



2011 CHAPTER 24

PART 6

ALTERNATIVES TO PROSECUTION

CHAPTER 2

CONDITIONAL CAUTIONS

Code of practice

77.—(1) The Department must prepare a code of practice in relation to conditional cautions.

(2) The code may, in particular, include provision as to—

- (a) the circumstances in which conditional cautions may be given,
- (b) the procedure to be followed in connection with the giving of such cautions,
- (c) the conditions which may be attached to such cautions and the time for which they may have effect,
- (d) the category of authorised person by whom such cautions may be given,
- (e) the persons who may be authorised by the Director of Public Prosecutions for Northern Ireland for the purposes of section 71,
- (f) the form which such cautions are to take and the manner in which they are to be given and recorded,
- (g) the places where such cautions may be given,
- (h) the monitoring of compliance with conditions attached to such cautions,
- (i) the exercise of the power of arrest conferred by section 75(1), and
- (j) who is to decide how a person should be dealt with under section 75(2).

(3) After preparing a draft of the code the Department—

- (a) must publish the draft,
- (b) must consider any representations made to it about the draft, and
- (c) may amend the draft accordingly,

but the Department may not publish or amend the draft without the consent of the Attorney General for Northern Ireland.

(4) After the Department has proceeded under subsection (3), it must lay the code before the Assembly.

(5) When the Department has done so it may bring the code into operation by order.

(6) No order may be made under subsection (5) unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.

(7) The Department may from time to time revise a code of practice brought into operation under this section.

(8) Subsections (3) to (7) are to apply (with appropriate modifications) to a revised code as they apply to an original code.