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STATUTORY INSTRUMENTS

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**2013 No. 613**

**CRIMINAL LAW, ENGLAND AND WALES**

**The Crime and Disorder Act 1998 (Youth  
Conditional Cautions: Code of Practice) Order 2013**

<i>Made</i>	- - - -	<i>12th March 2013</i>
<i>Laid before Parliament</i>		<i>18th March 2013</i>
<i>Coming into force</i>	- -	<i>8th April 2013</i>

The Secretary of State makes the following Order in exercise of the powers conferred by section 66G(5) and (7) of the Crime and Disorder Act 1998(1) (“the Act”).

The Secretary of State has prepared a code of practice in relation to youth conditional cautions (“the code of practice”) under section 66G(1) of the Act.

In accordance with section 66G(3) of the Act, he has (with the consent of the Attorney General) published a draft of the code of practice, considered representations made to him about the draft, and (with the consent of the Attorney General) amended the draft accordingly.

In accordance with section 66G(4) of the Act, he has laid the code of practice before each House of Parliament.

**Citation and commencement**

**1.** This order may be cited as the Crime and Disorder Act 1998 (Youth Conditional Cautions: Code of Practice) Order 2013 and comes into force on 8th April 2013.

**Coming into force of code of practice**

**2.** The revised code of practice entitled “Code of Practice for Youth Conditional Cautions” comes into force on 8th April 2013.

**Revocation of the Crime and Disorder Act 1998 (Youth Conditional Cautions: Code of Practice) Order 2010**

**3.** The Crime and Disorder Act 1998 (Youth Conditional Cautions: Code of Practice) Order 2010(2) is revoked.

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(1) [1998 c. 37](#); section 66G was inserted by paragraph 3 of Schedule 9 to the Criminal Justice and Immigration Act 2008 (c. 4).  
(2) [S.I. 2010/127](#).

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Signed by the authority of the Secretary of State

12th March 2013

*Jeremy Wright*  
Parliamentary Under Secretary of State  
Ministry of Justice

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force a revised Code of Practice in relation to youth conditional cautions. The Code is revised under section 66G(6) of the Crime and Disorder Act 1998 (c. 37) (“the 1998 Act”), and sets out certain matters as to when youth conditional cautions may be given and the conditions that may be attached. The previous Code was brought into force by the Crime and Disorder Act 1998 (Youth Conditional Cautions: Code of Practice) Order 2010 (S.I. 2010/127) (which is revoked by virtue of article 3 of this Order).

Youth conditional cautions are cautions given in respect of an offence committed by the offender to which specified conditions are attached, and are provided for in Chapter I of Part IV of the 1998 Act. A relevant prosecutor or authorised person may decide that a youth conditional caution should be given if the five requirements set out in section 66B of the 1998 Act are satisfied.

The Code of Practice has been revised to reflect changes made by sections 136 to 138 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) (“the 2012 Act”), which come into force at the same time as the Code. Additionally, following public consultation, elements of the Code have been revised to provide greater clarification on certain points.