

SCHEDULES

SCHEDULE 27

TRANSITORY, TRANSITIONAL AND SAVING PROVISIONS

PART 4

OTHER CRIMINAL JUSTICE PROVISIONS

Protection for spent cautions under Rehabilitation of Offenders Act 1974

- 19 (1) Subject to the following provisions of this paragraph, the Rehabilitation of Offenders Act 1974 (c. 53) (as amended by Schedule 10 to this Act) applies to cautions given before the commencement date as it applies to cautions given on or after that date.
- (2) A caution given before the commencement date shall be regarded as a spent caution at a time determined in accordance with sub-paragraphs (3) to (8).
- (3) A caution other than a conditional caution (as defined in section 8A(2)(a) of the 1974 Act) shall be regarded as a spent caution on the commencement date.
- (4) If the period of three months from the date on which a conditional caution was given ends on or before the commencement date, the caution shall be regarded as a spent caution on the commencement date unless sub-paragraph (7) applies.
- (5) If the period of three months from the date on which a conditional caution was given ends after the commencement date, the caution shall be regarded as a spent caution at the end of that period of three months unless sub-paragraph (7) applies.
- (6) Sub-paragraph (7) applies if—
- (a) before the date on which the caution would be regarded as a spent caution in accordance with sub-paragraph (4) or (5) (“the relevant date”), the person concerned is convicted of the offence in respect of which the caution was given, and
 - (b) the rehabilitation period for the offence ends after the relevant date.
- (7) The caution shall be regarded as a spent caution at the end of the rehabilitation period for the offence.
- (8) If, on or after the date on which the caution becomes regarded as a spent caution in accordance with sub-paragraph (4) or (5), the person concerned is convicted of the offence in respect of which the caution was given—
- (a) the caution shall be treated for the purposes of Schedule 2 to the 1974 Act as not having become spent in relation to any period before the end of the rehabilitation period for the offence, and
 - (b) the caution shall be regarded as a spent caution at the end of that rehabilitation period.

Status: This is the original version (as it was originally enacted).

(9) In this paragraph, “the commencement date” means the date on which section 49 comes into force.