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STATUTORY INSTRUMENTS

2022 No. 1075 (C. 85)

**POLICE
CRIMINAL LAW
ELECTRONIC INFORMATION**

**The Police, Crime, Sentencing and Courts Act
2022 (Commencement No. 3) Regulations 2022**

Made - - - - 20th October 2022

The Secretary of State makes these Regulations in exercise of the powers conferred by section 208(1) and (2) of the Police, Crime, Sentencing and Courts Act 2022(1).

Citation and interpretation

1.—(1) These Regulations may be cited as the Police, Crime, Sentencing and Courts Act 2022 (Commencement No. 3) Regulations 2022.

(2) In these Regulations “the 2022 Act” means the Police, Crime, Sentencing and Courts Act 2022.

Extent

2.—(1) Regulation 3(a), (b) and (c) extends to England and Wales and Scotland.

(2) Regulation 3(d) and (e) extends to England and Wales.

(3) Regulation 3(f) in so far as it commences section 89(1) and (3) to (7) extends to England and Wales and Scotland.

(4) Regulation 3(f) in so far as it commences section 89(2) extends to Northern Ireland.

(5) Regulation 4 extends to England and Wales.

(6) Regulation 5 extends to England and Wales, Scotland and Northern Ireland.

Provisions coming into force on 26th October 2022

3. The following provisions of the 2022 Act come into force on 26th October 2022—
- (a) section 5 (meaning of dangerous driving: constables etc);
 - (b) section 6 (meaning of careless driving: constables etc);
 - (c) section 7 (regulations relating to sections 5 and 6);
 - (d) section 45 (pre-charge bail) in so far as it relates to paragraph 37 of Schedule 4 (guidance on pre-charge bail);
 - (e) paragraph 37 of Schedule 4;
 - (f) section 89 (courses offered as alternative to prosecution: fees etc).

Provisions coming into force on 28th October 2022

4. The following provisions of the 2022 Act come into force on 28th October 2022—
- (a) section 45 (pre-charge bail) to the extent not already in force;
 - (b) Schedule 4 (pre-charge bail) to the extent not already in force.

Provisions coming into force on 8th November 2022

5. The following provisions of the 2022 Act come into force on 8th November 2022—
- (a) section 37 (extraction of information from electronic devices: investigations of crime etc);
 - (b) section 38 (application of section 37 to children and adults without capacity);
 - (c) section 39 (requirements for voluntary provision and agreement);
 - (d) section 40 (application of section 37 where user has died etc);
 - (e) section 41 (extraction of information from electronic devices: investigations of death);
 - (f) section 42(8) to (12) (code of practice about the extraction of information);
 - (g) section 43 (confidential information);
 - (h) section 44 and Schedule 3 (authorised persons).

20th October 2022

Jeremy Quin
Minister of State
Home Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force provisions of the Police, Crime, Sentencing and Courts Act 2022 (c. 32) (“the 2022 Act”).

Regulation 3 brings into force sections 5, 6, 7 and 89 of the 2022 Act concerning driving standards and road traffic offences. It also brings into force paragraph 37 of Schedule 4 to the 2022 Act which concerns guidance on pre-charge bail and section 45 in so far as it relates to paragraph 37 of Schedule 4.

Regulation 4 brings into force section 45 of the 2022 Act and paragraphs 1 to 36 of Schedule 4 which make amendments relating to pre-charge bail.

Regulation 5 brings into force sections 37 to 44 of, and Schedule 3 to the 2022 Act concerning the extraction of information from electronic devices by authorised persons.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Police, Crime, Sentencing and Courts Act 2022 have been brought into force by commencement regulations made before the date of these Regulations.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
section 1	28th June 2022	2022/520
section 4, (remainder)	28th June 2022	2022/520
section 42(1) to (7)	12th May 2022	2022/520^(a)
section 46	28th June 2022	2022/520
section 48 and 49	28th June 2022	2022/520
section 55 and 56	28th June 2022	2022/520
section 57	28th June 2022	2022/520
sections 62 to 70	1st August 2022	2022/520
sections 73 to 79	28th June 2022	2022/520
section 80	12th May 2022	2022/520
section 82, (remainder)	28th June 2022	2022/520
section 90, (remainder)	28th June 2022	2022/520
section 129	28th June 2022	2022/520

(a) amended by [S.I. 2022/680](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
sections 136 and 137	28th June 2022	2022/520
section 152	28th June 2022	2022/520
sections 155 and 156	28th June 2022	2022/520
section 167, (remainder)	28th June 2022	2022/520
section 172(1) to (4) and (11)	28th June 2022	2022/520
section 190, (remainder)	29th June 2022	2022/520
section 192	29th June 2022	2022/520
section 201(2), (partially)	28th June 2022	2022/704
Schedule 6	28th June 2022	2022/520
Schedule 7	28th June 2022	2022/520
Schedule 13	28th June 2022	2022/520

(a) amended by [S.I. 2022/680](#).