



Police and Justice Act 2006

2006 CHAPTER 48

PART 2

POWERS OF POLICE ETC

Conditional cautions

17 Conditional cautions: types of condition

(1) Part 3 of the Criminal Justice Act 2003 (c. 44) (conditional cautions) is amended as set out in subsections (2) to (4).

(2) In section 22, for subsection (3) (types of conditions that may be attached to cautions) there is substituted—

“(3) The conditions which may be attached to such a caution are those which have one or more of the following objects—

- (a) facilitating the rehabilitation of the offender;
- (b) ensuring that the offender makes reparation for the offence;
- (c) punishing the offender.”

(3) After that subsection there is inserted—

“(3A) The conditions which may be attached to a conditional caution include—

- (a) (subject to section 23A) a condition that the offender pay a financial penalty;
- (b) a condition that the offender attend at a specified place at specified times.

“Specified” means specified by a relevant prosecutor.

(3B) Conditions attached by virtue of subsection (3A)(b) may not require the offender to attend for more than 20 hours in total, not including any attendance required by conditions attached for the purpose of facilitating the offender's rehabilitation.

Changes to legislation: Police and Justice Act 2006, Section 17 is up to date with all changes known to be in force on or before 11 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(3C) The Secretary of State may by order amend subsection (3B) by substituting a different figure.”

(4) After section 23 (requirements for conditional caution to be given) there is inserted—

“23A Financial penalties

- (1) A condition that the offender pay a financial penalty (a “financial penalty condition”) may not be attached to a conditional caution given in respect of an offence unless the offence is one that is prescribed, or of a description prescribed, in an order made by the Secretary of State.
 - (2) An order under subsection (1) must prescribe, in respect of each offence or description of offence in the order, the maximum amount of the penalty that may be specified under subsection (5)(a).
 - (3) The amount that may be prescribed in respect of any offence must not exceed—
 - (a) one quarter of the amount of the maximum fine for which a person is liable on summary conviction of the offence, or
 - (b) £250,
 whichever is the lower.
 - (4) The Secretary of State may by order amend subsection (3) by—
 - (a) substituting a different fraction in paragraph (a);
 - (b) substituting a different figure in paragraph (b).
 - (5) Where a financial penalty condition is attached to a conditional caution, a relevant prosecutor must also specify—
 - (a) the amount of the penalty,
 - (b) the designated officer for a local justice area to whom the penalty is to be paid, and
 - (c) the address of that officer.
 - (6) To comply with the condition, the offender must pay the penalty to the specified officer.
 - (7) The offender may pay a sum in respect of the penalty by pre-paying and posting a letter containing that sum (in cash or otherwise) to the address specified under subsection (5)(c).
 - (8) If a person—
 - (a) claims to have made payment by the method described in subsection (7), and
 - (b) shows that his letter was posted,
 then, unless the contrary is proved, payment is to be regarded as made at the time at which the letter would be delivered in the ordinary course of post.
 - (9) Subsection (7) is not to be read as preventing payment by other means.”
- (5) In section 330 of that Act (orders subject to affirmative resolution procedure), in subsection (5)—
- (a) in paragraph (a), before “section 25(5)” there is inserted— “ section 22(3C), ”;

Changes to legislation: Police and Justice Act 2006, Section 17 is up to date with all changes known to be in force on or before 11 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(b) after that paragraph there is inserted—

“(aa) an order under section 23A(4) which makes provision—

- (i) increasing the fraction in section 23A(3)(a), or
- (ii) increasing the figure in section 23A(3)(b) by more than is necessary to reflect changes in the value of money,”.

Commencement Information

- I1** S. 17(1)(2)(4) in force at 8.7.2009 for specified purposes by [S.I. 2009/1679](#), [art. 2\(1\)\(4\)](#)
- I2** S. 17(1)(2)(4) in force at 16.11.2009 for specified purposes by [S.I. 2009/2774](#), [art. 2\(1\)\(3\)](#)
- I3** [S. 17\(1\)\(2\)\(4\)](#) in force at 8.4.2013 in so far as not already in force by [S.I. 2013/592](#), [art. 2\(1\)](#)
- I4** S. 17(3) in force at 8.7.2009 for specified purposes by [S.I. 2009/1679](#), [art. 2\(1\)\(2\)\(4\)](#)
- I5** S. 17(3) in force at 16.11.2009 for specified purposes by [S.I. 2009/2774](#), [art. 2\(1\)\(2\)\(3\)](#)
- I6** [S. 17\(3\)](#) in force at 8.4.2013 for specified purposes by [S.I. 2013/592](#), [art. 2\(1\)\(2\)](#)
- I7** S. 17(5) in force at 8.7.2009 for specified purposes by [S.I. 2009/1679](#), [art. 2\(1\)\(3\)\(4\)](#)
- I8** S. 17(5) in force at 16.11.2009 for specified purposes by [S.I. 2009/2774](#), [art. 3](#)

Changes to legislation:

Police and Justice Act 2006, Section 17 is up to date with all changes known to be in force on or before 11 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 17 omitted by [2022 c. 32 Sch. 11 para. 38\(1\)\(b\)](#)