

2022 No. 1227 (C. 97)

CRIMINAL LAW

**The Police, Crime, Sentencing and Courts Act 2022
(Commencement No. 5) Regulations 2022**

Made - - - - *23rd November 2022*

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

Citation and interpretation

1.—(1) These Regulations may be cited as the Police, Crime, Sentencing and Courts Act 2022 (Commencement No. 5) Regulations 2022.

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

Extent

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

(2) Regulation 3(c) extends to Scotland.

(3) Regulation 3(d) to (i) extend to England and Wales.

(4) Regulation 3(j) in so far as it relates to—

(a) section 177(1), (5) and (6) extends to England and Wales and Northern Ireland;

(b) section 177(2) extends to Northern Ireland and Scotland;

(c) section 177(3) extends to Northern Ireland;

(d) section 177(4) extends to England and Wales, Scotland and Northern Ireland.

(5) Regulation 3(k) extends to England and Wales, Scotland and Northern Ireland.

(6) Regulation 4 extends to England and Wales.

Provisions coming into force on 29th November 2022

3. The following provisions of the 2022 Act come into force on 29th November 2022—

(a) section 168 (locations for sexual offender notification);

(b) section 169 (offences outside the United Kingdom: notification requirements);

(c) section 170 (notification orders: Scotland);

(d) section 171 (applications by British Transport Police and Ministry of Defence Police);

(e) in section 172 (list of countries)—

- (i) subsection (5)(a) to (h);
- (ii) subsection (6) to (10);
- (f) section 173 (requirement for courts and certain persons to have regard to the list of countries);
- (g) section 174 (standard of proof);
- (h) section 175 (sexual harm prevention orders: power to impose positive requirements);
- (i) section 176 (sexual risk orders: power to impose positive requirements);
- (j) section 177(1) to (6) (positive requirements: further amendments);
- (k) section 179 (positive requirements and electronic monitoring requirements: service courts).

Provisions coming into force on 31st January 2023

4. The following provisions of the 2022 Act come into force on 31st January 2023—

- (a) section 8 (duties to collaborate and plan to prevent and reduce serious violence), in so far as it is not already in force;
- (b) section 9 (powers to collaborate and plan to prevent and reduce serious violence), in so far as it is not already in force;
- (c) section 10 (power to authorise collaboration etc. with other persons), in so far as it is not already in force;
- (d) section 11 (specified authorities and local government areas), in so far as it is not already in force;
- (e) section 12 (educational, prison and youth custody authorities), in so far as it is not already in force;
- (f) section 14 (involvement of local policing bodies), in so far as it is not already in force;
- (g) section 15 (involvement of educational, prison and youth custody authorities);
- (h) section 16 (disclosure of information);
- (i) section 17 (supply of information to local policing bodies);
- (j) section 18 (directions);
- (k) section 19 (guidance), in so far as it is not already in force;
- (l) section 20 (amendments to the Crime and Disorder Act 1998)(a), in so far as it is not already in force;
- (m) section 21 (amendment to the Police and Justice Act 2006)(b);
- (n) Schedule 1 (specified authorities and local government areas), in so far as it is not already in force;
- (o) Schedule 2 (educational, prison and youth custody authorities), in so far as it is not already in force.

23rd November 2022

Sarah Dines
Parliamentary Under Secretary of State
Home Office

(a) 1998 c. 37.
(b) 2006 c. 48.

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

Regulation 3 brings into force on 29th November 2022 certain provisions of Chapter 3 of Part 10 of the 2022 Act (management of sex offenders). The provisions make changes to the process for specifying the police stations where registered sex offenders are required to give annual notification or notify prescribed changes to certain personal details, change the procedure for requiring those with foreign convictions to give annual notification or to notify prescribed changes in England and Wales only, enable the British Transport Police and Ministry of Defence Police to apply for sexual harm prevention orders (“SHPOs”) and sexual risk orders (“SROs”), provide for the civil standard of proof when determining whether the individual has done the act of a sexual nature specified in the application, require applicants for SHPOs and SROs and courts to have regard to a list of countries where children are at high risk of sexual abuse or sexual exploitation from United Kingdom nationals or residents, and enable courts to impose positive requirements in SHPOs or SROs. Some of the provisions relating to the list of countries were brought into force on 28th June by S.I. 2022/520.

Regulation 4 brings into force on 31st January 2023 the provisions of Chapter 1 of Part 2 of the 2022 Act (prevention investigation and prosecution of crime: functions relating to serious violence) and Schedule 1 (specified authorities and local government areas) and 2 (educational, prison and custody authorities) in so far as these have not already been brought into force by section 208 of the 2022 Act. The provisions relate to the duty on specified authorities (including local and health authorities and chief officers of police) to collaborate with each other to prevent and reduce serious violence. An impact assessment has been prepared in relation to the management of sex offender measures and the serious violence duty measures in the Police, Crime, Sentencing and Courts Act 2022 (c. 32). A copy of the impact assessment is available on: <https://bills.parliament.uk/publications/42136/documents/489>. A hard copy can be obtained by writing to the Home Office at 2 Marsham Street, London, SW1P 4DF.

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 5 to 7	26th October 2022	2022/1075
section 37 to 41	8th November 2022	2022/1075
section 42(1) to (7)	12th May 2022	2022/520
section 42 (8) to (12)	8th November 2022	2022/1075
sections 43 and 44	8th November 2022	2022/1075
section 45 (partially)	26th October 2022	2022/1075
section 45 (remainder)	28th October 2022	2022/1075
section 46	28th June 2022	2022/520
sections 48 and 49	28th June 2022	2022/520
sections 55 to 57	28th June 2022	2022/520
sections 62 to 70	1st August 2022	2022/520

sections 73 to 79	28th June 2022	2022/520(a)
section 80	12th May 2022	2022/520
section 82 (remainder)	28th June 2022	2022/520
section 89	26th October 2022	2022/1075
section 90 (remainder)	28th June 2022	2022/520
sections 91 to 96	30th November 2022	2022/1187
section 97	30th November 2022	2022/1187
section 129	28th June 2022	2022/520
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 3	8th November 2022	2022/1075
Schedule 4 (partially)	26th October 2022	2022/1075
Schedule 4 (remainder)	28th October 2022	2022/1075
Schedule 6 and 7	28th June 2022	2022/520
Schedule 9 and 10	30th November 2022	2022/1187
Schedule 13	28th June 2022	2022/520

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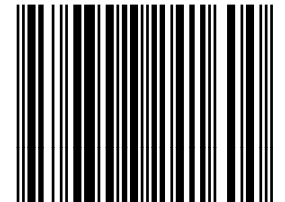
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(a) S.I. 2022/520 was amended by S.I. 2022/680 to correct the references to the subsections of section 73 which were commenced and to make another amendment.

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