTED]
- Court Copy – [REDACTED]
- Youth Defendant Copy – [REDACTED] sent to both the defendant and the parent/guardian.