STATUTORY INSTRUMENTS

2015 No. 830

CRIMINAL LAW, ENGLAND AND WALES

The Criminal Justice and Courts Act 2015 (Simple Cautions) (Specification of Police Ranks) Order 2015

Made - - - -	*19th March 2015*
Coming into force - -	*13th April 2015*

The Secretary of State, in exercise of the powers conferred by sections 17(5) and 18(1) of the Criminal Justice and Courts Act 2015(**a**), makes the following Order:

Citation and commencement

1. This Order may be cited as the Criminal Justice and Courts Act 2015 (Simple Cautions) (Specification of Police Ranks) Order 2015 and comes into force on 13th April 2015.

Interpretation

2. In this Order, "the 2015 Act" means the Criminal Justice and Courts Act 2015.

Specified ranks

3. A police officer who makes a determination listed in column 1 of the table in the Schedule must not be below the rank specified in the corresponding entry in column 2.

Shailesh Vara
Parliamentary Under Secretary of State
Ministry of Justice

19th March 2015

(**a**) 2015 c. 2.

SCHEDULE

Article 3

Specified ranks for the purposes of section 17(2), (3) and (4) of the 2015 Act

Column 1 (Determination)	*Column 2 (Minimum rank)*
Whether there are exceptional circumstances for the purposes of section 17(2) of the 2015 Act	Superintendent
Whether there are exceptional circumstances for the purposes of section 17(3) of the 2015 Act	Inspector
Whether there are exceptional circumstances for the purposes of section 17(4) of the 2015 Act	Inspector
Whether a previous offence is similar to the offence admitted for the purposes of section 17(4)(b) of the 2015 Act	Inspector

EXPLANATORY NOTE

(This note is not part of the Order)

Section 17(5) of the Criminal Justice and Courts Act 2015 (c. 2) ("the 2015 Act") provides that it is for a police officer not below a rank specified by order made by the Secretary of State to determine whether there are exceptional circumstances for the purposes of subsection (2), (3) or (4), and whether a previous offence is similar to the offence admitted for the purposes of subsection (4)(b). Section 18(1) of the 2015 Act gives the Secretary of State power to specify different ranks for each of these determinations.

This Order specifies in article 3 and the Schedule: that the police officer who determines whether there are exceptional circumstances for the purposes of section 17(2) of the 2015 Act must not be below the rank of Superintendent; that the police officer who determines whether there are exceptional circumstances for the purposes of section 17(3) of the 2015 Act must not be below the rank of Inspector; that the police officer who determines whether there are exceptional circumstances for the purposes of section 17(4) of the 2015 Act must not be below the rank of Inspector; and that the police officer who determines whether a previous offence is similar to the offence admitted for the purposes of section 17(4)(b) of the 2015 Act must not be below the rank of Inspector.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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