



Police, Crime, Sentencing and Courts Act 2022

2022 CHAPTER 32

PART 6

CAUTIONS

General

116 Code of practice

- (1) The Secretary of State must prepare a code of practice in relation to diversionary and community cautions.
- (2) The code may, in particular, include provision as to—
 - (a) the circumstances in which diversionary and community cautions may be given;
 - (b) the procedure to be followed in connection with the giving of diversionary and community cautions;
 - (c) the conditions which may be attached to diversionary and community cautions and the time for which they may have effect;
 - (d) the category of constable or investigating officer by whom diversionary and community cautions may be given;
 - (e) the persons whom a prosecution authority may authorise as authorised persons for the purposes of this Part;
 - (f) the form which diversionary and community cautions are to take and the manner in which they are to be given and recorded;
 - (g) the places where diversionary and community cautions may be given;
 - (h) the provision which may be made in a condition under section 102(2)(b) or 111(2)(b);
 - (i) the monitoring of compliance with conditions attached to diversionary and community cautions;

Status: This is the original version (as it was originally enacted).

- (j) the exercise of the power of arrest conferred by section 106(1);
 - (k) who is to decide how a person should be dealt with under section 106(2) and (3).
- (3) After preparing a draft of the code the Secretary of State—
- (a) must publish the draft,
 - (b) must consider any representations made to the Secretary of State about the draft, and
 - (c) may amend the draft accordingly,
- but may not publish or amend the draft without the consent of the Attorney General.
- (4) After complying with subsection (3) the Secretary of State must lay the code before each House of Parliament.
- (5) After complying with subsection (4) the Secretary of State may bring the code into force by regulations.
- (6) The Secretary of State may from time to time revise a code of practice brought into force under this section.
- (7) Subsections (3) to (6) apply (with appropriate modifications) to a revised code as they apply to the original code.

117 Restriction on multiple cautions

- (1) Regulations may prohibit the giving of a diversionary or community caution to a person in respect of an offence where the person has already been given one or more cautions.
- (2) A prohibition under subsection (1) may in particular be framed by reference to—
- (a) the kinds of caution previously given to the person;
 - (b) the number of times any kind of caution has been given to the person;
 - (c) the period preceding the commission of the offence within which any kind of caution has been given to the person;
 - (d) the offence or description of offences in respect of which any kind of caution has been given to the person.
- (3) For the purposes of this section “caution” means—
- (a) a diversionary or community caution;
 - (b) a conditional caution under Part 3 of the Criminal Justice Act 2003 given before the coming into force of section 118;
 - (c) any other caution given to the person before the coming into force of that section in respect of an offence where—
 - (i) the person admitted having committed the offence,
 - (ii) the person was aged 18 or over when the caution was given, and
 - (iii) the caution was given by a constable or other person authorised to give the caution.

118 Abolition of other cautions and out-of-court disposals

- (1) No caution other than a diversionary or community caution may be given to a person aged 18 or over who admits to having committed an offence.

- (2) In the Criminal Justice Act 2003, omit Part 3 (conditional cautions).
- (3) In the Criminal Justice and Police Act 2001, omit Chapter 1 of Part 1 (on-the-spot penalties for disorderly behaviour).
- (4) Subsections (2) and (3) do not affect the continuing operation of the provisions repealed by those subsections in relation to offences committed before the day on which this section comes into force.