



# Police, Crime, Sentencing and Courts Act 2022

## 2022 CHAPTER 32

### PART 6

#### CAUTIONS

PROSPECTIVE

#### *Introductory*

#### **98     Diversionsary and community cautions**

- (1) This Part makes provision for cautions known as—
  - (a) diversionsary cautions, and
  - (b) community cautions.
- (2) A diversionsary caution may, in accordance with this Part, be given by an authorised person to a person aged 18 or over in respect of an offence.
- (3) A community caution may, in accordance with this Part, be given by an authorised person to a person aged 18 or over in respect of an offence other than an excluded offence.
- (4) Diversionsary and community cautions must have one or more conditions attached to them.
- (5) Breach of a condition may, in accordance with this Part, result in—
  - (a) prosecution for the offence, in the case of a diversionsary caution, or
  - (b) a financial penalty, in the case of a community caution.
- (6) In this Part “excluded offence” means—
  - (a) an indictable-only offence;

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, PART 6. (See end of Document for details)*

- (b) an offence triable either way which is prescribed in regulations, or
  - (c) a summary offence which is prescribed in regulations.
- (7) In this Part “authorised person”, in relation to a diversionary or community caution, means—
- (a) a constable,
  - (b) an investigating officer, or
  - (c) a person authorised by a prosecution authority for purposes relating to cautions of that kind.

#### Commencement Information

II S. 98 not in force at Royal Assent, see [s. 208\(1\)](#)

PROSPECTIVE

### *Diversionary cautions*

#### 99 Giving a diversionary caution

- (1) An authorised person may give a diversionary caution to a person aged 18 or over (“the offender”) in respect of an offence if the following requirements are met.
- (2) The requirements are that—
- (a) an authorised person or a prosecution authority decides—
    - (i) that there is sufficient evidence to charge the offender with the offence, and
    - (ii) that a diversionary caution should be given to the offender in respect of the offence;
  - (b) the offender admits having committed the offence;
  - (c) the offender consents to being given the caution;
  - (d) an authorised person—
    - (i) explains the effect of the caution to the offender, and
    - (ii) in particular, warns the offender that failure to comply with any of the conditions attached to the caution may result in prosecution for the offence;
  - (e) the offender signs a document which contains—
    - (i) details of the offence,
    - (ii) the offender’s admission to having committed the offence,
    - (iii) the offender’s consent to being given the caution, and
    - (iv) the conditions attached to the caution.
- (3) But if the offence is an indictable-only offence, the authorised person may not give a diversionary caution to the offender except—
- (a) in exceptional circumstances relating to the person or the offence, and
  - (b) with the consent of the Director of Public Prosecutions.

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- (4) A diversionary caution may not be given in respect of an offence committed before the coming into force of this section.
- (5) The power to give a diversionary caution under subsection (1) is also subject to regulations under section 117 (restrictions on multiple use of cautions).

#### Commencement Information

I2 S. 99 not in force at Royal Assent, see [s. 208\(1\)](#)

### 100 Deciding on the conditions

- (1) The conditions attached to a diversionary caution are to be decided upon by—
  - (a) an authorised person, or
  - (b) in a case where a prosecution authority has taken the decision that the caution should be given, the prosecution authority.
- (2) The conditions which may be attached to a diversionary caution are those authorised by—
  - (a) section 101 (rehabilitation and reparation conditions),
  - (b) section 102 (financial penalty conditions), and
  - (c) section 103 (conditions relating to certain foreign offenders).
- (3) When deciding what conditions to attach to a diversionary caution the authorised person or prosecution authority must—
  - (a) make reasonable efforts, or ensure that reasonable efforts are or have been made, to obtain the views of any victim or victims of the offence, and
  - (b) take those views into account.
- (4) The views referred to in subsection (3) include in particular views as to whether the offender should carry out any of the actions listed in the community remedy document.
- (5) Where it is the view of the victim or all the victims that the offender should carry out a particular action listed in the community remedy document, the authorised person or prosecution authority must attach that as a condition unless it seems to the authorised person or prosecution authority—
  - (a) the action is not one that can be attached as a condition to a diversionary caution, or
  - (b) it would be inappropriate to do so.

#### Commencement Information

I3 S. 100 not in force at Royal Assent, see [s. 208\(1\)](#)

### 101 Rehabilitation and reparation conditions

- (1) Conditions with one or both of the objects in subsection (2) may be attached to a diversionary caution.
- (2) The objects are—

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- (a) facilitating the rehabilitation of the offender;
  - (b) ensuring that the offender makes reparation for the offence.
- (3) The conditions which may be attached to a diversionary caution for the objects referred to in subsection (2) include—
- (a) restrictive conditions,
  - (b) unpaid work conditions, and
  - (c) attendance conditions.
- (4) A restrictive condition is a condition requiring the offender—
- (a) not to meet or communicate with specified individuals;
  - (b) not to be in, or go to, specified addresses, places or areas in the United Kingdom;
  - (c) not to carry out or participate in specified activities;
  - (d) not to engage in specified conduct (which may include conduct constituting a criminal offence).
- (5) An unpaid work condition is a condition requiring the offender to carry out unpaid work of a specified description for a specified number of hours, which may not exceed 20.
- (6) An attendance condition is a condition requiring the offender to attend a specified place—
- (a) for a specified purpose, and
  - (b) for a specified number of hours, which may not exceed 20 where the condition only has the object referred to in subsection (2)(b).
- (7) Where an attendance condition requires the offender to attend somewhere for the purpose of participating in any education or training, or receiving any other service, the attendance condition may also require the offender to pay for the reasonable cost of the provision of the education, training or service to the offender.
- (8) Regulations may amend subsection (5) or (6)(b) (or both) so as to substitute a different number of hours.
- (9) A condition authorised by this section may—
- (a) contain further details as to how it must be complied with (including the times at or between which something must or must not be done);
  - (b) provide for those details to be supplied, after the giving of the caution, by a specified person or a person of a specified description.
- (10) A condition authorised by this section may not require a person to remain at their own or anyone else’s residence for any period of time.
- (11) In this section “specified” means specified in the caution.

#### Commencement Information

**I4** S. 101 not in force at Royal Assent, see [s. 208\(1\)](#)

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, PART 6. (See end of Document for details)*

## 102 Financial penalty conditions

- (1) A condition requiring the offender to pay a financial penalty may be attached to a diversionary caution with the object of punishing the offender.
- (2) The condition must specify—
  - (a) the amount of the financial penalty,
  - (b) the person to whom the financial penalty must be paid,
  - (c) how it must or may be paid, and
  - (d) the date on or before which it must be paid.
- (3) The amount specified under subsection (2)(a) must not exceed an amount prescribed in regulations.
- (4) Where the person specified under subsection (2)(b) is not the designated officer for a magistrates' court, once the penalty is paid to that person they must give it to such an officer.
- (5) The date specified under subsection (2)(d) must be the last day of the period of 28 days beginning with the day on which the caution is given.

### Commencement Information

**I5** S. 102 not in force at Royal Assent, see [s. 208\(1\)](#)

## 103 Foreign offenders' conditions

- (1) Where a diversionary caution is given to a relevant foreign offender, a condition with one or both of the objects in subsection (2) may be attached to it.
- (2) The objects are—
  - (a) bringing about the departure of the relevant foreign offender from the United Kingdom;
  - (b) ensuring that the relevant foreign offender does not return to the United Kingdom for a period of time.
- (3) If a diversionary caution has a condition with the object referred to in subsection (2)(b), the expiry of the period does not of itself give rise to any right on the part of the offender to return to the United Kingdom.
- (4) In this section “relevant foreign offender” means—
  - (a) an offender directions for whose removal from the United Kingdom have been, or may be, given under Schedule 2 to the Immigration Act 1971 or section 10 of the Immigration and Asylum Act 1999, or
  - (b) an offender against whom a deportation order under section 5 of the Immigration Act 1971 is in force.

### Commencement Information

**I6** S. 103 not in force at Royal Assent, see [s. 208\(1\)](#)

*Status: This version of this part contains provisions that are prospective.*

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#### 104 Variation of conditions

An authorised person or prosecution authority may, with the consent of the offender, vary the conditions attached to a diversionary caution by—

- (a) varying or omitting any of the conditions;
- (b) adding a condition.

##### Commencement Information

**I7** S. 104 not in force at Royal Assent, see [s. 208\(1\)](#)

#### 105 Effect of diversionary caution

- (1) Where a diversionary caution is given, criminal proceedings may be instituted against the offender for the offence in respect of which the caution was given if, but only if, the offender fails without reasonable excuse to comply with any of the conditions attached to the caution.
- (2) The document mentioned in section 99(2)(e) is admissible in such proceedings.
- (3) Where such proceedings are instituted, the diversionary caution ceases to have effect.

##### Commencement Information

**I8** S. 105 not in force at Royal Assent, see [s. 208\(1\)](#)

#### 106 Arrest for failure to comply

- (1) If a constable has reasonable grounds for believing that the offender has failed without reasonable excuse to comply with any of the conditions attached to a diversionary caution, the constable may arrest the offender without warrant.
- (2) A person arrested under this section must be—
  - (a) charged with the offence in question, or
  - (b) released without charge.
- (3) A person released without charge under subsection (2)(b) must be—
  - (a) released on bail if—
    - (i) the release is to enable a decision to be made as to whether the offender should be charged with the offence, and
    - (ii) the pre-conditions for bail are satisfied, or
  - (b) in any other case, released without bail (with or without any variation in the conditions attached to the caution).
- (4) Subsection (2) also applies in the case of—
  - (a) a person who, having been released on bail under subsection (3)(a), returns to a police station to answer bail or is otherwise in police detention at a police station;
  - (b) a person who, having been released on bail under section 30A of the 1984 Act (bail elsewhere than at police station) as applied by section 107 below,

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- attends at a police station to answer bail or is otherwise in police detention at a police station;
- (c) a person who is arrested under section 30D or 46A of the 1984 Act (power of arrest for failure to answer to police bail) as applied by section 107 below.
- (5) Where a person is released on bail under subsection (3)(a), the custody officer must inform the person that the release is to enable a decision to be made as to whether the person should be charged with the offence in question.
- (6) A person arrested under this section, or any other person in whose case subsection (2) applies, may be kept in police detention—
- (a) to enable the person to be dealt with in accordance with that subsection, or
- (b) where applicable, to enable the power under section 47(4A) of the 1984 Act (power of custody officer to appoint a different or additional time for answering to police bail), as applied by section 107 below, to be exercised.
- If the person is not in a fit state to be dealt with in that way, or to enable that power to be exercised, they may be kept in police detention until they are.
- (7) The power under subsection (6)(a) includes power to keep the person in police detention if it is necessary to do so for the purpose of investigating whether the person has failed, without reasonable excuse, to comply with any of the conditions attached to the diversionary caution.
- (8) Subsections (2) and (3) must be complied with as soon as practicable after the person arrested arrives at the police station or, in the case of a person arrested at the police station, as soon as practicable after the arrest.
- (9) Subsection (2) does not require a person who—
- (a) falls within subsection (4)(a) or (b), and
- (b) is in police detention in relation to a matter other than the diversionary caution, to be released if the person is liable to be kept in detention in relation to that other matter.
- (10) In subsection (3)(a)(ii), the reference to the pre-conditions for bail is to be read in accordance with section 50A of the 1984 Act.

#### Commencement Information

**I9** S. 106 not in force at Royal Assent, see s. 208(1)

### 107 Application of Police and Criminal Evidence Act 1984

- (1) In the case of a person arrested under section 106, the provisions of the 1984 Act specified in subsection (2) apply, with the modifications specified in subsection (3) and with such further modifications as are necessary, as they apply in the case of a person arrested for an offence.
- (2) The provisions are—
- (a) section 30 (arrest elsewhere than at police station);
- (b) sections 30A to 30D (bail elsewhere than at police station);
- (c) section 31 (arrest for further offence);
- (d) section 34(1) to (5E) (limitations on police detention);

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- (e) section 36 (custody officers at police stations);
  - (f) section 37(4) to (6C) (record of grounds for detention);
  - (g) section 38 (duties of custody officer after charge);
  - (h) section 39 (responsibilities in relation to persons detained);
  - (i) section 55A (x-rays and ultrasound scans).
- (3) The modifications are—
- (a) in section 30CA, omit subsections (4A) to (4D);
  - (b) in section 30CA, in subsection (5), in paragraph (a) of the definition of “relevant officer”, for the reference to being involved in the investigation of the relevant offence substitute a reference to being involved—
    - (i) in the investigation of the offence in respect of which the person was given the diversionary caution, or
    - (ii) in investigating whether the person has failed, without reasonable excuse, to comply with any of the conditions attached to the diversionary caution;
  - (c) in section 36(5) and (7), for the references to being involved in the investigation of an offence for which the person is in police detention substitute references to being involved—
    - (i) in the investigation of the offence in respect of which the person was given the diversionary caution, or
    - (ii) in investigating whether the person has failed, without reasonable excuse, to comply with any of the conditions attached to the diversionary caution;
  - (d) in section 38(1)(a)(iii) and (iv), for “arrested for” substitute “charged with”;
  - (e) in section 39(2) and (3), for the references to an offence substitute references to a failure to comply with conditions attached to the diversionary caution.
- (4) Section 40 of the 1984 Act (review of police detention) applies to a person in police detention by virtue of section 106 above as it applies to a person in police detention in connection with the investigation of an offence, but with the following modifications—
- (a) omit subsections (8) and (8A);
  - (b) in subsection (9), for the reference to section 37(9) or 37D(5) substitute a reference to the second sentence of section 106(6) above.
- (5) The following provisions of the 1984 Act apply to a person released on bail under section 106(3)(a) above as they apply to a person released on bail under section 37 of that Act—
- (a) section 46A (power of arrest for failure to answer to police bail);
  - (b) section 47 (bail after arrest), except subsections (4D) and (4E).
- (6) Section 54 of the 1984 Act (searches of detained persons) applies in the case of a person who falls within section 106(4) above and is detained in a police station under that section as it applies in the case of a person who falls within section 34(7) of that Act and is detained at a police station under section 37.
- (7) Section 54A of the 1984 Act (searches and examination to ascertain identity) applies with the following modifications in the case of a person who is detained in a police station under section 106 above—



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- (a) in subsections (1)(a) and (12), after “as a person involved in the commission of an offence” insert “or as having failed to comply with any of the conditions attached to the person’s diversionary caution”;
- (b) in subsection (9)(a), after “the investigation of an offence” insert “, the investigation of whether the person in question has failed to comply with any of the conditions attached to the person’s diversionary caution”.

#### Commencement Information

**I10** S. 107 not in force at Royal Assent, see [s. 208\(1\)](#)

PROSPECTIVE

### *Community cautions*

#### **108 Giving a community caution**

- (1) An authorised person may give a community caution to a person aged 18 or over (“the offender”) in respect of an offence, other than an excluded offence, if the following requirements are met.
- (2) The requirements are that—
  - (a) an authorised person or a prosecution authority decides that—
    - (i) there is sufficient evidence to charge the offender with the offence, and
    - (ii) a community caution should be given to the offender in respect of the offence;
  - (b) the offender admits to having committed the offence;
  - (c) the offender consents to being given the caution;
  - (d) an authorised person—
    - (i) explains the effect of the caution to the offender, and
    - (ii) in particular, warns the offender of the effect of failure to comply with any of the conditions attached to the caution;
  - (e) the offender signs a document which contains—
    - (i) details of the offence,
    - (ii) the offender’s admission to having committed the offence,
    - (iii) the offender’s consent to being given the caution, and
    - (iv) the conditions attached to the caution.
- (3) A community caution may not be given in respect of an offence committed before the coming into force of this section.
- (4) The power to give a community caution under subsection (1) is also subject to regulations under section 117 (restrictions on multiple use of cautions).

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, PART 6. (See end of Document for details)*

#### Commencement Information

**111** S. 108 not in force at Royal Assent, see [s. 208\(1\)](#)

### 109 Deciding on the conditions

- (1) The conditions attached to a community caution are to be decided upon by—
  - (a) an authorised person, or
  - (b) in a case where a prosecution authority has taken the decision that the caution should be given, the prosecution authority.
- (2) The conditions which may be attached to a community caution are those authorised by—
  - (a) section 110 (rehabilitation and reparation conditions), and
  - (b) section 111 (financial penalty conditions).
- (3) When deciding what conditions to attach to a community caution the authorised person or prosecution authority must—
  - (a) make reasonable efforts, or ensure that reasonable efforts are or have been made, to obtain the views of any victim or victims of the offence, and
  - (b) take those views into account.
- (4) The views referred to in subsection (3) include in particular views as to whether the offender should carry out any of the actions listed in the community remedy document.
- (5) Where it is the view of the victim or all the victims that the offender should carry out a particular action listed in the community remedy document, the authorised person or prosecution authority must attach that as a condition unless it seems to the authorised person or prosecution authority—
  - (a) the action is not one that can be attached as a condition to a community caution, or
  - (b) it would be inappropriate to do so.

#### Commencement Information

**112** S. 109 not in force at Royal Assent, see [s. 208\(1\)](#)

### 110 Rehabilitation and reparation conditions

- (1) Conditions with one or both of the objects in subsection (2) may be attached to a community caution.
- (2) The objects are—
  - (a) facilitating the rehabilitation of the offender;
  - (b) ensuring that the offender makes reparation for the offence.
- (3) The conditions which may be attached to a community caution for the objects referred to in subsection (2) include—
  - (a) restrictive conditions,
  - (b) unpaid work conditions, and

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- (c) attendance conditions.
- (4) A restrictive condition is a condition requiring the offender—
- (a) not to meet or communicate with specified individuals;
  - (b) not to be in or go to specified addresses, places or areas in the United Kingdom;
  - (c) not to carry out or participate in specified activities;
  - (d) not to engage in specified conduct (which may include conduct constituting a criminal offence).
- (5) An unpaid work condition is a condition requiring the offender to carry out unpaid work of a specified description for a specified number of hours, which may not exceed 10.
- (6) An attendance condition is a condition requiring the offender to attend a specified place—
- (a) for a specified purpose, and
  - (b) for a specified number of hours, which may not exceed 10 where the condition only has the object referred to in subsection (2)(b).
- (7) Where an attendance condition requires the offender to attend somewhere for the purpose of participating in any education or training, or receiving any other service, the attendance condition may also require the offender to pay for the reasonable cost of the provision of the education, training or service to the offender.
- (8) Regulations may amend subsection (5) or (6)(b) (or both) so as to substitute a different number of hours.
- (9) A condition authorised by this section may—
- (a) contain further details as to how it must be complied with (including the times at or between which something must or must not be done);
  - (b) provide for those details to be supplied, after the giving of the caution, by a specified person or a person of a specified description.
- (10) A condition authorised by this section may not require a person to remain at their own or anyone else’s residence for any period of time.
- (11) In this section “specified” means specified in the caution.

#### Commencement Information

**I13** S. 110 not in force at Royal Assent, see [s. 208\(1\)](#)

### 111 Financial penalty conditions

- (1) A condition requiring the offender to pay a financial penalty may be attached to a community caution with the object of punishing the offender.
- (2) The condition must specify—
- (a) the amount of the financial penalty,
  - (b) the person to whom the financial penalty must be paid,
  - (c) how it must or may be paid,
  - (d) the date on or before which the penalty must be paid, and

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- (e) the consequences of non-payment.
- (3) The amount specified under subsection (2)(a) must not exceed an amount prescribed in regulations.
- (4) Where the person specified under subsection (2)(b) is not the designated officer for a magistrates' court, once the penalty is paid to that person they must give it to such an officer.
- (5) The date specified under subsection (2)(d) must be the last day of the period of 28 days beginning with the day on which the caution is given.
- (6) If the financial penalty is not paid on or before the date specified under subsection (2)(d), the amount of the penalty required to be paid by the condition is increased by 50%.
- (7) Where subsection (6) applies, if the increased penalty is not paid within the period of 21 days beginning with the day after the date specified under subsection (2)(d), the amount of the increased penalty may be registered under section 112 for enforcement against the offender as a fine.

#### Commencement Information

**114** S. 111 not in force at Royal Assent, see [s. 208\(1\)](#)

## 112 Enforcement of financial penalties: registration

- (1) The chief officer of police may, in respect of any amount registrable under section 111(7), issue a certificate (“a registration certificate”)—
  - (a) giving particulars of the financial penalty,
  - (b) stating that the amount is registrable for enforcement against the offender as a fine, and
  - (c) stating the name and last known address of the offender.
- (2) The chief officer of police issuing a registration certificate must cause it to be sent to the designated officer for the local justice area in which the offender appears to the chief officer to reside.
- (3) The designated officer for a local justice area in receipt of a registration certificate must—
  - (a) register the amount for enforcement as a fine in that area by entering it in the register of a magistrates' court acting for that area, or
  - (b) if it appears to the designated officer that the offender does not reside in that area, cause the certificate to be sent to the person appearing to the officer to be the designated officer for the local justice area in which the offender resides.
- (4) A designated officer registering an amount under this section for enforcement as a fine must give the offender notice of the registration which—
  - (a) specifies the amount registered, and
  - (b) gives the information with respect to the financial penalty, and the authority for registration, that was included in the registration certificate.
- (5) If an amount is registered in a magistrates' court as a result of this section, any enactment referring (in whatever terms) to a fine imposed, or other sum adjudged

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to be paid, on conviction by such a court applies as if the registered amount were a fine imposed by that court on the conviction of the offender on the date on which the amount was registered.

#### Commencement Information

**I15** S. 112 not in force at Royal Assent, see [s. 208\(1\)](#)

### 113 Enforcement of financial penalties: court proceedings

- (1) This section applies where, in any proceedings for the enforcement of an amount registered under this section, the person against whom the proceedings are taken claims—
  - (a) not to be the person to whom the community caution was given,
  - (b) to have paid the amount that was required to be paid, or
  - (c) to have a reasonable excuse for not paying.
- (2) The court may adjourn the proceedings, on one or more occasions, for the purpose of allowing the claim to be investigated, but must not adjourn for more than 28 days in total.
- (3) The court must accept a claim under subsection (1)(a) or (b) unless it is shown, on the balance of probabilities, that the claim is unfounded.
- (4) Where a court accepts a claim under subsection (1)(b), the condition of the caution by virtue of which the amount is required to be paid ceases to have effect.
- (5) In the case of a claim under subsection (1)(c), the court must accept the claim so far as relating to the facts claimed (leaving aside any question as to the reasonableness of the excuse), unless it is shown, on the balance of probabilities, that the claim so far as relating to those facts is unfounded.
- (6) Where a court accepts a claim under subsection (1)(c), the court may order that the condition of the caution by virtue of which the amount is required to be paid—
  - (a) ceases to have effect, or
  - (b) is varied so as to reduce the amount payable or to extend the time for payment (or both).

#### Commencement Information

**I16** S. 113 not in force at Royal Assent, see [s. 208\(1\)](#)

### 114 Variation of conditions

- (1) An authorised person or prosecution authority may, with the consent of the offender, vary the conditions attached to a community caution by—
  - (a) varying or omitting any of the conditions;
  - (b) adding a condition.
- (2) See also section 115(2) (addition of financial penalty).

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*Changes to legislation: There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, PART 6. (See end of Document for details)*

#### Commencement Information

**117** S. 114 not in force at Royal Assent, see [s. 208\(1\)](#)

### 115 Effect of community caution

- (1) Where a community caution is given, criminal proceedings may not be instituted against the offender for the offence in respect of which the caution was given.
- (2) If the offender fails without reasonable excuse to comply with any condition imposed under section 110, an authorised person or prosecution authority may—
  - (a) rescind the condition, and
  - (b) attach a condition imposing a financial penalty (or further such condition) under section 111.

#### Commencement Information

**118** S. 115 not in force at Royal Assent, see [s. 208\(1\)](#)

### General

### 116 Code of practice

- (1) The Secretary of State must prepare a code of practice in relation to diversionary and community cautions.
- (2) The code may, in particular, include provision as to—
  - (a) the circumstances in which diversionary and community cautions may be given;
  - (b) the procedure to be followed in connection with the giving of diversionary and community cautions;
  - (c) the conditions which may be attached to diversionary and community cautions and the time for which they may have effect;
  - (d) the category of constable or investigating officer by whom diversionary and community cautions may be given;
  - (e) the persons whom a prosecution authority may authorise as authorised persons for the purposes of this Part;
  - (f) the form which diversionary and community cautions are to take and the manner in which they are to be given and recorded;
  - (g) the places where diversionary and community cautions may be given;
  - (h) the provision which may be made in a condition under section 102(2)(b) or 111(2)(b);
  - (i) the monitoring of compliance with conditions attached to diversionary and community cautions;
  - (j) the exercise of the power of arrest conferred by section 106(1);
  - (k) who is to decide how a person should be dealt with under section 106(2) and (3).

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*Status: This version of this part contains provisions that are prospective.*  
**Changes to legislation:** There are currently no known outstanding effects for the Police,  
Crime, Sentencing and Courts Act 2022, PART 6. (See end of Document for details)

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- (3) After preparing a draft of the code the Secretary of State—
  - (a) must publish the draft,
  - (b) must consider any representations made to the Secretary of State about the draft, and
  - (c) may amend the draft accordingly,but may not publish or amend the draft without the consent of the Attorney General.
- (4) After complying with subsection (3) the Secretary of State must lay the code before each House of Parliament.
- (5) After complying with subsection (4) the Secretary of State may bring the code into force by regulations.
- (6) The Secretary of State may from time to time revise a code of practice brought into force under this section.
- (7) Subsections (3) to (6) apply (with appropriate modifications) to a revised code as they apply to the original code.

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**Commencement Information**

**119** S. 116 in force at 24.5.2023 by S.I. 2023/573, reg. 2

PROSPECTIVE

**117 Restriction on multiple cautions**

- (1) Regulations may prohibit the giving of a diversionary or community caution to a person in respect of an offence where the person has already been given one or more cautions.
- (2) A prohibition under subsection (1) may in particular be framed by reference to—
  - (a) the kinds of caution previously given to the person;
  - (b) the number of times any kind of caution has been given to the person;
  - (c) the period preceding the commission of the offence within which any kind of caution has been given to the person;
  - (d) the offence or description of offences in respect of which any kind of caution has been given to the person.
- (3) For the purposes of this section “caution” means—
  - (a) a diversionary or community caution;
  - (b) a conditional caution under Part 3 of the Criminal Justice Act 2003 given before the coming into force of section 118;
  - (c) any other caution given to the person before the coming into force of that section in respect of an offence where—
    - (i) the person admitted having committed the offence,
    - (ii) the person was aged 18 or over when the caution was given, and
    - (iii) the caution was given by a constable or other person authorised to give the caution.

*Status: This version of this part contains provisions that are prospective.*

**Changes to legislation:** There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, PART 6. (See end of Document for details)

#### Commencement Information

**I20** S. 117 not in force at Royal Assent, see [s. 208\(1\)](#)

PROSPECTIVE

### 118 Abolition of other cautions and out-of-court disposals

- (1) No caution other than a diversionary or community caution may be given to a person aged 18 or over who admits to having committed an offence.
- (2) In the Criminal Justice Act 2003, omit Part 3 (conditional cautions).
- (3) In the Criminal Justice and Police Act 2001, omit Chapter 1 of Part 1 (on-the-spot penalties for disorderly behaviour).
- (4) Subsections (2) and (3) do not affect the continuing operation of the provisions repealed by those subsections in relation to offences committed before the day on which this section comes into force.

#### Commencement Information

**I21** S. 118 not in force at Royal Assent, see [s. 208\(1\)](#)

PROSPECTIVE

#### *Supplementary*

### 119 Consequential amendments relating to Part 6

Schedule 11 contains consequential amendments.

#### Commencement Information

**I22** S. 119 not in force at Royal Assent, see [s. 208\(1\)](#)

### 120 Regulations under Part 6

- (1) Regulations under this Part are to be made by the Secretary of State by statutory instrument.
- (2) Regulations under this Part may make—
  - (a) different provision for different purposes;
  - (b) consequential, supplementary, incidental, transitional and transitory provision and savings.



*Status: This version of this part contains provisions that are prospective.*

**Changes to legislation:** There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, PART 6. (See end of Document for details)

- (3) A statutory instrument containing the regulations specified in subsection (4) (with or without other provision) may not be made unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.
- (4) The regulations referred to in subsection (3) are—
- (a) regulations under section 98(6)(b) or (c) (excluded offences);
  - (b) regulations under section 101(8) or 110(8);
  - (c) the first regulations under section 102(3) or 111(3) (maximum amount of financial penalty);
  - (d) any other regulations under section 102(3) or 111(3) which increase or decrease the maximum amount of a financial penalty by more than is necessary to reflect changes in the value of money;
  - (e) regulations under section 116(5) (commencement of code);
  - (f) regulations under section 117 (restriction on multiple cautions).
- (5) A statutory instrument containing regulations under this Part to which subsection (3) does not apply is subject to annulment in pursuance of a resolution of either House of Parliament.

#### Commencement Information

**I23** S. 120 not in force at Royal Assent, see [s. 208\(1\)](#)

## 121 Interpretation of Part 6

In this Part—

“the 1984 Act” means the Police and Criminal Evidence Act 1984;

“authorised person” has the meaning given by section 98(7);

“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 where the offence in question was committed;

“excluded offence” has the meaning given by section 98(6);

“indictable-only offence” means an offence which, if committed by an adult, is triable only on indictment;

“investigating officer” means—

- (a) an officer of Revenue and Customs appointed in accordance with section 2(1) of the Commissioners for Revenue and Customs Act 2005, or

- (b) a person designated as a policing support officer or a policing support volunteer under section 38 of the Police Reform Act 2002;

“police detention” has the same meaning as in the 1984 Act (see section 118(2) of that Act);

“prosecution authority” means—

- (a) the Attorney General;
- (b) the Director of Public Prosecutions;
- (c) the Director of the Serious Fraud Office;
- (d) the Secretary of State;

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*Status: This version of this part contains provisions that are prospective.*

**Changes to legislation:** *There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, PART 6. (See end of Document for details)*

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(e) a person prescribed in regulations;  
“victim”, in relation to an offence, means the particular person who appears to have been affected, or principally affected, by the offence.

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**Commencement Information**

**I24** S. 121 not in force at Royal Assent, see [s. 208\(1\)](#)

**Status:**

This version of this part contains provisions that are prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, PART 6.