Draft Order laid before Parliament under section 330(5)(a) of the Criminal Justice Act 2003, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2013 No.

CRIMINAL LAW, ENGLAND AND WALES

The Criminal Justice Act 2003 (Conditional Cautions: Code of Practice) Order 2013

Made - - - -	*****
Coming into force - -	*8th April 2013*

The Secretary of State makes the following Order in exercise of the power conferred by section 25(5) of the Criminal Justice Act 2003(**a**) ("the Act") as applied by section 25(7) of the Act.

The Secretary of State has prepared a revised code of practice in relation to conditional cautions under section 25(6) of the Act.

In accordance with section 25(3) of the Act, the Secretary of State has (with the consent of the Attorney General) published a draft of the revised code of practice, considered representations made to him about the draft and (with the consent the Attorney General) amended the draft accordingly.

In accordance with section 25(4) of the Act, the Secretary of State has laid the revised code of practice before each House of Parliament.

In accordance with section 330(5)(a)(**b**) of the Act, a draft of this Order has been laid before, and approved by a resolution of, each House of Parliament.

Citation

1. This Order may be cited as the Criminal Justice Act 2003 (Conditional Cautions: Code of Practice) Order 2013.

Code of practice

2. The revised code of practice entitled "Code of Practice for Adult Conditional Cautions" laid before Parliament on 9th January 2013 shall come into force on the day after the day on which this Order comes into force.

(**a**) 2003 c.44.
(**b**) There have been amendments to subsection (5)(a) of section 330, but none are relevant.

Name
Parliamentary Under Secretary of State
Ministry of Justice

Date

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force a revised code of practice in relation to conditional cautions. The code is revised under section 25(6) of the Criminal Justice Act 2003 ("the 2003 Act") (c.44), and sets out certain matters as to when conditional cautions may be given and the conditions that may be attached. The previous code was brought into force by S.I.2010/133.

Conditional cautions are cautions given in respect of an offence committed by the offender to which specified conditions are attached, and are provided for by Part 3 of the 2003 Act. A conditional caution may be decided to be given by a relevant prosecutor or authorised person if the five requirements set out in section 23 of the 2003 Act are met.

The most significant revisions made in this code reflect the amendments to Part 3 of the 2003 Act made by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 ("the 2012 Act") (c.10) described below which will come into force at the same time as the code.

Section 133 of the 2012 Act amended Part 3 of the 2003 Act to permit authorised persons (a constable, an investigating officer or a person authorised by a relevant prosecutor) to give a conditional caution to a person aged 18 or over and set and vary conditions without reference to a relevant prosecutor.

Section 134 of the 2012 Act amended Part 3 of the 2003 Act to provide for conditional cautions to be given to a relevant foreign offender provided at least one of the following objects is met: bringing about the departure of the relevant foreign offender from the United Kingdom; and ensuring that the relevant foreign offender does not return to the United Kingdom for a period of time.

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