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<p>CHAPTER II – CHAPITRE II : The Decision to Prosecute Décision d’engager une poursuite</p>	<p>Readers are referred to the list of Related Documents at the end of this Policy for additional information. Les lecteurs peuvent se référer à la liste des documents connexes notés à la fin de cette politique pour information supplémentaire.</p>	

STAY OF PROCEEDINGS AND RECOMMENCEMENT OF PROCEEDINGS

1. Stay of Proceedings

Pursuant to subsection 579(1) of the *Criminal Code*, the Attorney General or counsel instructed by the Attorney General may direct a stay of proceedings.

The Attorney General’s power to direct a stay of proceedings has been delegated to the Director of Public Prosecutions. Where the Crown Prosecutor has determined that a stay of proceedings under subsection 579(1) may be appropriate, he or she shall consult with the Regional Director, or Director of Specialized Prosecutions, as the case may be, and, where the Regional Director or the Director of Specialized Prosecutions agrees that it is appropriate, shall obtain the consent of the Director of Public Prosecutions to direct a stay.

A stay of proceedings should be entered only where there are exceptional circumstances.

Where a stay of proceedings is entered, the Crown Prosecutor shall note the reasons in the file and should state the reasons in open court unless there are exceptional circumstances.

2. Recommencement of Proceedings

2.1 Limitation Periods for the Recommencement of Proceedings

Pursuant to subsection 579(2) of the *Criminal Code*, where a stay of proceedings has been entered, the proceedings may be recommenced by the Attorney General or counsel instructed by the Attorney General:

- (a) for indictable offences, within one year of the entry of the stay of proceedings; and
- (b) for summary conviction offences, before the expiry of the limitation period.

The Attorney General’s power to recommence proceedings in respect of which a stay has been entered has been delegated to the Director of Public Prosecutions.

2.2 Circumstances Supporting the Recommencement of Proceedings

In general, a proceeding should be recommenced only in the following circumstances:

- (a) there is a reasonable prospect of conviction;
- (b) prosecution is in the public interest; and
- (c) recommencement would not constitute an abuse of process.

3. Related Documents

Policy 4	Specific Delegations by the Attorney General
Policy 16	Withdrawal of Charges