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## 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 31st March 2023 certain provisions of Chapter 3 of Part 10 of the 2022 Act (management of sex offenders).

The provisions commenced make changes to provisions in the Sexual Offences Act 2003 (c. 42) and to the Sentencing Code (2020 c. 17) to enable courts in one part of the United Kingdom to vary, renew or discharge an order made in respect of certain sexual offenders by a court in another part of the United Kingdom. This includes sexual harm prevention orders and sexual risk orders made by a court in Scotland under the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 (asp 22) (“the 2016 Act”). The relevant provisions for these orders are being commenced by the Scottish Government on 31st March 2023.

The provisions in section 172 (list of countries) of the 2022 Act are also commenced to enable courts in England and Wales to vary, renew or discharge an order made in another part of the United Kingdom having regard to the list, prepared by or on the direction of the Secretary of State, of countries and territories considered to be at high risk of child sexual exploitation or abuse by UK nationals and residents.

The provisions relating to electronic monitoring in section 178 and related consequential provisions in the 2022 Act will be commenced at a later date.

Regulation 4 makes transitional and saving provisions to preserve references to risk of sexual harm orders under section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9) (“the 2005 Act”) and interim risk of sexual harm orders under section 5 of that Act, and connected provisions, where these orders are applied for, or have been made, prior to 31st March 2023. The references are also preserved where orders are made after that date pursuant to applications made before that date.

Additionally, where an application has been made to a court in Scotland before 31st March 2023 for a sexual offences prevention order under section 104 of the Sexual Offences Act 2003, or a foreign travel order under section 114 of that Act, or a risk of sexual harm order under the 2005 Act, and the court makes one of those orders, the saving in relation to the repeal made by section 182(4)(a)(i) of the 2022 Act enables that order to discharge an earlier order made in another part of the United Kingdom.

The transitional and saving provisions in regulation 4 reflect the savings and transitional provisions for these orders in section 40 of the 2016 Act.

The Regulations also partially bring into force section 165 of the 2022 Act for the purposes of a pilot of Serious Violence Reduction Orders (“SVROs”).

Section 166 of the 2022 Act requires that section 165 of that Act (which inserts Chapter 1A of Part 11 (SVROs) into the Sentencing Code and makes consequential amendments) be brought into force for the purposes of a pilot (for one or more specified purposes or in relation to one or more specified areas in England and Wales), and requires the Secretary of State to lay a report before Parliament on the operation of that pilot, before section 165 may be brought fully into force in England and Wales.

Regulation 5 establishes a pilot of SVROs by bringing subsections of section 165 of the 2022 Act into force, in so far as they are not already force, for the specified purpose and the specified period.

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

Paragraph (1)(a) brings subsection (1) into force, in so far as it inserts specified provisions into the Sentencing Code, and paragraph (1)(b) and (c) brings the consequential amendments made by section 165(2) and (3) into force. The specified period is 24 months starting on 19th April 2023 (“the pilot period”). The specified purpose, set out in paragraph (2), is to enable SVROs to be made, varied, renewed or discharged by the Crown Court, and Magistrates’ Courts, when those courts are sitting at any place within the police force areas of Merseyside, West Midlands, Sussex and Thames Valley (the pilot areas); appealed to such courts and also to the Court of Appeal; and to be enforceable (i.e. for the notification obligations, powers of constables and offences relating to SVROs to apply) throughout England and Wales. The specified purpose also enables an assessment of the pilot by the Secretary of State.

Regulation 6 makes provision, in connection with section 165 ceasing to be in force, for cessation of SVROs made during the pilot period. Paragraph 1 provides that SVROs which have effect immediately before the end of the pilot period cease to have effect at the end of a further period of 6 months, subject to earlier cessation under the Sentencing Code. Paragraph 2 provides that SVROs made, but which do not have effect, before the end of the pilot period do not have (or take) effect after the end of that period.

Regulation 7 preserves the application of section 165(1) of the 2022 Act, in so far as it inserts certain provisions into the Sentencing Code and to the extent those provisions apply to SVROs which have effect immediately before the end of the pilot period, for a further period of 6 months. This enables such SVROs to continue for a further period of up to 6 months after the end of the pilot period.

Regulation 8 preserves the application of section 165(1) of the 2022 Act, in so far as it inserts section 342F into the Sentencing Code, in relation to items seized by a constable during the pilot period or the further 6 month saving period. This ensures that the police have a power to retain items seized and individuals are able to apply for such items to be released to them, after the end of the pilot period.

An impact assessment of the effect that the management of sex offender and SVRO measures in the 2022 Act will have on the costs of business and the voluntary sector and community bodies is available from: <https://bills.parliament.uk/publications/42136/documents/489>. A hard copy can be obtained by writing to the Serious Violence Unit or Interpersonal Abuse Unit of the Home Office at 2 Marsham Street, London, SW1P 4DF.