

PROVINCE OF ONTARIO  
MINISTRY OF ATTORNEY GENERAL

**CROWN POLICY MANUAL**

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March 21, 2005

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**STAY AND RECOMMENCEMENT OF PROCEEDINGS**

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**PRINCIPLES**

The Attorney General has the power to stay charges set out in an information or indictment.

The power to consent to an Attorney General stay has been delegated to all Crown counsel. The stay of a criminal offence that has resulted in death must be approved by the Crown Attorney or the Director of Crown Operations, or, in the Crown Law Office – Criminal, the Deputy Director – Trials or the Director. Similarly the decision to stay a charge in response to a judicial ruling must be approved by the Crown Attorney or, in the Crown Law Office – Criminal, the Deputy Director – Trials or the Director. In cases where it is not possible to seek approval prior to entering the stay, counsel must report the fact that they sought a stay after the fact.

The power to recommence a stayed charge has been delegated to the Director of the Crown Law Office – Criminal, and the Directors of Crown Operations, as the case may be, who, in turn, may wish to consult with the Director of Crown Law Office – Criminal in appropriate cases.

Crown counsel should ensure that the use of this discretionary power is consistent with the proper administration of justice.