

Changes to legislation: Rehabilitation of Offenders Act 1974, Cross Heading: Preliminary is up to date with all changes known to be in force on or before 26 April 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) View outstanding changes

[^{F1}SCHEDULE 2

PROTECTION FOR SPENT CAUTIONS

Textual Amendments

- F1** Sch. 2 inserted (E.W.) (19.12.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 49, 153(7), [Sch. 10 para. 6](#) (with [Sch. 27 para. 19](#)); S.I. 2008/3260, [art. 2\(1\)\(d\)](#)

Preliminary

- 1 (1) For the purposes of this Schedule a caution shall be regarded as a spent caution—
- (a) in the case of a conditional caution (as defined in section 8A(2)(a)) [^{F2}—
 - (i) at the end of the period of three months from the date on which the caution is given, or
 - (ii) if earlier, when the caution ceases to have effect; and]
 - (b) in any other case, at the time the caution is given.

^{F3}(2)

^{F4F3}(3)

Textual Amendments

- F2** Sch. 2 para. 1(1)(a)(i)(ii) substituted for words (10.3.2014) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 139\(7\)\(a\)](#), 151(1) (with s. 141(1)-(6)); S.I. 2014/423, [art. 2\(a\)](#) (with [art. 3](#))
- F3** Sch. 2 para. 1(2)(3) omitted (10.3.2014) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 139\(7\)\(b\)](#), 151(1) (with s. 141(1)-(6)); S.I. 2014/423, [art. 2\(a\)](#) (with [art. 3](#))
- F4** By [Management of Offenders \(Scotland\) Act 2019 \(asp 14\)](#), s. 63(2), [sch. 2 para. 1\(17\)\(a\)](#); S.S.I. 2020/245, [reg. 2](#), [sch.](#) (with [reg. 3](#)) it is provided that (S.) (30.11.2020) in Sch. 2 para. 1(3)(a)(b) the word “disclosure” is substituted for “rehabilitation” in each place where it occurs [Editorial note: The purported substitution cannot be applied because the affected provision does not extend to Scotland.]

- 2 (1) In this Schedule “ancillary circumstances”, in relation to a caution, means any circumstances of the following—
- (a) the offence which was the subject of the caution or the conduct constituting that offence;
 - (b) any process preliminary to the caution (including consideration by any person of how to deal with that offence and the procedure for giving the caution);
 - (c) any proceedings for that offence which take place before the caution is given (including anything which happens after that time for the purpose of bringing the proceedings to an end);
 - (d) any judicial review proceedings relating to the caution;
 - (e) in the case of a [^{F5}youth caution given under section 66ZA] of the Crime and Disorder Act 1998 (c. 37), anything done in pursuance of or undergone in compliance with a requirement to participate in a rehabilitation programme under section [^{F6}66ZB(2) or (3)] of that Act;

Changes to legislation: Rehabilitation of Offenders Act 1974, Cross Heading: Preliminary is up to date with all changes known to be in force on or before 26 April 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) View outstanding changes

- (f) in the case of a conditional caution, any conditions attached to the caution or anything done in pursuance of or undergone in compliance with those conditions.
- (2) Where the caution relates to two or more offences, references in sub-paragraph (1) to the offence which was the subject of the caution include a reference to each of the offences concerned.
- (3) In this Schedule “proceedings before a judicial authority” has the same meaning as in section 4.]

Textual Amendments

- F5** Words in Sch. 2 para. 2(1)(e) substituted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 24 para. 3(a)** (with s. 135(4)); S.I. 2013/453, art. 4(f)
- F6** Words in Sch. 2 para. 2(1)(e) substituted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 24 para. 3(b)** (with s. 135(4)); S.I. 2013/453, art. 4(f)

Changes to legislation:

Rehabilitation of Offenders Act 1974, Cross Heading: Preliminary is up to date with all changes known to be in force on or before 26 April 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by [2017 anaw 2 s. 66\(10\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5(2AA) inserted by [2020 asp 13 sch. 5 para. 2\(2\)](#)
- s. 5J(1)(ba) inserted by [2020 asp 13 sch. 5 para. 2\(8\)\(a\)](#)
- s. 5J(1A)(1B) inserted by [2020 asp 13 sch. 5 para. 2\(8\)\(b\)](#)
- s. 8A(2)(aa)-(ad) substituted for s. 8A(2)(a) by [2022 c. 32 Sch. 11 para. 2\(a\)](#)
- s. 8B(1A)-(1E) inserted by [2011 asp 1 s. 187\(2\)\(a\)](#)
- Sch. 3 para. 1(1)(aa)(ab) inserted by [2011 asp 1 s. 187\(3\)](#)