



Anti-social Behaviour, Crime and Policing Act 2014

2014 CHAPTER 12

PART 6

LOCAL INVOLVEMENT AND ACCOUNTABILITY

Community remedies

103 Criminal behaviour: conditional cautions

- (1) In Part 3 of the Criminal Justice Act 2003 (conditional cautions), after section 23 there is inserted—

“23ZA Duty to consult victims

- (1) Before deciding what conditions to attach to a conditional caution, a relevant prosecutor or the authorised person must make reasonable efforts to obtain the views of the victim (if any) of the offence, and in particular the victim's views as to whether the offender should carry out any of the actions listed in the community remedy document.
- (2) If the victim expresses the view that the offender should carry out a particular action listed in the community remedy document, the prosecutor or authorised person must attach that as a condition unless it seems to the prosecutor or authorised person that it would be inappropriate to do so.
- (3) Where—
 - (a) there is more than one victim and they express different views, or
 - (b) for any other reason subsection (2) does not apply,the prosecutor or authorised person must nevertheless take account of any views expressed by the victim (or victims) in deciding what conditions to attach to the conditional caution.

Changes to legislation: *Anti-social Behaviour, Crime and Policing Act 2014, Section 103 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) In this section—

“community remedy document” means the community remedy document (as revised from time to time) published under section 101 of the Anti-social Behaviour, Crime and Policing Act 2014 for the police area in which the offence was committed;

“victim” means the particular person who seems to the relevant prosecutor or authorised person to have been affected, or principally affected, by the offence.”

(2) After section 66B of the Crime and Disorder Act 1998 (requirements for youth conditional cautions) there is inserted—

“66BA Duty to consult victims

(1) Before deciding what conditions to attach to a youth conditional caution, a relevant prosecutor or the authorised person must make reasonable efforts to obtain the views of the victim (if any) of the offence, and in particular the victim's views as to whether the offender should carry out any of the actions listed in the community remedy document.

(2) If the victim expresses the view that the offender should carry out a particular action listed in the community remedy document, the prosecutor or authorised person must attach that as a condition unless it seems to the prosecutor or authorised person that it would be inappropriate to do so.

(3) Where—

- (a) there is more than one victim and they express different views, or
- (b) for any other reason subsection (2) does not apply,

the prosecutor or authorised person must nevertheless take account of any views expressed by the victim (or victims) in deciding what conditions to attach to the conditional caution.

(4) In this section—

“community remedy document” means the community remedy document (as revised from time to time) published under section 101 of the Anti-social Behaviour, Crime and Policing Act 2014 for the police area in which the offence was committed;

“victim” means the particular person who seems to the relevant prosecutor or authorised person to have been affected, or principally affected, by the offence.”

Commencement Information

II S. 103 in force at 20.10.2014 by S.I. 2014/2590, art. 3(d)

Changes to legislation:

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[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 103(1) omitted by [2022 c. 32 Sch. 11 para. 38\(1\)\(e\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 102(2)(ba) inserted by [2022 c. 32 Sch. 11 para. 35\(2\)\(a\)](#)