



Police, Crime, Sentencing and Courts Act 2022

2022 CHAPTER 32

PART 6

CAUTIONS

Community cautions

108 Giving a community caution

- (1) An authorised person may give a community caution to a person aged 18 or over (“the offender”) in respect of an offence, other than an excluded offence, if the following requirements are met.
- (2) The requirements are that—
 - (a) an authorised person or a prosecution authority decides that—
 - (i) there is sufficient evidence to charge the offender with the offence, and
 - (ii) a community caution should be given to the offender in respect of the offence;
 - (b) the offender admits to having committed the offence;
 - (c) the offender consents to being given the caution;
 - (d) an authorised person—
 - (i) explains the effect of the caution to the offender, and
 - (ii) in particular, warns the offender of the effect of failure to comply with any of the conditions attached to the caution;
 - (e) the offender signs a document which contains—
 - (i) details of the offence,
 - (ii) the offender’s admission to having committed the offence,
 - (iii) the offender’s consent to being given the caution, and

(iv) the conditions attached to the caution.

- (3) A community caution may not be given in respect of an offence committed before the coming into force of this section.
- (4) The power to give a community caution under subsection (1) is also subject to regulations under section 117 (restrictions on multiple use of cautions).

109 Deciding on the conditions

- (1) The conditions attached to a community caution are to be decided upon by—
- (a) an authorised person, or
 - (b) in a case where a prosecution authority has taken the decision that the caution should be given, the prosecution authority.
- (2) The conditions which may be attached to a community caution are those authorised by—
- (a) section 110 (rehabilitation and reparation conditions), and
 - (b) section 111 (financial penalty conditions).
- (3) When deciding what conditions to attach to a community caution the authorised person or prosecution authority must—
- (a) make reasonable efforts, or ensure that reasonable efforts are or have been made, to obtain the views of any victim or victims of the offence, and
 - (b) take those views into account.
- (4) The views referred to in subsection (3) include in particular views as to whether the offender should carry out any of the actions listed in the community remedy document.
- (5) Where it is the view of the victim or all the victims that the offender should carry out a particular action listed in the community remedy document, the authorised person or prosecution authority must attach that as a condition unless it seems to the authorised person or prosecution authority—
- (a) the action is not one that can be attached as a condition to a community caution, or
 - (b) it would be inappropriate to do so.

110 Rehabilitation and reparation conditions

- (1) Conditions with one or both of the objects in subsection (2) may be attached to a community caution.
- (2) The objects are—
- (a) facilitating the rehabilitation of the offender;
 - (b) ensuring that the offender makes reparation for the offence.
- (3) The conditions which may be attached to a community caution for the objects referred to in subsection (2) include—
- (a) restrictive conditions,
 - (b) unpaid work conditions, and
 - (c) attendance conditions.
- (4) A restrictive condition is a condition requiring the offender—

- (a) not to meet or communicate with specified individuals;
 - (b) not to be in or go to specified addresses, places or areas in the United Kingdom;
 - (c) not to carry out or participate in specified activities;
 - (d) not to engage in specified conduct (which may include conduct constituting a criminal offence).
- (5) An unpaid work condition is a condition requiring the offender to carry out unpaid work of a specified description for a specified number of hours, which may not exceed 10.
- (6) An attendance condition is a condition requiring the offender to attend a specified place—
- (a) for a specified purpose, and
 - (b) for a specified number of hours, which may not exceed 10 where the condition only has the object referred to in subsection (2)(b).
- (7) Where an attendance condition requires the offender to attend somewhere for the purpose of participating in any education or training, or receiving any other service, the attendance condition may also require the offender to pay for the reasonable cost of the provision of the education, training or service to the offender.
- (8) Regulations may amend subsection (5) or (6)(b) (or both) so as to substitute a different number of hours.
- (9) A condition authorised by this section may—
- (a) contain further details as to how it must be complied with (including the times at or between which something must or must not be done);
 - (b) provide for those details to be supplied, after the giving of the caution, by a specified person or a person of a specified description.
- (10) A condition authorised by this section may not require a person to remain at their own or anyone else’s residence for any period of time.
- (11) In this section “specified” means specified in the caution.

111 Financial penalty conditions

- (1) A condition requiring the offender to pay a financial penalty may be attached to a community caution with the object of punishing the offender.
- (2) The condition must specify—
- (a) the amount of the financial penalty,
 - (b) the person to whom the financial penalty must be paid,
 - (c) how it must or may be paid,
 - (d) the date on or before which the penalty must be paid, and
 - (e) the consequences of non-payment.
- (3) The amount specified under subsection (2)(a) must not exceed an amount prescribed in regulations.
- (4) Where the person specified under subsection (2)(b) is not the designated officer for a magistrates’ court, once the penalty is paid to that person they must give it to such an officer.

- (5) The date specified under subsection (2)(d) must be the last day of the period of 28 days beginning with the day on which the caution is given.
- (6) If the financial penalty is not paid on or before the date specified under subsection (2)(d), the amount of the penalty required to be paid by the condition is increased by 50%.
- (7) Where subsection (6) applies, if the increased penalty is not paid within the period of 21 days beginning with the day after the date specified under subsection (2)(d), the amount of the increased penalty may be registered under section 112 for enforcement against the offender as a fine.

112 Enforcement of financial penalties: registration

- (1) The chief officer of police may, in respect of any amount registrable under section 111(7), issue a certificate (“a registration certificate”)—
 - (a) giving particulars of the financial penalty,
 - (b) stating that the amount is registrable for enforcement against the offender as a fine, and
 - (c) stating the name and last known address of the offender.
- (2) The chief officer of police issuing a registration certificate must cause it to be sent to the designated officer for the local justice area in which the offender appears to the chief officer to reside.
- (3) The designated officer for a local justice area in receipt of a registration certificate must—
 - (a) register the amount for enforcement as a fine in that area by entering it in the register of a magistrates’ court acting for that area, or
 - (b) if it appears to the designated officer that the offender does not reside in that area, cause the certificate to be sent to the person appearing to the officer to be the designated officer for the local justice area in which the offender resides.
- (4) A designated officer registering an amount under this section for enforcement as a fine must give the offender notice of the registration which—
 - (a) specifies the amount registered, and
 - (b) gives the information with respect to the financial penalty, and the authority for registration, that was included in the registration certificate.
- (5) If an amount is registered in a magistrates’ court as a result of this section, any enactment referring (in whatever terms) to a fine imposed, or other sum adjudged to be paid, on conviction by such a court applies as if the registered amount were a fine imposed by that court on the conviction of the offender on the date on which the amount was registered.

113 Enforcement of financial penalties: court proceedings

- (1) This section applies where, in any proceedings for the enforcement of an amount registered under this section, the person against whom the proceedings are taken claims—
 - (a) not to be the person to whom the community caution was given,
 - (b) to have paid the amount that was required to be paid, or
 - (c) to have a reasonable excuse for not paying.

- (2) The court may adjourn the proceedings, on one or more occasions, for the purpose of allowing the claim to be investigated, but must not adjourn for more than 28 days in total.
- (3) The court must accept a claim under subsection (1)(a) or (b) unless it is shown, on the balance of probabilities, that the claim is unfounded.
- (4) Where a court accepts a claim under subsection (1)(b), the condition of the caution by virtue of which the amount is required to be paid ceases to have effect.
- (5) In the case of a claim under subsection (1)(c), the court must accept the claim so far as relating to the facts claimed (leaving aside any question as to the reasonableness of the excuse), unless it is shown, on the balance of probabilities, that the claim so far as relating to those facts is unfounded.
- (6) Where a court accepts a claim under subsection (1)(c), the court may order that the condition of the caution by virtue of which the amount is required to be paid—
 - (a) ceases to have effect, or
 - (b) is varied so as to reduce the amount payable or to extend the time for payment (or both).

114 Variation of conditions

- (1) An authorised person or prosecution authority may, with the consent of the offender, vary the conditions attached to a community caution by—
 - (a) varying or omitting any of the conditions;
 - (b) adding a condition.
- (2) See also section 115(2) (addition of financial penalty).

115 Effect of community caution

- (1) Where a community caution is given, criminal proceedings may not be instituted against the offender for the offence in respect of which the caution was given.
- (2) If the offender fails without reasonable excuse to comply with any condition imposed under section 110, an authorised person or prosecution authority may—
 - (a) rescind the condition, and
 - (b) attach a condition imposing a financial penalty (or further such condition) under section 111.