

2009 No. 2773

CRIMINAL LAW, ENGLAND AND WALES

The Criminal Justice Act 2003 (Conditional Cautions: Financial Penalties) Order 2009

<i>Made</i>	- - - -	<i>15th October 2009</i>
<i>Laid before Parliament</i>		<i>19th October 2009</i>
<i>Coming into force</i>	- -	<i>16th November 2009</i>

The Secretary of State makes the following Order in exercise of the powers conferred by section 23A(1) to (3) of the Criminal Justice Act 2003(a):

Citation and commencement

1.—(1) This Order may be cited as the Criminal Justice Act 2003 (Conditional Cautions: Financial Penalties) Order 2009 and shall come into force on 16 November 2009.

(2) In this Order—

“the 1968 Act” means the Theft Act 1968(b);

“the 1971 Act” means the Criminal Damage Act 1971(c);

“the 1986 Act” means the Public Order Act 1986(d);

“the 2003 Act” means the Criminal Justice Act 2003;

“the 2006 Act” means the Fraud Act 2006(e); and

“excluded offence” means—

(i) loitering or soliciting for the purposes of prostitution contrary to section 1 of the Street Offences Act 1959(f);

(ii) any offence under the Road Traffic Act 1988(g); or

(iii) any offence under the Road Traffic Offenders Act 1988(h).

Financial penalties

2.—(1) The offences and the description of offences listed in the Schedules to this Order are prescribed for the purposes of section 23A(1) of the 2003 Act.

(2) Each such offence listed in Schedule 1 includes an attempt to commit such an offence.

(a) 2003 c. 44. Section 23A was inserted by section 17(4) of the Police and Justice Act 2006 (c. 48).
(b) 1968 c. 60.
(c) 1971 c. 48.
(d) 1986 c. 64.
(e) 2006 c. 35.
(f) 1959 c. 57.
(g) 1988 c. 52.
(h) 1988 c. 53.

(3) The maximum amount, for the purposes of section 23A(2) of the 2003 Act, in respect of the offences or description of offences listed in Schedule 1 to this Order is £150.

(4) The maximum amount, for the purposes of section 23A(2) of the 2003 Act, in respect of the offences or description of offences listed in column 1 of Schedule 2 to this Order, is the amount listed in column 2 of that Schedule.

Signed by the authority of the Secretary of State

Claire Ward
Parliamentary Under Secretary of State
Ministry of Justice

15th October 2009

SCHEDULE 1

Article 2(1), (2) and (3)

Prescribed offences and description of offences (including attempts)

Theft contrary to section 1(1) of the 1968 Act.

Removal an article from a place open to the public contrary to section 11 of the 1968 Act.

Abstracting electricity contrary to section 13 of the 1968 Act.

False accounting contrary to section 17(1)(a) of the 1968 Act.

Handling stolen goods contrary to section 22(1) of the 1968 Act.

Going equipped for burglary or theft contrary to section 25 of the 1968 Act.

Destroying or damaging property contrary to section 1(1) of the 1971 Act.

Threatening to destroy or damage property contrary to section 2 of the 1971 Act.

Possessing articles with intent to destroy or damage property contrary to section 3 of the 1971 Act.

Making off without payment contrary to section 3(1) of the Theft Act 1978 (c. 31).

Forgery etc of documents contrary to section 173 of the Road Traffic Act 1988 (c. 52).

Forgery or fraudulent use etc of a vehicle licence or trade licence etc contrary to section 44(1) of the Vehicle Excise and Registration Act 1994 (c. 22).

Fraud contrary to section 1 of the 2006 Act.

Possession etc of articles for use in fraud contrary to section 6(1) of the 2006 Act.

Making, adopting, supplying or offering to supply an article for use in fraud contrary to section 7 of the 2006 Act.

Obtaining services dishonestly contrary to section 11 of the 2006 Act.

SCHEDULE 2

Article 2(1) and (4)

Prescribed offences and description of offences

<i>Column 1</i>	<i>Column 2</i>
Causing harassment, alarm or distress contrary to section 5 of the 1986 Act.	£100
Any summary offence, except an excluded offence, for which a person shall be liable on conviction to a maximum fine of level 5 on the standard scale.	£150
Any summary offence, except an excluded offence, for which a person shall be liable on conviction to a maximum fine of level 4 on the standard scale.	£100
Any summary offence for which a person shall be liable on conviction to a maximum fine of level 1, 2 or 3 on the standard scale, other than an excluded offence or causing harassment, alarm or distress contrary to section 5 of the 1986 Act.	£50

EXPLANATORY NOTE

(This note is not part of the Order)

Conditional cautions are cautions to which specified conditions are attached, and are provided for in Part 3 of the Criminal Justice Act 2003 Act (c. 44). A conditional caution may be given for reasons including that a prosecutor considers there is sufficient evidence to prosecute the offender and the offender admits the offence and agrees to a conditional caution being imposed.

This Order prescribes the offences and description of offences in relation to which a financial penalty condition may be attached to a conditional caution given under section 22 of the Criminal Justice Act 2003 in respect of the offence. The prescribed offences and description of offences are listed in Schedule 1 and Schedule 2. The Order also prescribes in respect of each of the prescribed offences and description of offences the maximum amount of the penalty that may be specified in a financial penalty condition attached to a conditional caution by a relevant prosecutor. The prescribed maximum amounts are £150 in respect of the offences and descriptions of offences in Schedule 1 and the sums specified in column 2 of the Table in Schedule 2.

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