

***Supersedes draft laid before Parliament on 19th April 2004 and is being issued free of charge to all known recipients of that draft instrument. Draft Order laid before Parliament under section 330(5) of the Criminal Justice Act 2003, for approval by resolution of each House of Parliament.***

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DRAFT STATUTORY INSTRUMENTS

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**2004 No.**

**CRIMINAL LAW, ENGLAND AND WALES**

**The Criminal Justice Act 2003 (Conditional  
Cautions: Code of Practice) Order 2004**

*Made* - - - -

*Coming into force* - -

Whereas—

(1) in pursuance of section 25(1) of the Criminal Justice Act 2003<sup>(1)</sup> (“the 2003 Act”), the Secretary of State is required to prepare a code of practice in relation to conditional cautions;

(2) in pursuance of section 25(3) of the 2003 Act, the Secretary of State has published a draft of the code of practice, has considered representations made to him about the draft, has amended the draft accordingly and has obtained the consent of the Attorney General to the publication and amendment of the draft;

(3) in pursuance of section 25(4) of the 2003 Act, the Secretary of State has laid the code of practice before each House of Parliament;

(4) a draft of this Order has been laid before each House of Parliament and approved by a resolution of each House, in accordance with section 330(5) of the Act;

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by section 25(5) of the 2003 Act hereby makes the following Order:

**1.** This Order may be cited as the Criminal Justice Act 2003 (Conditional Cautions: Code of Practice) Order 2004 and shall come into force on the day after the day on which this Order is made.

**2.** The code of practice entitled “Conditional Cautions” laid before Parliament on 19th April 2004 shall come into force on the day after the day on which this Order is made.

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**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory  
Instrument: The Criminal Justice Act 2003 (Conditional Cautions: Code of Practice) Order 2004 No. 1683

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Home Office  
2004

One of Her Majesty's Principal Secretaries of  
State

## EXPLANATORY NOTE

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

This Order brings into force the code of practice made pursuant to section 25(1) of the Criminal Justice Act 2003 (“the 2003 Act”) in relation to conditional cautions.

Section 22 of the 2003 Act permits an authorised person to give a conditional caution to a person aged 18 or over if the conditions set out in section 23 of that Act are met.