

2013 No. 615

CRIMINAL LAW, ENGLAND AND WALES

The Criminal Justice Act 2003 (Conditional Cautions: Financial Penalties) Order 2013

Made - - - - *12th March 2013*
Laid before Parliament *18th March 2013*
Coming into force - - *8th April 2013*

The Secretary of State makes the following Order in exercise of the powers conferred by section 23A(1) to (3) of the Criminal Justice Act 2003(a):

Citation and commencement

1. This order may be cited as the Criminal Justice Act 2003 (Conditional Cautions: Financial Penalties) Order 2013 and comes into force on 8th April 2013.

Prescribed descriptions of offences and financial penalties

2.—(1) The descriptions of offences listed in the table below are prescribed for the purposes of section 23A(1) of the Criminal Justice Act 2003 (offences or descriptions of offences in respect of which a financial penalty condition may be imposed).

(2) The amounts listed in the table below are the maximum amounts in respect of each description of offence for the purposes of section 23A(2) of the Criminal Justice Act 2003 (maximum penalty which may be specified in a financial penalty condition).

<i>Description of offence</i>	<i>Maximum amount that may be specified in the financial penalty condition</i>
Any summary offence	£50
Any offence triable either way	£100
Any offence triable only on indictment	£150

Revocation of the Criminal Justice (Conditional Cautions: Financial Penalties) Order 2009

3. The Criminal Justice Act 2003 (Conditional Cautions: Financial Penalties) Order 2009(b) is revoked.

(a) 2003 c. 44; section 23A was inserted by section 17 of the Police and Justice Act 2006 (c. 48). It was brought into force by virtue of the Police and Justice Act 2006 (Commencement No. 11) Order 2009 (S.I. 2009/1679) in relation to the areas specified in article 2(4) of that Order; and it was brought into force by virtue of the Police and Justice Act 2006 (Commencement No. 12) Order 2009 (S.I. 2009/2774) in relation to the areas specified in article 2(3) of that Order. It has now been brought into force for remaining purposes by virtue of the Police and Justice Act 2006 (Commencement No.16) Order 2013 (S.I. 2013/592).

(b) S.I. 2009/2773.

Signed by the authority of the Secretary of State

12th March 2013

Jeremy Wright
Parliamentary Under Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

Section 23A of the Criminal Justice Act 2003 (c. 44) provides that a conditional caution may be given to an offender aged 18 or over. An authorised person or a relevant prosecutor may decide that a conditional caution should be given if the five requirements set out in section 23 of that Act are met.

Article 2 of this Order prescribes the descriptions of offences in respect of which (where a conditional caution is given), a condition may be attached which requires the offender to pay a financial penalty. The Order also sets different maximum amounts of penalty that the offender may be required to pay, depending on the description of offence.

Article 3 of this Order revokes the Criminal Justice Act 2003 (Conditional Cautions: Financial Penalties) Order 2009 (S.I. 2009/2773).

An impact assessment has not been produced for this Order as no impact on business, civil society organisations or the public sector is foreseen.

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