



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Status: This is the original version (as it was originally enacted).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