

SCHEDULES

SCHEDULE 11

Section 119

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 (protection afforded to spent cautions), in subsection (2)—
 - (a) for paragraph (a) substitute—
 - “(aa) a diversionary caution under Part 6 of the Police, Crime, Sentencing and Courts Act 2022;
 - (ab) a community caution under that Part of that Act;
 - (ac) a caution given under section 22 of the Criminal Justice Act 2003 (conditional cautions) in respect of an offence committed before the coming into force of section 118 of the Police, Crime, Sentencing and Courts Act 2022;
 - (ad) a caution given under section 66A of the Crime and Disorder Act 1998 (conditional cautions for children and young persons);”;
 - (b) in paragraph (d), for “(a) or” substitute “(aa) to”.
- 3 (1) Schedule 2 (protection for spent cautions) is amended as follows.
 - (2) In paragraph 1(1)(a), for the words from “conditional” to “section 8A(2)(a)” substitute “caution referred to in section 8A(2)(aa), (ac) or (ad)”.
 - (3) In paragraph 2(1)(f), for “conditional caution” substitute “caution referred to in section 8A(2)(aa) to (ad)”.

Bail Act 1976 (c. 63)

- 4 The Bail Act 1976 is amended as follows.
- 5 In section 3A (conditions of bail in case of police bail), in subsection (1), for “Part 3 of the Criminal Justice Act 2003” substitute “Part 6 of the Police, Crime, Sentencing and Courts Act 2022”.
- 6 In section 5A (supplementary provision in case of police bail), in subsection (1), for “Part 3 of the Criminal Justice Act 2003” substitute “Part 6 of the Police, Crime, Sentencing and Courts Act 2022”.
- 7 Paragraphs 5 and 6 do not affect the operation of the Bail Act 1976 in relation to bail granted under Part 3 of the Criminal Justice Act 2003 in relation to offences committed before the day on which section 118(2) comes into force.

Status: This is the original version (as it was originally enacted).

Matrimonial and Family Proceedings Act 1984 (c. 42)

- 8 In section 31R of the Matrimonial and Family Proceedings Act 1984 (prohibition of cross-examination in person: victims of offences), in subsection (5), in paragraph (a) of the definition of “caution”, for sub-paragraph (i) substitute—
- “(i) a diversionary caution or community caution given under Part 6 of the Police, Crime, Sentencing and Courts Act 2022,
 - (ia) a caution given under section 22 of the Criminal Justice Act 2003 (conditional cautions) in respect of an offence committed before the coming into force of section 118 of the Police, Crime, Sentencing and Courts Act 2022,”.

Police Act 1997 (c. 50)

- 9 The Police Act 1997 is amended as follows.
- 10 (1) Section 112 (criminal conviction certificates) is amended as follows.
- (2) In subsection (2), in paragraphs (a) and (b), for “conditional” substitute “relevant”.
- (3) In subsection (3)—
- (a) in the definition of “central records” for “conditional” substitute “relevant”;
 - (b) omit the definition of “conditional caution”;
 - (c) at the end insert—
 - ““relevant caution” means—
 - (a) a diversionary caution given under Part 6 of the Police, Crime, Sentencing and Courts Act 2022,
 - (b) a caution given under section 22 of the Criminal Justice Act 2003 (conditional cautions) in respect of an offence committed before the coming into force of section 118 of the Police, Crime, Sentencing and Courts Act 2022, or
 - (c) a caution given under section 66A of the Crime and Disorder Act 1998,

other than one that is spent for the purposes of Schedule 2 to the Rehabilitation of Offenders Act 1974;”.
- 11 (1) Section 116A (up-dating certificates) is amended as follows.
- (2) In subsection (10), in paragraph (a), for “conditional cautions” substitute “relevant cautions”.
- (3) In subsection (11), after the definition of “exempted question” insert—
- ““relevant caution” has the same meaning as in section 112;”.

Police and Criminal Evidence Act 1984 (c. 60)

- 12 The Police and Criminal Evidence Act 1984 is amended as follows.
- 13 In section 34 (limitation on police detention), in subsection (5E)—
- (a) for “includes” substitute “means”;
 - (b) for paragraph (a) substitute—
 - “(a) a diversionary or community caution under Part 6 of the Police, Crime, Sentencing and Courts Act 2022;”.

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- 14 In section 37B (consultation with DPP), in subsection (7), for “section 17 of the Criminal Justice and Courts Act 2015” substitute “any restriction on the giving of the caution under Part 6 of the Police, Crime, Sentencing and Courts Act 2022”.
- 15 In section 60B (notification of decision not to prosecute person interviewed), in subsection (4)—
- (a) for “includes” substitute “means”;
 - (b) for paragraph (a) substitute—
 - “(a) a diversionary or community caution under Part 6 of the Police, Crime, Sentencing and Courts Act 2022;”.
- 16 In section 63B (testing for presence of Class A drugs), in subsection (7)(aa), for “conditional caution under Part 3 of the Criminal Justice Act 2003” substitute “diversionary caution under Part 6 of the Police, Crime, Sentencing and Courts Act 2022”.
- 17 Omit section 63L (which relates to persons given a penalty notice).
- 18 In section 64A (photographing of suspects), in subsection (1B)—
- (a) after paragraph (ca) insert—
 - “(cb) given a diversionary or community caution under Part 6 of the Police, Crime, Sentencing and Courts Act 2022;”;
 - (b) in paragraph (d), omit the words from “a penalty notice” to “2001,”;
 - (c) after paragraph (e) insert “or”;
 - (d) omit paragraph (g) (and the “or” immediately before it).
- 19 Paragraphs 13 to 18 do not affect the operation of the Police and Criminal Evidence Act 1984 in relation to conditional cautions given under Part 3 of the Criminal Justice Act 2003, or penalty notices given under section 2 of the Criminal Justice and Police Act 2001, in relation to offences committed before the day on which section 118(2) and (3) come into force.

Crime and Disorder Act 1998 (c. 37)

- 20 The Crime and Disorder Act 1998 is amended as follows.
- 21 In section 66E (failure to comply with conditions), for subsections (4) and (5) substitute—
- “(4) If a constable has reasonable grounds for believing that the offender has failed without reasonable excuse to comply with any of the conditions attached to a youth conditional caution, the constable may arrest the offender without warrant.
 - (5) Sections 106(2) to (10) and 107 of the Police, Crime, Sentencing and Courts Act 2022 apply in relation to a person arrested under subsection (4) above.”
- 22 In section 66G (code of practice), in subsection (2)—
- (a) in paragraph (j), for the words from “conferred by” to the end substitute “under section 66E(4)”;
 - (b) in paragraph (k), for “section 24A(2) of that Act” substitute “section 106(2) and (3) of the Police, Crime, Sentencing and Courts Act 2022”.

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

Police Reform Act 2002 (c. 30)

- 23 The Police Reform Act 2002 is amended as follows.
- 24 In section 43 (railways safety accreditation scheme)—
- (a) in subsection (6), omit “Subject to subsection (7)”;
 - (b) omit subsection (7).
- 25 In Schedule 5 (powers exercisable by accredited persons), omit the following—
- (a) paragraph 1(2)(aa) and (2A);
 - (b) paragraph 4 and the preceding italic heading;
 - (c) paragraph 9A and the preceding italic heading.
- 26 Omit Schedule 5A (powers exercisable by accredited inspectors).

Licensing Act 2003 (c. 17)

- 27 In section 147A of the Licensing Act 2003 (persistently selling alcohol to children), in subsection (7), omit paragraph (c) and the preceding “or”.

Courts Act 2003 (c. 39)

- 28 The Courts Act 2003 is amended as follows.
- 29 In section 85EA (prohibition of cross-examination in person: victims of offences), in subsection (5), in paragraph (a) of the definition of “caution”, for sub-paragraph (i) substitute—
- “(i) a diversionary caution or community caution given under Part 6 of the Police, Crime, Sentencing and Courts Act 2022,
 - (ia) a caution given under section 22 of the Criminal Justice Act 2003 (conditional cautions) in respect of an offence committed before the coming into force of section 118 of the Police, Crime, Sentencing and Courts Act 2022,”.
- 30 In Schedule 5 (collection of fines), in paragraph 3(1)(b), for sub-paragraph (ii) substitute—
- “(ii) section 112 of the Police, Crime, Sentencing and Courts Act 2022, or”.

Criminal Justice Act 2003 (c. 44)

- 31 In section 330 of the Criminal Justice Act 2003 (orders and rules), in subsection (5)—
- (a) in paragraph (a), omit “section 25(5)”;
 - (b) omit paragraph (aa).

Offender Management Act 2007 (c. 21)

- 32 (1) Section 1 of the Offender Management Act 2007 (meaning of “the probation purposes”) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (b)—
 - (i) for “conditional cautions”, in the first place, substitute “diversionary or community cautions”;

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- (ii) for “conditional cautions”, in the second place, substitute “them”;
- (b) in paragraph (e), for “conditional cautions” substitute “diversionary or community cautions”.

- (3) In subsection (4), omit the definition of “conditional caution”.
- (4) In subsection (5), for “conditional cautions” substitute “diversionary or community cautions”.

Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)

33 The Anti-social Behaviour, Crime and Policing Act 2014 is amended as follows.

34 In section 101 (community remedy document), in subsection (9), in the definition of “out of court disposal process”, for “conditional caution” substitute “diversionary caution, community caution”.

35 (1) Section 102 (out-of-court disposals) is amended as follows.

(2) In subsection (2)—

(a) after paragraph (b) insert—

“(ba) a person authorised by a prosecution authority under section 98(7) of the Police, Crime, Sentencing and Courts Act 2022 for purposes relating to diversionary or community cautions;”;

(b) in paragraph (c), omit “section 22 of the Criminal Justice Act 2003 (conditional cautions) or”.

(3) In subsection (6)—

(a) in the definition of “caution”, for the words from “includes” to “2003” substitute “means a diversionary or community caution given under Part 6 of the Police, Crime, Sentencing and Courts Act 2022”;

(b) for the definition of “investigating officer” and “relevant prosecutor” substitute—

““investigating officer” has the meaning given by section 121 of the Police, Crime, Sentencing and Courts Act 2022;

“relevant prosecutor” has the meaning given by section 66H of the Crime and Disorder Act 1998;”.

36 Paragraphs 34 and 35 do not affect the operation of sections 101 and 102 of the Anti-social Behaviour, Crime and Policing Act 2014 in relation to conditional cautions given under Part 3 of the Criminal Justice Act 2003 in respect of offences committed before the day on which section 118(2) comes into force.

Criminal Justice and Courts Act 2015 (c. 2)

37 In the Criminal Justice and Courts Act 2015, omit sections 17 and 18 (restrictions on use of cautions).

Other consequential repeals

38 (1) Omit the following (which make amendments to Part 3 of the Criminal Justice Act 2003, which is repealed by section 118(2) above)—

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- (a) paragraph 129 of Schedule 4 to the Commissioners for Revenue and Customs Act 2005;
 - (b) sections 17 and 18 of the Police and Justice Act 2006;
 - (c) paragraphs 60 to 62 of Schedule 26 to the Criminal Justice and Immigration Act 2008;
 - (d) sections 133 and 134 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012;
 - (e) section 103(1) of the Anti-social Behaviour, Crime and Policing Act 2014;
 - (f) sections 60, 64(8) and 66(10) of, and paragraph 16(2) of Schedule 12 to, the Policing and Crime Act 2017;
 - (g) paragraphs 14 to 16 and 23 of Schedule 4 to this Act.
- (2) Sub-paragraph (1) does not affect the continuing operation of the repealed provisions in relation to cautions given under Part 3 of the Criminal Justice Act 2003 in respect of offences committed before the day on which section 118(2) comes into force.
- 39 (1) Omit the following (which make amendments to Chapter 1 of Part 1 of the Criminal Justice and Police Act 2001, which is repealed by section 118(3) above)—
- (a) section 15 of the Domestic Violence, Crime and Victims Act 2004;
 - (b) section 132 of, and Schedule 23 to, the Legal Aid, Sentencing and Punishment of Offenders Act 2012.
- (2) Sub-paragraph (1) does not affect the continuing operation of the repealed provisions in relation to penalty notices given under Chapter 1 of Part 1 of the Criminal Justice and Police Act 2001 in respect of offences committed before the day on which section 118(3) comes into force.