



Police, Crime, Sentencing and Courts Act 2022

2022 CHAPTER 32

PART 6

CAUTIONS

Diversionary cautions

PROSPECTIVE

99 Giving a diversionary caution

- (1) An authorised person may give a diversionary caution to a person aged 18 or over (“the offender”) in respect of an offence if the following requirements are met.
- (2) The requirements are that—
 - (a) an authorised person or a prosecution authority decides—
 - (i) that there is sufficient evidence to charge the offender with the offence, and
 - (ii) that a diversionary caution should be given to the offender in respect of the offence;
 - (b) the offender admits 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 that failure to comply with any of the conditions attached to the caution may result in prosecution for the offence;
 - (e) the offender signs a document which contains—
 - (i) details of the offence,

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Section 99. (See end of Document for details)

- (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) But if the offence is an indictable-only offence, the authorised person may not give a diversionary caution to the offender except—
 - (a) in exceptional circumstances relating to the person or the offence, and
 - (b) with the consent of the Director of Public Prosecutions.
- (4) A diversionary caution may not be given in respect of an offence committed before the coming into force of this section.
- (5) The power to give a diversionary caution under subsection (1) is also subject to regulations under section 117 (restrictions on multiple use of cautions).

Commencement Information

II S. 99 not in force at Royal Assent, see [s. 208\(1\)](#)

Status:

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