

15. Discontinuing a prosecution (CPA s. 87)

- (1) A notice discontinuing a prosecution of a charge that is not in an indictment must be in the form of Form 5.
- (2) A notice discontinuing a prosecution of a charge that is in an indictment must be in the form of Form 6.
- (3) A notice of discontinuance must be lodged, and served on —
 - (a) the accused and on any person who under the *Bail Act 1982* is a surety for the accused;
 - (b) any witness who is bound by a witness undertaking to appear at the trial of the accused; and
 - (c) any witness who has been served with a summons to appear at the trial of the accused.