



# Police, Crime, Sentencing and Courts Act 2022

## 2022 CHAPTER 32

### PART 1

#### PROTECTION OF THE POLICE ETC

##### *Police covenant report*

#### **1 Police covenant report**

- (1) The Secretary of State must in each financial year—
  - (a) prepare a police covenant report, and
  - (b) lay a copy of the report before Parliament.
- (2) A police covenant report is a report about—
  - (a) the health and well-being of members and former members of the police workforce,
  - (b) the physical protection of such persons,
  - (c) the support required by members of their families, and
  - (d) any other matter in relation to members or former members of the police workforce, or a particular description of such persons, that the Secretary of State considers appropriate,so far as these matters relate to the fact that the persons concerned are members or former members of the police workforce.
- (3) In preparing a police covenant report the Secretary of State must have regard in particular to—
  - (a) the obligations of and sacrifices made by members of the police workforce, and

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- (b) the principle that it is desirable to remove any disadvantage for members or former members of the police workforce arising from their membership or former membership.
- (4) In preparing a police covenant report the Secretary of State must ensure that the views of—
  - (a) any relevant government department, and
  - (b) anyone else the Secretary of State considers appropriate,are sought in relation to the matters to be covered by the report.
- (5) A police covenant report must set out in full or summarise any views obtained under subsection (4).
- (6) The Secretary of State may not include in a police covenant report a summary under subsection (5) unless the person whose views are summarised has approved the summary.
- (7) A police covenant report must state whether, in the Secretary of State’s opinion, in respect of any matter covered by the report, members or former members of the police workforce, or a particular description of such persons, are at a disadvantage when compared with other persons or such descriptions of other persons as the Secretary of State considers appropriate.
- (8) Where the Secretary of State’s opinion is that there is any such disadvantage as mentioned in subsection (7), the report must set out the Secretary of State’s response to that.
- (9) In this section—
  - “financial year” means—
    - (a) the period which begins with the day on which this section comes into force and ends with the following 31 March, and
    - (b) each successive period of 12 months;
  - “members of the police workforce” means—
    - (a) members of police forces in England and Wales,
    - (b) special constables appointed under section 27 of the Police Act 1996,
    - (c) staff appointed by the chief officer of police of a police force in England and Wales,
    - (d) persons designated as community support volunteers or policing support volunteers under section 38 of the Police Reform Act 2002,
    - (e) staff appointed by a local policing body if, or to the extent that, they are employed to assist a police force in England and Wales,
    - (f) persons providing services, in pursuance of contractual arrangements (but without being employed by the chief officer of a police force in England and Wales or a local policing body), to assist a police force in England and Wales in relation to the discharge of its chief officer’s functions,
    - (g) constables of the British Transport Police Force,
    - (h) special constables of the British Transport Police Force appointed under section 25 of the Railways and Transport Safety Act 2003,
    - (i) employees of the British Transport Police Authority appointed under section 27 of that Act and under the direction and control of the chief constable of the British Transport Police Force,

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- (j) persons designated as community support volunteers or policing support volunteers under section 38 of the Police Reform Act 2002 as applied by section 28 of the Railways and Transport Safety Act 2003,
  - (k) members of the Civil Nuclear Constabulary,
  - (l) employees of the Civil Nuclear Police Authority employed under paragraph 6 of Schedule 10 to the Energy Act 2004 if, or to the extent that, they are employed to assist the Civil Nuclear Constabulary,
  - (m) members of the Ministry of Defence Police and other persons under the direction and control of the Chief Constable of the Ministry of Defence Police, and
  - (n) National Crime Agency officers;
- “former members of the police workforce” means persons who have ceased to be members of the police workforce;
- “relevant government department”, in relation to a matter to be covered by a police covenant report, means a department of the Government of the United Kingdom (apart from the Home Office) which the Secretary of State considers has functions relevant to that matter.
- (10) The reference in subsection (2) to members of the families of members and former members of the police workforce is a reference to such descriptions of persons connected with members or former members of the police workforce as the Secretary of State considers should be covered by a police covenant report.

### *Offences against emergency workers*

## **2 Increase in penalty for assault on emergency worker**

- (1) In section 1 of the Assaults on Emergency Workers (Offences) Act 2018 (offence of common assault, or battery, committed against emergency worker), in subsection (2) (b) (penalty for conviction on indictment), for “12 months” substitute “2 years”.
- (2) Subsection (1) applies only in relation to offences committed on or after the day on which this section comes into force.

## **3 Required life sentence for manslaughter of emergency worker**

- (1) The Sentencing Code is amended in accordance with subsections (2) to (15).
- (2) In section 177 (youth rehabilitation orders), in subsection (3)(b)(i), after “258” insert “or 258A”.
- (3) In section 221 (overview of Part 10), in subsection (2)(b), for “section 258” substitute “sections 258 and 258A”.
- (4) In section 249 (sentence of detention under section 250), in subsection (2)(a), for “section 258” substitute “sections 258 and 258A”.
- (5) In section 255 (extended sentence of detention), in subsection (1)(d), after “258(2)” insert “or 258A(2)”.
- (6) After section 258 insert—

**“258A Required sentence of detention for life for manslaughter of emergency worker**

- (1) This section applies where—
  - (a) a person aged under 18 is convicted of a relevant offence,
  - (b) the offence was committed—
    - (i) when the person was aged 16 or over, and
    - (ii) on or after the relevant commencement date, and
  - (c) the offence was committed against an emergency worker acting in the exercise of functions as such a worker.
- (2) The court must impose a sentence of detention for life under section 250 unless the court is of the opinion that there are exceptional circumstances which—
  - (a) relate to the offence or the offender, and
  - (b) justify not doing so.
- (3) For the purposes of subsection (1)(c) the circumstances in which an offence is to be taken as committed against a person acting in the exercise of functions as an emergency worker include circumstances where the offence takes place at a time when the person is not at work but is carrying out functions which, if done in work time, would have been in the exercise of functions as an emergency worker.
- (4) In this section “relevant offence” means the offence of manslaughter, but does not include—
  - (a) manslaughter by gross negligence, or
  - (b) manslaughter mentioned in section 2(3) or 4(1) of the Homicide Act 1957 or section 54(7) of the Coroners and Justice Act 2009 (partial defences to murder).
- (5) In this section—

“emergency worker” has the meaning given by section 68;

“relevant commencement date” means the date on which section 3 of the Police, Crime, Sentencing and Courts Act 2022 (required life sentence for manslaughter of emergency worker) comes into force.
- (6) An offence the sentence for which is imposed under this section is not to be regarded as an offence the sentence for which is fixed by law.
- (7) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of subsection (1)(b) to have been committed on the last of those days.”
- (7) In section 267 (extended sentence of detention in a young offender institution), in subsection (1)(d), for “or 274” substitute “, 274 or 274A”.
- (8) In section 272 (offences other than murder), in subsection (2)(b), for “or 274” substitute “, 274 or 274A”.
- (9) After section 274 insert—

**“274A Required sentence of custody for life for manslaughter of emergency worker**

- (1) This section applies where—
  - (a) a person aged 18 or over but under 21 is convicted of a relevant offence,
  - (b) the offence was committed—
    - (i) when the person was aged 16 or over, and
    - (ii) on or after the relevant commencement date, and
  - (c) the offence was committed against an emergency worker acting in the exercise of functions as such a worker.
- (2) The court must impose a sentence of custody for life under section 272 unless the court is of the opinion that there are exceptional circumstances which—
  - (a) relate to the offence or the offender, and
  - (b) justify not doing so.
- (3) For the purposes of subsection (1)(c) the circumstances in which an offence is to be taken as committed against a person acting in the exercise of functions as an emergency worker include circumstances where the offence takes place at a time when the person is not at work but is carrying out functions which, if done in work time, would have been in the exercise of functions as an emergency worker.
- (4) In this section “relevant offence” means the offence of manslaughter, but does not include—
  - (a) manslaughter by gross negligence, or
  - (b) manslaughter mentioned in section 2(3) or 4(1) of the Homicide Act 1957 or section 54(7) of the Coroners and Justice Act 2009 (partial defences to murder).
- (5) In this section—

“emergency worker” has the meaning given by section 68;

“relevant commencement date” means the date on which section 3 of the Police, Crime, Sentencing and Courts Act 2022 (required life sentence for manslaughter of emergency worker) comes into force.
- (6) An offence the sentence for which is imposed under this section is not to be regarded as an offence the sentence for which is fixed by law.
- (7) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of subsection (1)(b) to have been committed on the last of those days.”
- (10) In section 280 (extended sentence of imprisonment), in subsection (1)(d), for “or 285” substitute “, 285 or 285A”.
- (11) After section 285 insert—

**“285A Required life sentence for manslaughter of emergency worker**

- (1) This section applies where—
  - (a) a person aged 21 or over is convicted of a relevant offence,
  - (b) the offence was committed—
    - (i) when the person was aged 16 or over, and
    - (ii) on or after the relevant commencement date, and
  - (c) the offence was committed against an emergency worker acting in the exercise of functions as such a worker.
- (2) The court must impose a sentence of imprisonment for life unless the court is of the opinion that there are exceptional circumstances which—
  - (a) relate to the offence or the offender, and
  - (b) justify not doing so.
- (3) For the purposes of subsection (1)(c) the circumstances in which an offence is to be taken as committed against a person acting in the exercise of functions as an emergency worker include circumstances where the offence takes place at a time when the person is not at work but is carrying out functions which, if done in work time, would have been in the exercise of functions as an emergency worker.
- (4) In this section “relevant offence” means the offence of manslaughter, but does not include—
  - (a) manslaughter by gross negligence, or
  - (b) manslaughter mentioned in section 2(3) or 4(1) of the Homicide Act 1957 or section 54(7) of the Coroners and Justice Act 2009 (partial defences to murder).
- (5) In this section—
 

“emergency worker” has the meaning given by section 68;

“relevant commencement date” means the date on which section 3 of the Police, Crime, Sentencing and Courts Act 2022 (required life sentence for manslaughter of emergency worker) comes into force.
- (6) An offence the sentence for which is imposed under this section is not to be regarded as an offence the sentence for which is fixed by law.
- (7) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of subsection (1)(b) to have been committed on the last of those days.”
- (12) In section 329 (conversion of sentence of detention to sentence of imprisonment), in subsection (7)(a), after “258” insert “or 258A”.
- (13) In section 399 (mandatory sentences), in paragraph (b)(i)—
  - (a) for “258, 274 or 285” substitute “258, 258A, 274, 274A, 285 or 285A”;
  - (b) omit “dangerous”.
- (14) In section 417 (commencement of Schedule 22), in subsection (3)(d), for “and 274” substitute “, 274 and 274A”.

- (15) In Schedule 22 (amendments of the Sentencing Code etc)—
- (a) after paragraph 59 insert—
    - “59A In section 285A (required life sentence for manslaughter of emergency worker), in subsection (1)(a), for “21” substitute “18”.”;
  - (b) in paragraph 73(a)(ii), after “274” insert “, 274A”;
  - (c) in paragraph 101(2), after “274,” insert “274A.”
- (16) In section 37 of the Mental Health Act 1983 (powers of courts to order hospital admission or guardianship)—
- (a) in subsection (1A)—
    - (i) after “258,” insert “258A.”;
    - (ii) after “274,” insert “274A.”;
    - (iii) for “or 285” substitute “, 285 or 285A”;
  - (b) in subsection (1B)—
    - (i) in paragraph (a), after “258” insert “or 258A”;
    - (ii) in paragraph (b), for “or 274” substitute “, 274 or 274A”;
    - (iii) in paragraph (c), for “or 285” substitute “, 285 or 285A”.

#### *Special constables and Police Federations*

### **4 Special constables and Police Federations: amendments to the Police Act 1996**

- (1) The Police Act 1996 is amended as follows.
- (2) In section 51 (regulations for special constables), in subsection (2), after paragraph (c) insert—
- “(ca) the treatment as occasions of police duty of attendance at meetings of the Police Federations and of any body recognised by the Secretary of State for the purposes of section 64.”.
- (3) Section 59 (Police Federations) is amended as set out in subsections (4) to (7).
- (4) For subsection (1) substitute—
- “(1) There shall continue to be a Police Federation for England and Wales for the purpose of representing members of the police forces in England and Wales, and special constables appointed for a police area in England and Wales, in all matters affecting their welfare and efficiency, except for—
    - (a) questions of promotion affecting individuals, and
    - (b) (subject to subsection (2)) questions of discipline affecting individuals.”
- (5) After subsection (1A) insert—
- “(1B) There shall continue to be a Police Federation for Scotland for the purpose of representing constables of the Police Service of Scotland in all matters affecting their welfare and efficiency, except for—
    - (a) questions of promotion affecting individuals, and
    - (b) (subject to subsection (2A)) questions of discipline affecting individuals.”

(6) For subsection (2) substitute—

“(2) The Police Federation for England and Wales may—

- (a) represent a member of a police force at any proceedings brought under regulations made in accordance with section 50(3) above, or on an appeal from any such proceedings;
- (b) represent a special constable at any proceedings brought under regulations made in accordance with section 51(2A) above, or on an appeal from any such proceedings.

(2A) The Police Federation for Scotland may represent a constable of the Police Service of Scotland at any proceedings brought under regulations made in accordance with section 48 of the Police and Fire Reform (Scotland) Act 2012 ([asp 8](#)) in so far as relating to the matters described in section 52 of that Act, or on an appeal from any such proceedings.”

(7) For subsection (3) substitute—

“(3) Except on an appeal to a police appeals tribunal or as provided in regulations made in accordance with section 84—

- (a) a member of a police force in England and Wales may only be represented under subsection (2)(a) by another member of a police force or a special constable;
- (b) a special constable appointed for a police area in England and Wales may only be represented under subsection (2)(b) by another special constable or a member of a police force;
- (c) a constable of the Police Service of Scotland may only be represented under subsection (2A) by another constable of the Police Service of Scotland.”

(8) In section 60 (regulations for Police Federations), in subsection (2), in paragraph (e), for the words from the beginning to “requiring” substitute “about the pay, pension or allowances and other conditions of service for any member of a police force or special constable who is the secretary or officer of a Police Federation (including provision which applies existing regulations with modifications), and may require”.

### *Police driving standards*

## **5 Meaning of dangerous driving: constables etc**

(1) Section 2A of the Road Traffic Act 1988 (meaning of dangerous driving) is amended in accordance with subsections (2) to (4).

(2) In subsection (1), after paragraph (b) insert “But this subsection does not apply where subsection (1B) applies.”

(3) After subsection (1) insert—

“(1A) Subsection (1B) applies where a designated person—

- (a) is driving for police purposes (subject to subsections (1E) and (1F)), and
- (b) has undertaken prescribed training.



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- (1B) For the purposes of sections 1, 1A and 2 above, the designated person is to be regarded as driving dangerously if (and, subject to subsection (2) below, only if)—
- (a) the way the person drives falls far below what would be expected of a competent and careful constable who has undertaken the same prescribed training, and
  - (b) it would be obvious to such a competent and careful constable that driving in that way would be dangerous.
- (1C) In subsections (1A) and (1B) “designated person” means—
- (a) a constable,
  - (b) a member of staff appointed by the chief officer of police of a police force in England and Wales,
  - (c) a member of staff appointed by a local policing body and employed to assist a police force in England and Wales,
  - (d) a member of staff appointed by the Scottish Police Authority under section 26(1) of the Police and Fire Reform (Scotland) Act 2012 ([asp 8](#)),
  - (e) an employee of the British Transport Police Authority appointed under section 27 of the Railways and Transport Safety Act 2003,
  - (f) a person employed or engaged by—
    - (i) a chief officer of police,
    - (ii) the British Transport Police Authority,
    - (iii) the Civil Nuclear Police Authority,
    - (iv) the chief constable for the Ministry of Defence Police, or
    - (v) the Scottish Police Authority,to train a person within any of paragraphs (a) to (e) to drive for police purposes,
  - (g) a person employed or engaged by a person within paragraph (f)(i) to (v) to train another person to carry out training of the kind mentioned in that paragraph,
  - (h) a National Crime Agency officer, or
  - (i) a person engaged by the National Crime Agency—
    - (i) to train a National Crime Agency officer to drive for law enforcement purposes, or
    - (ii) to train another person to carry out training of the kind mentioned in sub-paragraph (i).
- (1D) In subsection (1C)(a) “constable” does not include a port constable within the meaning of section 7 of the Marine Navigation Act 2013 or a person appointed to act as a constable under provision made by virtue of section 16 of the Harbours Act 1964.
- (1E) In the case of a National Crime Agency officer, the reference in subsection (1A)(a) to driving for police purposes is to be read as a reference to driving for law enforcement purposes.
- (1F) In the case of a person within paragraph (i) of subsection (1C), the reference in subsection (1A)(a) to driving for police purposes is to be read as a reference to driving for the purpose of the training mentioned in that paragraph.”

- (4) In subsection (3)—
  - (a) after “(1)” insert “, (1B)”, and
  - (b) after “driver” insert “or constable (as the case may be)”.
- (5) The amendments made by this section have effect only in relation to driving occurring after this section comes into force.

## 6 Meaning of careless driving: constables etc

- (1) Section 3ZA of the Road Traffic Act 1988 (meaning of careless driving) is amended in accordance with subsections (2) to (4).

- (2) In subsection (2), after “driver.” insert “But this subsection does not apply where subsection (2B) applies.”

- (3) After subsection (2) insert—

“(2A) Subsection (2B) applies where a designated person—

- (a) is driving for police purposes (subject to subsections (2E) and (2F)), and
- (b) has undertaken prescribed training.

(2B) The designated person is to be regarded as driving without due care and attention if (and only if) the way the person drives falls below what would be expected of a competent and careful constable who has undertaken the same prescribed training.

(2C) In subsections (2A) and (2B) “designated person” means—

- (a) a constable,
- (b) a member of staff appointed by the chief officer of police of a police force in England and Wales,
- (c) a member of staff appointed by a local policing body and employed to assist a police force in England and Wales,
- (d) a member of staff appointed by the Scottish Police Authority under section 26(1) of the Police and Fire Reform (Scotland) Act 2012 ([asp 8](#)),
- (e) an employee of the British Transport Police Authority appointed under section 27 of the Railways and Transport Safety Act 2003,
- (f) a person employed or engaged by—
  - (i) a chief officer of police,
  - (ii) the British Transport Police Authority,
  - (iii) the Civil Nuclear Police Authority,
  - (iv) the chief constable for the Ministry of Defence Police, or
  - (v) the Scottish Police Authority,

to train a person within any of paragraphs (a) to (e) to drive for police purposes,

- (g) a person employed or engaged by a person within paragraph (f)(i) to (v) to train another person to carry out training of the kind mentioned in that paragraph,
- (h) a National Crime Agency officer, or
- (i) a person engaged by the National Crime Agency—

- (i) to train a National Crime Agency officer to drive for law enforcement purposes, or
- (ii) to train another person to carry out training of the kind mentioned in sub-paragraph (i).

(2D) In subsection (2C)(a) “constable” does not include a port constable within the meaning of section 7 of the Marine Navigation Act 2013 or a person appointed to act as a constable under provision made by virtue of section 16 of the Harbours Act 1964.

(2E) In the case of a National Crime Agency officer, the reference in subsection (2A)(a) to driving for police purposes is to be read as a reference to driving for law enforcement purposes.

(2F) In the case of a person within paragraph (i) of subsection (2C), the reference in subsection (2A)(a) to driving for police purposes is to be read as a reference to driving for the purpose of the training mentioned in that paragraph.”

(4) In subsection (3)—

- (a) after “(2)” insert “or (2B)”, and
- (b) after “driver” insert “or constable (as the case may be)”.

(5) The amendments made by this section have effect only in relation to driving occurring after this section comes into force.

## **7 Regulations relating to sections 5 and 6**

In section 195 of the Road Traffic Act 1988 (provisions as to regulations), after subsection (6) insert—

“(7) Regulations prescribing training for the purposes of section 2A(1A)(b) or 3ZA(2A)(b) may make different provision for different persons or areas.”