Draft Order laid before Parliament under section 114(3) and (3A)(b) of the Crime and Disorder Act 1998 (c.37), for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2009 No.

CRIMINAL LAW, ENGLAND AND WALES

The Crime and Disorder Act 1998 (Youth Conditional Cautions: Code of Practice) Order 2009

Made - - - -	**** 2009*
Coming into force - -	**** 2009*

The Secretary of State makes the following Order in exercise of the powers conferred by section 66G(5) of the Crime and Disorder Act 1998(**a**) ("the Act").

The Secretary of State has prepared a code of practice in relation to youth conditional cautions ("the code of practice") under section 66G(1) of the Act.

In accordance with section 66G(3) of the Act, he has (with the consent of the Attorney General) published a draft of the code of practice, considered representations made to him about the draft, and (with the consent of the Attorney General) amended the draft accordingly.

In accordance with section 66G(4) of the Act, he has laid the code of practice before each House of Parliament.

In accordance with section 114(3) and (3A)(b) of the Act(**b**), a draft of this Order was laid before and approved by a resolution of each House of Parliament;

Citation and commencement

1. This Order may be cited as the Crime and Disorder Act 1998 (Youth Conditional Cautions: Code of Practice) Order 2009.

(**a**) 1998 c.37. Section 66A to 66H were inserted by section 48 of, and paragraph 3 of Schedule 9 to, the Criminal Justice and Immigration Act 2008 (c.4)

(**b**) 1998 c.37. Subsection (3A)(b) was inserted by section 48 of, and paragraph 4(5) of Schedule 9 to, the Criminal Justice and Immigration Act 2008 (c.4). It provides that section 114(3) of the 1998 Act, requiring a draft Order to be laid before and approved by each House of Parliament, also applies to the first Order made under section 66G(5).

Code of Practice

2. The code of practice entitled "Code of Practice for Youth Conditional Cautions for 16 & 17 year olds" laid before Parliament on 8 July 2009 shall come into force on the day after the day on which this Order comes into force.

Signed by authority of the Secretary of State

Name
Minister of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force the code of practice made in accordance with section 66G(1) of the Crime and Disorder Act 1998 ("the 1998 Act"), which was inserted by section 48 of and Schedule 9 to the Criminal Justice and Immigration Act 2008, in relation to youth conditional cautions.

A youth conditional caution is a caution given in respect of an offence committed by a child or young person and which has conditions attached to it with which the offender must comply. Section 66A of the 1998 Act permits an authorised person to give a youth conditional caution to a child or young person, in respect of an offence, if the offender has not previously been convicted of an offence and if each of the five requirements in section 66B of the 1998 Act are met.

Section 66A of the 1998 Act will be commenced, initially, only in respect of 16 and 17 year olds in specified pilot areas and will come into force on the same day as the code of practice.

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