STATUTORY INSTRUMENTS

2015 No. 790

CRIMINAL LAW, ENGLAND AND WALES

The Criminal Justice and Courts Act 2015 (Simple Cautions) (Specification of Either-Way Offences) Order 2015

Made - - - -	*19th March 2015*
Laid before Parliament	*23rd March 2015*
Coming into force - -	*13th April 2015*

The Secretary of State, in exercise of the powers conferred by sections 17(3) and 18(1) of the Criminal Justice and Courts Act 2015(**1**), makes the following Order:

Citation and commencement

1. This Order may be cited as the Criminal Justice and Courts Act 2015 (Simple Cautions) (Specification of Either-Way Offences) Order 2015 and comes into force on 13th April 2015.

Interpretation

2. In this Order, "Class A drug" has the meaning given by section 2(1)(b) of the Misuse of Drugs Act 1971(**2**).

Specified offences

3. The offences listed in the Schedule are specified for the purposes of section 17(3) of the Criminal Justice and Courts Act 2015.

Shailesh Vara
Parliamentary Under Secretary of State
Ministry of Justice

19th March 2015

(**1**) 2015 c. 2.
(**2**) 1971 c. 38.

SCHEDULE

Article 3

Either-way offences specified for the purposes of section 17(3) of the Criminal Justice and Courts Act 2015

1. An offence under section 1(1) of the Children and Young Persons Act 1933(**3**).

2. An offence under section 1(1) of the Prevention of Crime Act 1953(**4**).

3. An offence under section 1A(1) of that Act(**5**).

4. An offence under section 14(1) of the Sexual Offences Act 1956(**6**), where the victim of the offence was under the age of 16 at the time of the offence.

5. An offence under section 15(1) of that Act(**7**), where the victim of the offence was under the age of 16 at the time of the offence.

6. An offence under section 1(1) of the Indecency with Children Act 1960(**8**).

7. An offence under section 19 of the Firearms Act 1968(**9**), where the offence was committed in relation to a firearm within the meaning of section 57(1) of that Act and is triable either way.

8. An offence under section 4(2) of the Misuse of Drugs Act 1971, where the offence was committed in relation to a Class A drug and is triable either way.

9. An offence under section 4(3) of that Act, where the offence was committed in relation to a Class A drug and is triable either way.

10. An offence under section 5(3) of that Act, where the offence was committed in relation to a Class A drug and is triable either way.

11. An offence under section 1(1) of the Protection of Children Act 1978(**10**).

12. An offence under section 50(2) of the Customs and Excise Management Act 1979(**11**) in connection with a prohibition having effect by virtue of section 3(1) of the Misuse of Drugs Act 1971, where the offence was committed in relation to a Class A drug and is triable either way.

13. An offence under section 50(3) of the Customs and Excise Management Act 1979(**12**) in connection with a prohibition having effect by virtue of section 3(1) of the Misuse of Drugs Act 1971, where the offence was committed in relation to a Class A drug and is triable either way.

14. An offence under section 68(2) of the Customs and Excise Management Act 1979(**13**) in connection with a prohibition having effect by virtue of section 3(1) of the Misuse of Drugs Act 1971, where the offence was committed in relation to a Class A drug and is triable either way.

(**3**) 1933 c. 12. Section 1(1) was amended by section 64(1) and (3) of, and paragraph 1 of Schedule 3 and Schedule 5 to, the Children and Young Persons Act 1963 (c. 37), section 108(1)(b) of, and Part 3 of Schedule 4 to, the Children Act 1975 (c. 72), section 32(2) of the Magistrates' Courts Act 1980 (c. 43), section 45 of the Criminal Justice Act 1988 (c. 33) and paragraph 2 of Schedule 13 to the Children Act 1989 (c. 41).

(**4**) 1953 c. 14. Section 1(1) was amended by section 32(1) of the Criminal Law Act 1977 (c. 45), section 32(2) of the Magistrates' Courts Act 1980, section 46(1) and (3) of, and paragraph 16 of Schedule 8 to, the Criminal Justice Act 1988 and section 2(1) and (4) of the Offensive Weapons Act 1996 (c. 26).

(**5**) Section 1A(1) was inserted by section 142(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10).

(**6**) 1956 c. 69. Section 14(1) was repealed by sections 139 and 140 of, and paragraph 11(a) of Schedule 6 and Schedule 7 to, the Sexual Offences Act 2003 (c. 42).

(**7**) Section 15(1) was repealed by sections 139 and 140 of, and paragraph 11(a) of Schedule 6 and Schedule 7 to, the Sexual Offences Act 2003.

(**8**) 1960 c. 33. Section 1(1) was repealed by sections 139 and 140 of, and paragraph 14 of Schedule 6 and Schedule 7 to, the Sexual Offences Act 2003.

(**9**) 1968 c. 27. Section 19 was amended by section 37(1) of the Anti-social Behaviour Act 2003 (c. 38).

(**10**) 1978 c. 37. Section 1(1) was amended by sections 84(1) and (2) and 168(3) of, and Schedule 11 to, the Criminal Justice and Public Order Act 1994 (c. 33) and section 139 of, and paragraph 24 of Schedule 6 to, the Sexual Offences Act 2003.

(**11**) 1979 c. 2. Section 50(2) was amended by section 114(1) of the Police and Criminal Evidence Act 1984 (c. 60).

(**12**) Section 50(3) was amended by section 114(1) of the Police and Criminal Evidence Act 1984.

(**13**) Section 68(2) was amended by section 114(1) of the Police and Criminal Evidence Act 1984.