



# Criminal Justice and Courts Act 2015

## 2015 CHAPTER 2

### PART 1

#### CRIMINAL JUSTICE

##### *Cautions etc*

#### **17 Restrictions on use of cautions**

- (1) This section applies where, in England and Wales, a person aged 18 or over admits that he or she has committed an offence.
- (2) If the offence is an indictable-only offence, a constable may not give the person a caution except—
  - (a) in exceptional circumstances relating to the person or the offence, and
  - (b) with the consent of the Director of Public Prosecutions.
- (3) If the offence is an either-way offence specified by order made by the Secretary of State, a constable may not give the person a caution except in exceptional circumstances relating to the person or the offence.
- (4) If—
  - (a) the offence is a summary offence or an either-way offence not specified under subsection (3), and
  - (b) in the two years before the commission of the offence the person has been convicted of, or cautioned for, a similar offence,a constable may not give the person a caution except in exceptional circumstances relating to the person, the offence admitted or the previous offence.
- (5) It is for a police officer not below a rank specified by order made by the Secretary of State to determine—
  - (a) whether there are exceptional circumstances for the purposes of subsection (2), (3) or (4), and

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**Changes to legislation:** Criminal Justice and Courts Act 2015, Section 17 is up to date with all changes known to be in force on or before 23 February 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](#)

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- (b) whether a previous offence is similar to the offence admitted for the purposes of subsection (4)(b).
- (6) A determination under subsection (5) must be made in accordance with guidance issued by the Secretary of State.
- (7) The Secretary of State may by order amend this section so as to provide for a different period for the purposes of subsection (4)(b).
- (8) For the purposes of this section—
  - (a) “caution” does not include a conditional caution under Part 3 of the Criminal Justice Act 2003, but
  - (b) a person has been “cautioned for” an offence if he or she has been given a caution, a conditional caution or a youth caution or youth conditional caution under Chapter 1 of Part 4 of the Crime and Disorder Act 1998.
- (9) In this section—
  - “either-way offence” means an offence triable either way;
  - “indictable-only offence” means an offence which, if committed by an adult, is triable only on indictment.
- (10) This section applies whether the offence admitted was committed before or after the time when this section comes into force.

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**Commencement Information**

**II** S. 17 in force at 13.4.2015 by S.I. 2015/778, art. 3, Sch. 1 para. 13

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**Changes and effects yet to be applied to :**

- s. 17 omitted by [2022 c. 32 Sch. 11 para. 37](#)