

**2009 No. 2774 (C. 120)**

**CRIMINAL LAW, ENGLAND AND WALES**

**The Police and Justice Act 2006 (Commencement No. 12) Order  
2009**

*Made* - - - -

*15th October 2009*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 49(3) and 53(1) of the Police and Justice Act 2006<sup>(a)</sup>:

**Citation**

1. This Order may be cited as the Police and Justice Act 2006 (Commencement No. 12) Order 2009.

**Provisions commenced for some purposes**

2.—(1) Subject to paragraph (2), section 17 of the Police and Justice Act 2006 (conditional cautions: types of conditions) comes into force in relation to the relevant areas on 16th November 2009.

(2) Section 17(3) (specific types of conditions) comes into force in accordance with paragraph (1) only so far as it inserts section 22(3A)(a) of the Criminal Justice Act 2003<sup>(b)</sup>.

(3) In this article, “relevant areas” means the police areas<sup>(c)</sup> of:

- (i) Hampshire; and
- (ii) Humberside.

**Provisions commenced for all purposes**

3. Section 17(5) of the Police and Justice Act 2006 (amendments concerning orders increasing financial penalties) comes into force on 16th November 2009 so far as it inserts section 330(5)(aa) of the Criminal Justice Act 2003 (orders subject to affirmative resolution procedure).

Signed by the authority of the Secretary of State

15th October 2009

*Claire Ward*  
Parliamentary Under Secretary of State  
Ministry of Justice

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<sup>(a)</sup> 2006 c. 48.

<sup>(b)</sup> 2003 c. 44.

<sup>(c)</sup> England and Wales is divided by section 1(1) of the Police Act 1996 (c. 16) into the police areas specified in subsection (2) of that section.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

Conditional cautions are cautions to which specified conditions are attached, and are provided for in Part 3 of the Criminal Justice Act 2003 Act (c. 44). A conditional caution may be given for reasons including that a prosecutor considers there is sufficient evidence to prosecute the offender and the offender admits the offence and agrees to a conditional caution being imposed.

This Order brings into force the provisions of section 17 of the Police and Justice Act 2006 (c. 4) set out in article 2 in the relevant areas specified, and set out in article 3 for all purposes, on 16 November 2009. It permits financial penalties to be attached to these cautions, and makes provisions regarding the penalties, including the maximum amount of penalties that may be prescribed in respect of any offence and the manner of payment.

SI 2009/1679 (C. 87) brought into force these same provisions in relation to certain other police areas immediately before 8 July 2009.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1	1 April 2007	2007/709
Section 2 (in part)	15 January 2007	2006/3364
	1 April 2007	2007/709
	6 June 2007	2007/1614
	29 June 2007	2007/1614
	14 March 2008	2008/311
(in relation to England and Wales)	1 April 2008	2008/790
Section 3	29 June 2007	2007/1614
Section 4	31 March 2007	2007/709
Section 5	31 December 2007	2007/3203
Section 6	1 April 2007	2007/709
Section 7	1 April 2007	2007/709
	1 December 2007	2007/3203
Section 8	1 April 2007	2007/709
Section 9 (in part)	1 April 2007	2007/709
	1 December 2007	2007/3203
Section 10	1 April 2007	2007/709
Section 11	15 January 2007	2006/3364
Section 12	1 April 2007	2007/709
Section 13	29 June 2007	2007/1614
Section 13 (in relation to Northern Ireland)	30 July 2007	2007/2052
Sections 15 and 16	1 April 2007	2007/709
Section 17 (in part)	7 July 2009	2009/1679
Section 18	29 June 2007	2007/1614
Section 19 (in relation to England only)	30 April 2009	2009/936
Section 20 (in relation to England only)	30 April 2009	2009/936
Section 21 (in relation to England only)	30 April 2009	2009/936
Section 22 (in relation to Wales only)	19 November 2007	2007/3073
	19 November 2007	2007/3251
(in relation to England only)	1 August 2007	2007/1614
Sections 23 to 25 (in relation to England and Northern Ireland)	29 June 2007	2007/1614
Section 26 (in relation to England and Northern Ireland)	6 April 2007	2007/709
Section 27 (in relation to England and Northern Ireland)	6 April 2007	2007/709
Sections 28 to 33	1 April 2007	2007/709
Sections 35 to 38	1 October 2008	2008/2503
Section 39 (in relation to England and Wales)	1 April 2008	2008/790
Section 40 (in relation to Northern Ireland)	1 April 2008	2008/790
Section 41 (in relation to England and Wales)	29 June 2007	2007/1614
(in relation to Northern Ireland)	10 October 2007	2007/2754
Section 42	15 January 2007	2006/3364
Section 44	15 January 2007	2006/3364
Section 45	15 January 2007	2006/3364
	1 April 2007	2007/709
	24 October 2008	2008/2785

Section 46 (in relation to specified local justice areas)	1 April 2007	2007/709
	24 October 2008	2008/2785
Section 47	15 January 2007	2006/3364
Section 48	15 January 2007	2006/3364
Section 52 (in part)	15 January 2007	2006/3364
	1 April 2007	2007/709
	29 June 2007	2007/1614
	14 November 2008	2008/2785
(in relation to England only)	6 April 2007	2007/709
(in relation to England only)	1 August 2007	2007/1614
(in relation to Wales only)	19 November 2007	2007/3073
	1 December 2007	2007/3203
	14 March 2008	2008/311
(in relation to England and Wales and Northern Ireland)	1 April 2008	2008/790
(in relation to England and Wales and Northern Ireland)	1 October 2008	2008/2503
(in relation to Northern Ireland only)	1 October 2008	2008/2503
Schedule 1 (in part)	1 April 2007	2007/709
Schedule 2 (in part)	15 January 2007	2006/3364
	1 April 2007	2007/709
	29 June 2007	2007/1614
	14 March 2008	2008/311
(in relation to England and Wales)	1 April 2008	2008/790
Schedule 3	31 December 2007	2007/3203
Schedule 4	1 April 2007	2007/709
Schedule 5 (in part)	1 April 2007	2007/709
	1 December 2007	2007/3203
Schedules 6 and 7	1 April 2007	2007/709
Schedule 8 (in relation to England only)	30 April 2009	2009/936
Schedule 9 (in part in relation to Wales only)	19 November 2007	2007/3251
(in relation to Wales only)	19 November 2007	2007/3073
(in relation to England only)	1 August 2007	2007/1614
Schedule 10 (in relation to England only)	6 April 2007	2007/709
Schedule 11 (in relation to England and Wales)	1 April 2008	2008/790
Schedule 12 (in relation to Northern Ireland)	1 April 2008	2008/790
Schedule 13 (in part)	15 January 2007	2007/3364
Schedule 14 (in part)	15 January 2007	2007/3364
	1 April 2007	2007/709
	1 October 2008	2008/2503
	14 November 2008	2008/2785
(in relation to England only in respect of paragraphs 12, 13, 32 and 33)	6 April 2007	2007/709
(in relation to England only save for para. 58)	29 June 2007	2007/1614
(in relation to England and Wales and Northern Ireland)	1 October 2008	2008/2503
Schedule 15 (in part)	15 January 2007	2006/3364
	1 April 2007	2007/709
	1 October 2008	2008/2503
(in relation to England only)	6 April 2007	2007/709
	29 June 2007	2007/1614

	1 December 2007	2007/3203
	14 March 2008	2008/311
(in relation to Wales only)	19 November 2007	2007/3073
(in relation to England and Wales and Northern Ireland)	1 April 2008	2008/790

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