



Criminal Justice Act 2003

2003 CHAPTER 44

PART 3

CONDITIONAL CAUTIONS

[^{F1}24B Application of PACE provisions

- (1) In the case of a person arrested under section 24A, the provisions of the 1984 Act specified in subsection (2) apply, with the modifications specified in subsection (3) and with such further modifications as are necessary, as they apply in the case of a person arrested for an offence.
- (2) The provisions are—
 - (a) section 30 (arrest elsewhere than at police station);
 - (b) sections 30A to 30D (bail elsewhere than at police station);
 - (c) section 31 (arrest for further offence);
 - (d) section 34(1) to [^{F2}(5)][^{F2}(5E)] (limitations on police detention);
 - (e) section 36 (custody officers at police stations);
 - (f) section 37(4) to [^{F3}(6)][^{F3}(6C)] (record of grounds for detention);
 - (g) section 38 (duties of custody officer after charge);
 - (h) section 39 (responsibilities in relation to persons detained);
 - (i) section 55A (x-rays and ultrasound scans).
- (3) The modifications are—
 - (a) in section 30CA(5)(a), for the reference to being involved in the investigation of the offence mentioned in that provision substitute a reference to being involved—
 - (i) in the investigation of the offence in respect of which the person was given the conditional caution, or
 - (ii) in investigating whether the person has failed, without reasonable excuse, to comply with any of the conditions attached to the conditional caution;

Status: Point in time view as at 31/01/2017. This version of this provision has been superseded.

Changes to legislation: Criminal Justice Act 2003, Section 24B is up to date with all changes known to be in force on or before 26 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)

- (b) in section 36(5) and (7), for the references to being involved in the investigation of an offence for which the person is in police detention substitute references to being involved—
 - (i) in the investigation of the offence in respect of which the person was given the conditional caution, or
 - (ii) in investigating whether the person has failed, without reasonable excuse, to comply with any of the conditions attached to the conditional caution;
 - (c) in section 38(1)(a)(iii) and (iv), for “arrested for” substitute “charged with”;
 - (d) in section 39(2) and (3), for the references to an offence substitute references to a failure to comply with conditions attached to the conditional caution.
- (4) Section 40 of the 1984 Act (review of police detention) applies to a person in police detention by virtue of section 24A above as it applies to a person in police detention in connection with the investigation of an offence, but with the following modifications—
- (a) omit subsections (8) and (8A);
 - (b) in subsection (9), for the reference to section 37(9) or 37D(5) substitute a reference to the second sentence of section 24A(5) above.
- (5) The following provisions of the 1984 Act apply to a person released on bail under section 24A(2)(b) above as they apply to a person released on bail under section 37 of that Act—
- (a) [^{F4}section 37D(1) to (3) (power of custody officer to appoint a different or additional time for answering to police bail);]
 - (b) section 46A (power of arrest for failure to answer to police bail);
 - (c) section 47 (bail after arrest) [^{F5}except subsections (4D) and (4E)].
- (6) Section 54 of the 1984 Act (searches of detained persons) applies in the case of a person who falls within subsection (3) of section 24A above and is detained in a police station under that section as it applies in the case of a person who falls within section 34(7) of that Act and is detained at a police station under section 37.
- (7) Section 54A of the 1984 Act (searches and examination to ascertain identity) applies with the following modifications in the case of a person who is detained in a police station under section 24A above—
- (a) in subsections (1)(a) and (12), after “as a person involved in the commission of an offence” insert “or as having failed to comply with any of the conditions attached to his conditional caution”;
 - (b) in subsection (9)(a), after “the investigation of an offence” insert “, the investigation of whether the person in question has failed to comply with any of the conditions attached to his conditional caution”.]

Textual Amendments

- F1** Ss. 24A, 24B inserted (29.6.2007) by [Police and Justice Act 2006 \(c. 48\)](#), **ss. 18(1)**, 53 (with [s. 18\(2\)](#)); [S.I. 2007/1614](#), **art. 2(e)**
- F2** Word in s. 24B(2)(d) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 66(10)(a)**, 183(1)(5)(e); [S.I. 2017/399](#), **reg. 2**, [Sch. para. 18](#)

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- F3** Word in s. 24B(2)(f) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 66\(10\)\(b\)](#), [183\(1\)\(5\)\(e\)](#); S.I. 2017/399, reg. 2, Sch. para. 18
- F4** S. 24B(5)(a) omitted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 64\(8\)\(b\)\(i\)](#), [183\(1\)\(5\)\(e\)](#); S.I. 2017/399, reg. 2, Sch. para. 16 (with reg. 5)
- F5** Words in s. 24B(5)(c) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 64\(8\)\(b\)\(ii\)](#), [183\(1\)\(5\)\(e\)](#); S.I. 2017/399, reg. 2, Sch. para. 16 (with reg. 5)

Modifications etc. (not altering text)

- C1** [S. 24B](#) applied by [1998 c. 37](#), [s. 66E\(5\)](#) (as inserted (16.11.2009 for specified purposes, 8.4.2013 in so far as not already in force) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), Sch. 9 para. 3 (with [Sch. 27 para. 18](#)); S.I. 2009/2780, [art. 2\(1\)\(c\)\(2\)](#); S.I. 2013/616, [art. 2\(b\)](#))

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