

SCHEDULES

SCHEDULE 24

Section 135

YOUTH CAUTIONS: CONSEQUENTIAL AMENDMENTS

Rehabilitation of Offenders Act 1974 (c. 53)

- 1 The Rehabilitation of Offenders Act 1974 is amended as follows.
- 2 In section 8A(2) (meaning of “caution”)—
 - (a) omit paragraph (c), and
 - (b) in paragraph (d)—
 - (i) omit “, reprimand or warning”, and
 - (ii) for “paragraphs (a) to (c)” substitute “paragraph (a) or (b)”.
- 3 In Schedule 2 (protection for spent cautions) in paragraph 2(1)(e) (meaning of “ancillary circumstances”: things done in connection with a rehabilitation programme)—
 - (a) for “warning under section 65” substitute “youth caution given under section 66ZA”, and
 - (b) for “66(2)” substitute “66ZB(2) or (3)”.

Police and Criminal Evidence Act 1984 (c. 60)

- 4 The Police and Criminal Evidence Act 1984 is amended as follows.
- 5 In section 34(5)(b) (requirement to release without bail unless proceedings may be taken or person may be reprimanded or warned), for the words from “reprimanded” to “65” substitute “given a youth caution under section 66ZA”.
- 6 In section 37B(9)(b) (consultation with Director of Public Prosecutions: meaning of “caution”), for “warning or reprimand under section 65” substitute “youth caution under section 66ZA”.
- 7 (1) Section 61 (fingerprinting) is amended as follows.
 - (2) In subsection (6) (power to fingerprint without consent in case of conviction etc for recordable offence)—
 - (a) at the end of paragraph (a) insert “or”,
 - (b) for “or” at the end of paragraph (b) substitute “and”, and
 - (c) omit paragraph (c) and the “and” at the end of that paragraph.
 - (3) In subsection (6ZA)(a) (conditions for application of subsection (6)), for “, cautioned or warned or reprimanded” substitute “or cautioned”.
- 8 (1) Section 63 (non-intimate samples) is amended as follows.
 - (2) In subsection (3B) (power to take non-intimate sample without consent in case of conviction etc for recordable offence)—

Status: This is the original version (as it was originally enacted).

- (a) at the end of paragraph (a) insert “or”,
 - (b) for “or” at the end of paragraph (b) substitute “and”, and
 - (c) omit paragraph (c) and the “and” at the end of that paragraph.
- (3) In subsection (3BA)(a) (conditions for application of subsection (3B)), for “, cautioned or warned or reprimanded” substitute “or cautioned”.
- 9 In section 64ZC(6)(a) (destruction of data relating to a person subject to a control order: persons to be treated as having been convicted of an offence)—
 - (a) for “or” at the end of sub-paragraph (i) substitute “and”, and
 - (b) omit sub-paragraph (ii) and the “and” at the end of that sub-paragraph.
- 10 In section 64ZI(3) (persons to be treated as having been convicted of an offence for the purposes of sections 64ZB and 64ZD to 64ZH) omit paragraph (b) and the “or” preceding that paragraph.
- 11 (1) Schedule 2A (fingerprinting and samples: power to require attendance at police station) is amended as follows.
 - (2) In paragraph 3 (attendance for fingerprinting: persons convicted etc of an offence in England and Wales)—
 - (a) in sub-paragraph (2)(a) for “, cautioned or warned or reprimanded” substitute “or cautioned”, and
 - (b) in sub-paragraph (5) for “, caution or warning or reprimand” substitute “or caution”.
 - (3) In paragraph 11 (attendance for taking of non-intimate sample: persons convicted etc of an offence in England and Wales)—
 - (a) in sub-paragraph (2)(a) for “, cautioned or warned or reprimanded” substitute “or cautioned”, and
 - (b) in sub-paragraph (5)(a) for “, caution or warning or reprimand” substitute “or caution”.

Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))

- 12 In Article 64ZC(6)(a) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (persons to be treated as having been convicted of an offence for the purposes of paragraph (1))—
 - (a) for “or” at the end of paragraph (i) substitute “and”, and
 - (b) omit paragraph (ii) and the “and” at the end of that paragraph.

Jobseekers Act 1995 (c. 18)

- 13 In section 20D(6) of the Jobseekers Act 1995 (meaning of “cautioned” for the purposes of section 20C) omit paragraph (b) and the “or” preceding that paragraph.

Crime and Disorder Act 1998 (c. 37)

- 14 The Crime and Disorder Act 1998 is amended as follows.
- 15 In section 38(4) (meaning of “youth justice services”)—
 - (a) for paragraph (aa) substitute—

Status: This is the original version (as it was originally enacted).

- “(aa) the provision of assistance to persons determining whether youth cautions should be given under section 66ZA below;”, and
 - (b) in paragraph (b) for “66(2)” substitute “66ZB(2) or (3)”.
- 16 In section 66H (interpretation)—
 - (a) in paragraph (a) (definition of “appropriate adult”) for “65(7)” substitute “66ZA(7)”, and
 - (b) after paragraph (e) insert—
 - “(ea) youth caution” has the meaning given by section 66ZA(1);”.
- 17 In section 121(6) (provisions extending to Scotland) omit paragraph (c).

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

- 18 The Powers of Criminal Courts (Sentencing) Act 2000 is amended as follows.
- 19 In section 12(2) (which makes the provision for conditional discharge in that section subject to section 66(4) of the Crime and Disorder Act 1998)—
 - (a) for “66(4)” substitute “66ZB(6)”, and
 - (b) for “reprimands and warnings” substitute “youth cautions”.
- 20 In Schedule 9 (consequential amendments) omit paragraph 198.

Terrorism Act 2000 (c. 11)

- 21 Schedule 8 to the Terrorism Act 2000 (detention) is amended as follows.
- 22 In paragraph 14F(3) (persons to be treated as having been convicted of an offence for the purposes of paragraphs 14B to 14E) omit paragraph (b) and the “or” preceding that paragraph.
- 23 In paragraph 20F(3) (persons to be treated as having been convicted of an offence for the purposes of paragraphs 20B to 20E) omit “, or has been warned or reprimanded,”.

Criminal Justice and Court Services Act 2000 (c. 43)

- 24 In section 56 of the Criminal Justice and Court Services Act 2000 (young offenders: reprimands and warnings) omit subsection (1).

Sexual Offences Act 2003 (c. 42)

- 25 In section 133(1) of the Sexual Offences Act 2003 (interpretation of Part 2), in the definition of “cautioned” omit paragraph (b) and the “or” preceding that paragraph.

Criminal Justice Act 2003 (c. 44)

- 26 In section 327B(9) of the Criminal Justice Act 2003 (meaning of “cautioned” for the purposes of that section) omit paragraph (b) and the “or” preceding that paragraph.

Childcare Act 2006 (c. 21)

- 27 In section 75(6) of the Childcare Act 2006 (disqualification from registration: interpretation) omit the definition of “caution”.

Criminal Justice and Immigration Act 2008 (c. 4)

- 28 The Criminal Justice and Immigration Act 2008 is amended as follows.
- 29 In section 48(1) (which introduces Schedule 9 to that Act) omit paragraph (b) and the “and” preceding that paragraph.
- 30 In Schedule 9 (alternatives to prosecution for persons under 18) omit paragraph 2.

Counter-Terrorism Act 2008 (c. 28)

- 31 In section 18A(4) of the Counter-Terrorism Act 2008 (persons to be treated as having been convicted of an offence for the purposes of section 18(3B) and (3C)), omit paragraph (b) and the “or” preceding that paragraph.

Terrorism Prevention and Investigation Measures Act 2011 (c. 23)

- 32 In Schedule 6 to the Terrorism Prevention and Investigation Measures Act 2011 (fingerprints and samples), in paragraph 10(1)(a) (circumstances when an individual is to be treated as having been convicted of an offence)—
- (a) at the end of sub-paragraph (ii) insert “or”, and
 - (b) omit sub-paragraph (iv) and the “or” preceding that sub-paragraph.