



Post Office (Horizon System) Offences Act 2024

2024 CHAPTER 14

Deletion of cautions

5 Deletion of cautions for relevant offences: England and Wales

- (1) If it appears to the Secretary of State that a person has before the coming into force of this Act been cautioned in England and Wales for a relevant offence, the Secretary of State must direct the appropriate chief officer of police to delete details, contained in the UK criminal records database, of the caution.
- (2) As soon as is reasonably practicable after receiving a direction under subsection (1), the appropriate chief officer of police must delete the details of the caution.
- (3) Where the Secretary of State gives a direction under subsection (1) in relation to a person's caution, the Secretary of State—
 - (a) must take all reasonable steps to notify the person, or, if the person is no longer alive, the person's personal representatives, that the direction has been given, or
 - (b) if it is not reasonably practicable to give a notification under paragraph (a), must take all reasonable steps to—
 - (i) identify some other person whom the Secretary of State considers it is appropriate to notify, and
 - (ii) notify that person that the direction has been given.
- (4) For the purposes of this section, the Secretary of State must, in particular, consider any representations made to the Secretary of State which claim that a person has been cautioned in England and Wales for a relevant offence, whether or not made by that person.
- (5) In this section—

“appropriate chief officer of police”, in relation to a caution, means any chief officer of police of a police force in England and Wales who is a data controller in relation to the details of the caution;

Changes to legislation: There are currently no known outstanding effects for the Post Office (Horizon System) Offences Act 2024, Cross Heading: Deletion of cautions. (See end of Document for details)

“the UK criminal records database” means the names database held by the Secretary of State for the use of constables.

Commencement Information

11 S. 5 in force at Royal Assent, see [s. 11\(2\)](#)

6 Deletion of cautions for relevant offences: Northern Ireland

- (1) If it appears to the Department of Justice in Northern Ireland (“the Department”) that a person has before the coming into force of this Act been cautioned in Northern Ireland for a relevant offence, the Department must direct the Chief Constable to delete details, contained in relevant criminal records, of the caution.
- (2) As soon as is reasonably practicable after receiving a direction under subsection (1), the Chief Constable must delete the details of the caution.
- (3) Where the Department gives a direction under subsection (1) in relation to a person’s caution, the Department—
 - (a) must take all reasonable steps to notify the person, or, if the person is no longer alive, the person’s personal representatives, that the direction has been given, or
 - (b) if it is not reasonably practicable to give a notification under paragraph (a), must take all reasonable steps to—
 - (i) identify some other person whom the Department considers it is appropriate to notify, and
 - (ii) notify that person that the direction has been given.
- (4) For the purposes of this section, the Department must, in particular, consider any representations made to it which claim that a person has been cautioned in Northern Ireland for a relevant offence, whether or not made by that person.
- (5) In this section—

“the Chief Constable” means the Chief Constable of the Police Service of Northern Ireland;

“the Northern Ireland criminal records database” means the names database maintained by the Department for the purpose of recording convictions and cautions;

“relevant criminal records” means—

 - (a) the Northern Ireland criminal records database, and
 - (b) the UK criminal records database;

“the UK criminal records database” means the names database held by the Secretary of State for the use of constables.

Commencement Information

12 S. 6 in force at Royal Assent, see [s. 11\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Post Office (Horizon System) Offences Act 2024, Cross Heading: Deletion of cautions.