



# Criminal Justice and Immigration Act 2008

## 2008 CHAPTER 4

### PART 4

#### OTHER CRIMINAL JUSTICE PROVISIONS

##### *Alternatives to prosecution*

#### **48 Alternatives to prosecution for offenders under 18**

- (1) Schedule 9 amends the Crime and Disorder Act 1998 (c. 37)—
- (a) to make provision for the giving of youth conditional cautions to children and young persons, and
  - (b) to make minor amendments relating to reprimands and warnings under section 65 of that Act.
- (2) The Secretary of State may by order amend the Crime and Disorder Act 1998 (c. 37), as amended by Schedule 9, so as to vary the provision made by it for the giving of youth conditional cautions to children and young persons under the age of 16 (including doing so by adding or omitting any provision).

#### **Commencement Information**

- I1** S. 48(1)(a) in force at 1.2.2009 by [S.I. 2009/140, art. 2\(a\)](#)  
**I2** S. 48(1)(b) in force at 16.11.2009 for specified purposes by [S.I. 2009/2780, art. 2\(1\)\(a\)](#)

#### **49 Protection for spent cautions under Rehabilitation of Offenders Act 1974**

- (1) Schedule 10 amends the Rehabilitation of Offenders Act 1974 (c. 53) so as to provide for the protection of spent cautions.

*Status: Point in time view as at 16/11/2009.*

*Changes to legislation: Criminal Justice and Immigration Act 2008, Cross Heading: Alternatives to prosecution is up to date with all changes known to be in force on or before 28 May 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)*

(2) The provisions of Schedule 10 (and this section) extend only to England and Wales.

**Commencement Information**

**I3** S. 49 in force at 19.12.2008 by S.I. 2008/3260, art. 2(1)(a)

**50 Criminal conviction certificates and criminal record certificates**

(1) Part 5 of the Police Act 1997 (c. 50) (certificates of criminal records) is amended as follows.

(2) In section 112 (criminal conviction certificates)—

(a) in the definition of “central records”, after “convictions” insert “ and conditional cautions ”;

(b) after that definition insert—

““conditional caution” means a caution given under section 22 of the Criminal Justice Act 2003 (c. 44) or section 66A of the Crime and Disorder Act 1998, other than one that is spent for the purposes of Schedule 2 to the Rehabilitation of Offenders Act 1974.”

(3) In section 113A(6) (criminal record certificates)—

(a) in the definition of “exempted question”, after “a question” insert “which—

(“ so far as it applies to convictions, is a question”;

(b) in that definition, at the end insert “; and—

(“ so far as it applies to cautions, is a question to which paragraph 3(3) or (4) of Schedule 2 to that Act has been excluded by an order of the Secretary of State under paragraph 4 of that Schedule;”;

(c) in the definition of “relevant matter”, after “caution” insert “ , including a caution that is spent for the purposes of Schedule 2 to that Act ”.

(4) This section extends to England and Wales only.

**Commencement Information**

**I4** S. 50 in force at 19.12.2008 by S.I. 2008/3260, art. 2(1)(b)

**Status:**

Point in time view as at 16/11/2009.

**Changes to legislation:**

Criminal Justice and Immigration Act 2008, Cross Heading: Alternatives to prosecution is up to date with all changes known to be in force on or before 28 May 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.