

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 11

SPECIFIED AUTHORITIES AND LOCAL GOVERNMENT AREAS

Commencement Information

- I1** Sch. 1 in force at Royal Assent for specified purposes, see [s. 208\(4\)\(b\)](#)
I2 [Sch. 1](#) in force at 31.1.2023 in so far as not already in force by [S.I. 2022/1227](#), [reg. 4\(n\)](#)

LOCAL GOVERNMENT

| <i>Specified authority</i> | <i>Local government area</i> |
|--|--|
| A district council | The district |
| A county council in England for an area for which there are no district councils | The district which coincides with the council's area or, if there is no such district, each district within the council's area |
| Any other county council in England | Each district which falls within the council's area |
| A London borough council | The London borough |
| The Common Council of the City of London in its capacity as a local authority | The City of London |
| The Council of the Isles of Scilly | The Isles of Scilly |
| A county council in Wales | The county |
| A county borough council in Wales | The county borough |

CRIMINAL JUSTICE

| <i>Specified authority</i> | <i>Local government area</i> |
|---|---|
| A provider of probation services within the meaning given by section 3(6) of the Offender Management Act 2007 | Each local government area in which the provider operates |
| A youth offending team established under section 39 of the Crime and Disorder Act 1998 | Each local government area which is, or which falls within, the area of each local authority which established the team |

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HEALTH AND SOCIAL CARE

| <i>Specified authority</i> | <i>Local government area</i> |
|---|--|
| [^{F1} An integrated care board established under section 14Z25] of the National Health Service Act 2006 | Each local government area which, or any part of which, coincides with or falls within [^{F2} the board's] area |
| A Local Health Board established under section 11 of the National Health Service (Wales) Act 2006 | Each local government area which, or any part of which, coincides with or falls within the Board's area |

Textual Amendments

- F1** Words in Sch. 1 Table substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 4 para. 243\(a\)](#); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F2** Words in Sch. 1 Table substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 4 para. 243\(b\)](#); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

POLICE

| <i>Specified authority</i> | <i>Local government area</i> |
|--|---|
| A chief officer of police for a police area in England and Wales | Each local government area which coincides with or falls within the police area |

FIRE AND RESCUE AUTHORITIES

| <i>Specified authority</i> | <i>Local government area</i> |
|---|---|
| A fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies | Each local government area which, or any part of which, coincides with or falls within the authority's area |
| A fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004 | Each local government area which, or any part of which, coincides with or falls within the authority's area |
| A metropolitan county fire and rescue authority | Each district which falls within the authority's area |
| The London Fire Commissioner | Each London borough and the City of London |

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SCHEDULE 2

Section 12

EDUCATIONAL, PRISON AND YOUTH CUSTODY AUTHORITIES

Commencement Information

- I3** Sch. 2 in force at Royal Assent for specified purposes, see [s. 208\(4\)\(b\)](#)
I4 [Sch. 2](#) in force at 31.1.2023 in so far as not already in force by [S.I. 2022/1227](#), [reg. 4\(o\)](#)

EDUCATIONAL AUTHORITIES

| <i>Educational authority</i> | <i>Local government area</i> |
|--|--|
| The governing body of— (a) a community, foundation or voluntary school, or (b) a community or foundation special school, other than a school which is used wholly for the purpose of providing education for children who are under compulsory school age | Each local government area in which the school is located |
| The proprietor (within the meaning given by section 579(1) of the Education Act 1996) of— (a) an Academy school, (b) a 16 to 19 Academy, or (c) an alternative provision Academy | Each local government area in which the Academy is located |
| The proprietor (within the meaning given by section 579(1) of the Education Act 1996) of any school that has been approved under section 342 of the Education Act 1996, other than a school which is used wholly for the purpose of providing education for children who are under compulsory school age | Each local government area in which the school is located |
| The proprietor (within the meaning given by section 138(1) of the Education and Skills Act 2008) of any other independent educational institution registered under section 95(1) of that Act | Each local government area in which the educational institution is located |
| The proprietor (within the meaning given by section 579(1) of the Education Act 1996) of any other independent school registered under section 158 of the Education Act 2002 | Each local government area in which the school is located |
| The governing body of an educational establishment maintained by a local authority in Wales | Each local government area in which the educational establishment is located |
| The management committee of a pupil referral unit | Each local government area in which the pupil referral unit is located |
| Any other provider of education or training to which Chapter 3 of Part 8 of the Education and Inspections Act 2006 applies, other than a provider that— | Each local government area in which education or training is provided by that provider |

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| <i>Educational authority</i> | <i>Local government area</i> |
|---|------------------------------|
| <p>(a) is registered under the register maintained by the Office for Students under section 3 of the Higher Education and Research Act 2017, and</p> <p>(b) is not an institution within the further education sector as defined by section 91(3) of the Further and Higher Education Act 1992.</p> | |

PRISON AUTHORITIES

| <i>Prison authority</i> | <i>Local government area</i> |
|---|--|
| The governor of a prison in England and Wales (or, in the case of a contracted out prison within the meaning given by section 84(4) of the Criminal Justice Act 1991, its director) | The local government area in which the prison is located |

YOUTH CUSTODY AUTHORITIES

| <i>Youth custody authority</i> | <i>Local government area</i> |
|--|--|
| The governor of a young offender institution (or, in the case of a contracted out young offender institution within the meaning given by sections 84(4) and 92(1) of the Criminal Justice Act 1991, its director) | The local government area in which the young offender institution is located |
| The governor of a secure training centre (or, in the case of a contracted out secure training centre within the meaning given by section 15 of the Criminal Justice and Public Order Act 1994, its director) | The local government area in which the secure training centre is located |
| The principal of a secure college | The local government area in which the secure college is located |
| The manager of a secure children's home, within the meaning given by section 102(11) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, which is used to accommodate children remanded or sentenced to custody after being charged with or convicted of an offence | The local government area in which the secure children's home is located |

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SCHEDULE 3

Section 44

EXTRACTION OF INFORMATION FROM ELECTRONIC DEVICES: AUTHORISED PERSONS

PART 1

AUTHORISED PERSONS IN RELATION TO ALL PURPOSES WITHIN SECTION 37 OR 41

Commencement Information

- I5** Sch. 3 Pt. 1 not in force at Royal Assent, see [s. 208\(1\)](#)
I6 Sch. 3 Pt. 1 in force at 8.11.2022 by [S.I. 2022/1075](#), [reg. 5\(h\)](#)

A constable of a police force in England and Wales.

A member of staff appointed by the chief officer of police of a police force in England and Wales.

An employee of the Common Council of the City of London who is under the direction and control of a chief officer of police.

A constable within the meaning of Part 1 of the Police and Fire Reform (Scotland) Act 2012 ([asp 8](#)) (see section 99 of that Act).

A member of staff appointed by the Scottish Police Authority under section 26(1) of the Police and Fire Reform (Scotland) Act 2012.

A police officer within the meaning of the Police (Northern Ireland) Act 2000 (see section 77(1) of that Act).

A constable of the British Transport Police Force.

An employee of the British Transport Police Authority appointed under section 27 of the Railways and Transport Safety Act 2003.

A constable of the Ministry of Defence police.

A National Crime Agency officer.

A person who has been engaged to provide services consisting of or including the extraction of information from electronic devices for the purposes of the exercise of functions by a person listed in this Part of this Schedule.

PART 2

AUTHORISED PERSONS IN RELATION TO ALL PURPOSES WITHIN SECTION 37

Commencement Information

- I7** Sch. 3 Pt. 2 not in force at Royal Assent, see [s. 208\(1\)](#)
I8 Sch. 3 Pt. 2 in force at 8.11.2022 by [S.I. 2022/1075](#), [reg. 5\(h\)](#)

A member of the Royal Navy Police, the Royal Military Police or the Royal Air Force Police.

A person appointed as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971.

A person who is an enforcement officer by virtue of section 15 of the Gangmasters (Licensing) Act 2004.

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A person who has been engaged to provide services consisting of or including the extraction of information from electronic devices for the purposes of the exercise of functions by a person listed in this Part of this Schedule.

PART 3

AUTHORISED PERSONS IN RELATION TO THE PREVENTION OF CRIME ETC ONLY

Commencement Information

- I9** Sch. 3 Pt. 3 not in force at Royal Assent, see [s. 208\(1\)](#)
I10 Sch. 3 Pt. 3 in force at 8.11.2022 by [S.I. 2022/1075](#), [reg. 5\(h\)](#)

An officer of Revenue and Customs.

A person designated as a general customs official or a customs revenue official under the Borders, Citizenship and Immigration Act 2009 (see sections 3 and 11 of that Act).

An officer of the department of the Secretary of State for Business, Energy and Industrial Strategy.

A member of the Serious Fraud Office.

A person appointed by the Financial Conduct Authority under the Financial Services and Markets Act 2000 to conduct an investigation.

An officer of the Competition and Markets Authority.

A person who is authorised by the Food Standards Agency to act in matters arising under or by virtue of the Food Safety Act 1990.

A person who is authorised for the purposes of Part 6 of the Social Security Administration Act 1992.

An inspector appointed under section 15 of the Child Support Act 1991.

A person designated by the Director General of the Independent Office for Police Conduct under paragraph 19(2) of Schedule 3 to the Police Reform Act 2002.

The Police Investigations and Review Commissioner.

A person designated by the Police Investigations and Review Commissioner under paragraph 7B(1) of Schedule 4 to the Police, Public Order and Criminal Justice (Scotland) Act 2006 ([asp 10](#)).

An officer appointed by the Police Ombudsman for Northern Ireland under section 56(1) or (1A) of the Police (Northern Ireland) Act 1998.

A person who is an enforcement officer by virtue of section 303 of the Gambling Act 2005.

A person who has been engaged to provide services consisting of or including the extraction of information from electronic devices for the purposes of the exercise of functions by a person listed in this Part of this Schedule.

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SCHEDULE 4

Section 45

PRE-CHARGE BAIL

PART 1

GRANT OF PRE-CHARGE BAIL

Amendments to the Police and Criminal Evidence Act 1984 (c. 60)

1 The Police and Criminal Evidence Act 1984 is amended as follows.

Commencement Information

I11 Sch. 4 para. 1 not in force at Royal Assent, see [s. 208\(1\)](#)

I12 [Sch. 4 para. 1](#) in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

2 (1) Section 30A (release of a person arrested elsewhere than at a police station) is amended as follows.

(2) For subsection (1) substitute—

“(1) If subsection (1A) applies, a constable may release on bail a person who is arrested or taken into custody in the circumstances mentioned in section 30(1).”

(3) In subsection (1A)(b), for “a police officer of the rank of inspector or above” substitute “a custody officer”.

(4) Before subsection (2) insert—

“(1C) If subsection (1A) does not apply, a constable may release without bail a person who is arrested or taken into custody in the circumstances mentioned in section 30(1).”

(5) In subsection (2), after “subsection (1)” insert “or (1C)”.

Commencement Information

I13 Sch. 4 para. 2 not in force at Royal Assent, see [s. 208\(1\)](#)

I14 [Sch. 4 para. 2](#) in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

3 (1) Section 34 (limitations on police detention) is amended as follows.

(2) For subsection (5) substitute—

“(5) A person whose release is ordered under subsection (2) must be released on bail if subsection (5A) applies.”

(3) After subsection (5A) insert—

“(5AA) A person whose release is ordered under subsection (2) must be released without bail if subsection (5A) does not apply.”

(4) In subsection (5B)(a), after “subsection (5)” insert “or (5AA)”.

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Commencement Information

- I15** Sch. 4 para. 3 not in force at Royal Assent, see [s. 208\(1\)](#)
I16 [Sch. 4 para. 3](#) in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

- 4 In section 36 (custody officers at police stations), after subsection (7B) insert—
- “(7C) The reference to a custody officer in section 30A(1A)(b) includes a reference to an officer other than a custody officer who is performing the functions of a custody officer by virtue of subsection (4) above.”

Commencement Information

- I17** Sch. 4 para. 4 not in force at Royal Assent, see [s. 208\(1\)](#)
I18 [Sch. 4 para. 4](#) in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

- 5 (1) Section 37 (duties of custody officer before charge) is amended as follows.
- (2) For subsection (2) substitute—
- “(2) If—
- (a) the custody officer (“C”) determines that C does not have such evidence before C, and
- (b) the pre-conditions for bail are satisfied,
- the person arrested must be released on bail (subject to subsection (3)).”
- (3) After subsection (2) insert—
- “(2A) If—
- (a) the custody officer (“C”) determines that C does not have such evidence before C, and
- (b) the pre-conditions for bail are not satisfied,
- the person arrested must be released without bail (subject to subsection (3)).”
- (4) In subsection (6A)(a), after “subsection (2)” insert “or (2A)”.
- (5) In subsection (7), for paragraphs (b) and (c) (including the “or” at the end of paragraph (c)) substitute—
- “(b) shall be released—
- (i) without charge, and
- (ii) if the pre-conditions for bail are satisfied, on bail,
- but not for the purpose mentioned in paragraph (a),
- (c) shall be released—
- (i) without charge, and
- (ii) if the pre-conditions for bail are not satisfied, without bail, or”.
- (6) In subsection (8A)(b), for “(c)” substitute “(b)”.

Commencement Information

- I19** Sch. 4 para. 5 not in force at Royal Assent, see [s. 208\(1\)](#)

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I20 Sch. 4 para. 5 in force at 28.10.2022 by S.I. 2022/1075, reg. 4(b)

6 (1) Section 37CA (breach of bail following release under section 37(7)(c)) is amended as follows.

(2) In the section heading, for “section 37(7)(c)” substitute “section 37(7)(b)”.

(3) In subsection (1), for “section 37(7)(c)” substitute “section 37(7)(b)”.

(4) In subsection (2), for paragraph (b) substitute—

“(b) shall be released—

(i) without charge, and

(ii) if the pre-conditions for bail are satisfied, on bail, or

(c) shall be released—

(i) without charge, and

(ii) if the pre-conditions for bail are not satisfied, without bail.”

Commencement Information

I21 Sch. 4 para. 6 not in force at Royal Assent, see s. 208(1)

I22 Sch. 4 para. 6 in force at 28.10.2022 by S.I. 2022/1075, reg. 4(b)

7 In section 37D(4A) (release on bail under section 37: further provision), for “section 37(7)(c)” substitute “section 37(7)(b)”.

Commencement Information

I23 Sch. 4 para. 7 not in force at Royal Assent, see s. 208(1)

I24 Sch. 4 para. 7 in force at 28.10.2022 by S.I. 2022/1075, reg. 4(b)

8 In section 41(7) (release following period of detention without charge), for paragraphs (a) and (b) substitute—

“(a) on bail, if the pre-conditions for bail are satisfied, or

(b) without bail, if those pre-conditions are not satisfied.”

Commencement Information

I25 Sch. 4 para. 8 not in force at Royal Assent, see s. 208(1)

I26 Sch. 4 para. 8 in force at 28.10.2022 by S.I. 2022/1075, reg. 4(b)

9 In section 42(10) (release following continued detention without charge), for paragraphs (a) and (b) and the words following those paragraphs substitute—

“(a) on bail, if the pre-conditions for bail are satisfied, or

(b) without bail, if those pre-conditions are not satisfied,

subject to subsection (10A).”

Commencement Information

I27 Sch. 4 para. 9 not in force at Royal Assent, see s. 208(1)

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I28 Sch. 4 para. 9 in force at 28.10.2022 by S.I. 2022/1075, reg. 4(b)

- 10 (1) Section 43 (warrants of further detention) is amended as follows.
- (2) In subsection (15), for paragraphs (a) and (b) substitute—
- “(a) on bail, if the pre-conditions for bail are satisfied, or
(b) without bail, if those pre-conditions are not satisfied.”
- (3) In subsection (18), for paragraphs (a) and (b) substitute—
- “(a) on bail, if the pre-conditions for bail are satisfied, or
(b) without bail, if those pre-conditions are not satisfied.”

Commencement Information

I29 Sch. 4 para. 10 not in force at Royal Assent, see s. 208(1)

I30 Sch. 4 para. 10 in force at 28.10.2022 by S.I. 2022/1075, reg. 4(b)

- 11 In section 44(7) (release following extension of warrants of further detention), for paragraphs (a) and (b) substitute—
- “(a) on bail, if the pre-conditions for bail are satisfied, or
(b) without bail, if those pre-conditions are not satisfied.”

Commencement Information

I31 Sch. 4 para. 11 not in force at Royal Assent, see s. 208(1)

I32 Sch. 4 para. 11 in force at 28.10.2022 by S.I. 2022/1075, reg. 4(b)

- 12 (1) Section 47ZC (applicable bail period: conditions A to D) is amended as follows.
- (2) In subsection (3)(a), for “section 37(7)(c)” substitute “section 37(7)(b)”.
- (3) In subsection (4)(a), for “section 37(7)(c)” substitute “section 37(7)(b)”.

Commencement Information

I33 Sch. 4 para. 12 not in force at Royal Assent, see s. 208(1)

I34 Sch. 4 para. 12 in force at 28.10.2022 by S.I. 2022/1075, reg. 4(b)

- 13 In section 50A (interpretation of references to pre-conditions for bail), for paragraph (b) substitute—
- “(b) that the custody officer has considered any representations made by the person or the person’s legal representative.”

Commencement Information

I35 Sch. 4 para. 13 not in force at Royal Assent, see s. 208(1)

I36 Sch. 4 para. 13 in force at 28.10.2022 by S.I. 2022/1075, reg. 4(b)

Commencement Information

I11 Sch. 4 para. 1 not in force at Royal Assent, see s. 208(1)

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- I12 Sch. 4 para. 1 in force at 28.10.2022 by S.I. 2022/1075, **reg. 4(b)**
- I13 Sch. 4 para. 2 not in force at Royal Assent, see **s. 208(1)**
- I14 Sch. 4 para. 2 in force at 28.10.2022 by S.I. 2022/1075, **reg. 4(b)**
- I15 Sch. 4 para. 3 not in force at Royal Assent, see **s. 208(1)**
- I16 Sch. 4 para. 3 in force at 28.10.2022 by S.I. 2022/1075, **reg. 4(b)**
- I17 Sch. 4 para. 4 not in force at Royal Assent, see **s. 208(1)**
- I18 Sch. 4 para. 4 in force at 28.10.2022 by S.I. 2022/1075, **reg. 4(b)**
- I19 Sch. 4 para. 5 not in force at Royal Assent, see **s. 208(1)**
- I20 Sch. 4 para. 5 in force at 28.10.2022 by S.I. 2022/1075, **reg. 4(b)**
- I21 Sch. 4 para. 6 not in force at Royal Assent, see **s. 208(1)**
- I22 Sch. 4 para. 6 in force at 28.10.2022 by S.I. 2022/1075, **reg. 4(b)**
- I23 Sch. 4 para. 7 not in force at Royal Assent, see **s. 208(1)**
- I24 Sch. 4 para. 7 in force at 28.10.2022 by S.I. 2022/1075, **reg. 4(b)**
- I25 Sch. 4 para. 8 not in force at Royal Assent, see **s. 208(1)**
- I26 Sch. 4 para. 8 in force at 28.10.2022 by S.I. 2022/1075, **reg. 4(b)**
- I27 Sch. 4 para. 9 not in force at Royal Assent, see **s. 208(1)**
- I28 Sch. 4 para. 9 in force at 28.10.2022 by S.I. 2022/1075, **reg. 4(b)**
- I29 Sch. 4 para. 10 not in force at Royal Assent, see **s. 208(1)**
- I30 Sch. 4 para. 10 in force at 28.10.2022 by S.I. 2022/1075, **reg. 4(b)**
- I31 Sch. 4 para. 11 not in force at Royal Assent, see **s. 208(1)**
- I32 Sch. 4 para. 11 in force at 28.10.2022 by S.I. 2022/1075, **reg. 4(b)**
- I33 Sch. 4 para. 12 not in force at Royal Assent, see **s. 208(1)**
- I34 Sch. 4 para. 12 in force at 28.10.2022 by S.I. 2022/1075, **reg. 4(b)**
- I35 Sch. 4 para. 13 not in force at Royal Assent, see **s. 208(1)**
- I36 Sch. 4 para. 13 in force at 28.10.2022 by S.I. 2022/1075, **reg. 4(b)**

Amendments to the Criminal Justice Act 2003 (c. 44)

14 The Criminal Justice Act 2003 is amended as follows.

Commencement Information

- I37 Sch. 4 para. 14 not in force at Royal Assent, see **s. 208(1)**
- I38 Sch. 4 para. 14 in force at 28.10.2022 by S.I. 2022/1075, **reg. 4(b)**

- 15 (1) Section 24A (arrest for failure to comply with conditions attached to conditional caution) is amended as follows.
- (2) In subsection (2), for paragraphs (b) and (c) substitute—
- “(b) released without charge and on bail if—
 - (i) the release is to enable a decision to be made as to whether the person should be charged with the offence, and
 - (ii) the pre-conditions for bail are satisfied, or
 - (c) released without charge and without bail (with or without any variation in the conditions attached to the caution) if paragraph (b) does not apply.”
- (3) In subsection (3)(a), for “subsection (2)(c)” substitute “subsection (2)(b)”.
- (4) In subsection (4), for “subsection (2)(c)” substitute “subsection (2)(b)”.

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Commencement Information

- I39** Sch. 4 para. 15 not in force at Royal Assent, see [s. 208\(1\)](#)
I40 Sch. 4 para. 15 in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

- 6 In section 24B(5) (application of PACE provisions), for “section 24A(2)(c)” substitute “section 24A(2)(b)”.

Commencement Information

- I41** Sch. 4 para. 16 not in force at Royal Assent, see [s. 208\(1\)](#)
I42 Sch. 4 para. 16 in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

Commencement Information

- I37** Sch. 4 para. 14 not in force at Royal Assent, see [s. 208\(1\)](#)
I38 Sch. 4 para. 14 in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)
I39 Sch. 4 para. 15 not in force at Royal Assent, see [s. 208\(1\)](#)
I40 Sch. 4 para. 15 in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)
I41 Sch. 4 para. 16 not in force at Royal Assent, see [s. 208\(1\)](#)
I42 Sch. 4 para. 16 in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

PART 2

FACTORS TO BE TAKEN INTO ACCOUNT IN DECIDING WHETHER TO GRANT PRE-CHARGE BAIL

- 17 In section 30A of the Police and Criminal Evidence Act 1984 (release of person arrested elsewhere than at police station), after subsection (1A) insert—

“(1B) In determining whether releasing the person on bail is necessary and proportionate in all the circumstances, the constable must have regard in particular to—

- (a) the need to secure that the person surrenders to custody,
- (b) the need to prevent offending by the person,
- (c) the need to safeguard victims of crime and witnesses, taking into account any vulnerabilities of any alleged victim of, or alleged witness to, the offence for which the person was arrested where these vulnerabilities have been identified by the constable,
- (d) the need to safeguard the person, taking into account any vulnerabilities of the person where these vulnerabilities have been identified by the constable, and
- (e) the need to manage risks to the public.”

Commencement Information

- I43** Sch. 4 para. 17 not in force at Royal Assent, see [s. 208\(1\)](#)
I44 Sch. 4 para. 17 in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 18 (1) Section 50A of the Police and Criminal Evidence Act 1984 (interpretation of references to pre-conditions for bail) is amended as follows.
- (2) The existing text becomes subsection (1).
- (3) After that subsection insert—
- “(2) In determining whether releasing the person on bail is necessary and proportionate in all the circumstances, the custody officer must have regard in particular to—
- (a) the need to secure that the person surrenders to custody,
 - (b) the need to prevent offending by the person,
 - (c) the need to safeguard victims of crime and witnesses, taking into account any vulnerabilities of any alleged victim of, or alleged witness to, the offence for which the person was arrested where these vulnerabilities have been identified by the custody officer,
 - (d) the need to safeguard the person, taking into account any vulnerabilities of the person where these vulnerabilities have been identified by the custody officer, and
 - (e) the need to manage risks to the public.”

Commencement Information

I45 Sch. 4 para. 18 not in force at Royal Assent, see [s. 208\(1\)](#)

I46 Sch. 4 para. 18 in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

PART 3

DUTY TO SEEK VIEWS OF ALLEGED VICTIMS

Amendments to the Bail Act 1976 (c. 63)

- 19 In section 3A of the Bail Act 1976 (conditions of bail in case of police bail), after subsection (6) insert—
- “(7) For further provision about the grant of bail by a custody officer under Part 4 of the Police and Criminal Evidence Act 1984 or the variation by a custody officer of the conditions of bail granted under that Part, see section 47ZZA of that Act.”

Commencement Information

I47 Sch. 4 para. 19 not in force at Royal Assent, see [s. 208\(1\)](#)

I48 Sch. 4 para. 19 in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

Amendments to the Police and Criminal Evidence Act 1984 (c. 60)

- 20 The Police and Criminal Evidence Act 1984 is amended as follows.

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I49 Sch. 4 para. 20 not in force at Royal Assent, see **s. 208(1)**

I50 Sch. 4 para. 20 in force at 28.10.2022 by S.I. 2022/1075, **reg. 4(b)**

21 (1) Section 30CA (bail under section 30A: variation of conditions by police) is amended as follows.

(2) After subsection (4) insert—

“(4A) If it is reasonably practicable to do so, the investigating officer must seek the views of the alleged victim (if any) of the relevant offence on—

- (a) whether any of the conditions that are relevant conditions should be varied under subsection (1), and
- (b) if so, what variations should be made to those conditions.

(4B) The investigating officer must inform the relevant officer of any views obtained under subsection (4A).

(4C) If any of the conditions which are relevant conditions are varied under subsection (1), the investigating officer must, if it is reasonably practicable to do so, notify the alleged victim of the variations.

(4D) If the alleged victim of the relevant offence appears to the investigating officer to be vulnerable, subsections (4A) and (4C) apply as if references to the alleged victim of the offence were to a person appearing to the officer to represent the alleged victim.”

(3) For subsection (5) substitute—

“(5) In this section—

“investigating officer”, in relation to the relevant offence, means the constable or other person in charge of the investigation of the offence;

“relevant condition”, in relation to the relevant offence and an alleged victim of that offence, means a condition that relates to the safeguarding of the alleged victim;

“relevant offence” means the offence for which the person making the request under subsection (1) was under arrest when granted bail under section 30A(1);

“relevant officer”, in relation to a designated police station, means a custody officer but, in relation to any other police station—

- (a) means a constable who is not involved in the investigation of the relevant offence, if such a constable is readily available, and
- (b) if no such constable is readily available—
 - (i) means a constable other than the one who granted bail to the person, if such a constable is readily available, and
 - (ii) if no such constable is readily available, means the constable who granted bail.

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (6) For the purposes of this section a person (“P”) is an alleged victim of an offence if—
- (a) an allegation has been made to a constable or other person involved in the investigation of the offence that P has suffered physical, mental or emotional harm, or economic loss, which was directly caused by the offence, and
 - (b) P is an individual.
- (7) For the purposes of this section an alleged victim of an offence is vulnerable if the alleged victim—
- (a) was aged under 18 at the time of the offence, or
 - (b) may have difficulty understanding a communication from an investigating officer under this section, or communicating effectively in response to it, by reason of—
 - (i) a physical disability or disorder,
 - (ii) a mental disorder within the meaning of the Mental Health Act 1983, or
 - (iii) a significant impairment of intelligence and social functioning.”

Commencement Information

I51 Sch. 4 para. 21 not in force at Royal Assent, see [s. 208\(1\)](#)

I52 Sch. 4 para. 21 in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

22 After section 47 insert—

“47ZZA Duty to seek views of alleged victims on conditions of pre-charge bail

- (1) Subsections (2) to (5) apply if—
- (a) a person has been arrested for an offence, and
 - (b) a custody officer proposes to release the person on bail under this Part (except section 37C(2)(b) or 37CA(2)(b)).
- (2) If it is reasonably practicable to do so, the investigating officer must seek the views of the alleged victim (if any) of the offence on—
- (a) whether relevant conditions should be imposed on the person’s bail, and
 - (b) if so, what relevant conditions should be imposed.
- (3) In this section “relevant condition”, in relation to an offence and an alleged victim of that offence, means a condition that relates to the safeguarding of the alleged victim.
- (4) The investigating officer must inform the custody officer of any views obtained under subsection (2).
- (5) If the person is granted bail subject to relevant conditions, the investigating officer must, if it is reasonably practicable to do so, notify the alleged victim of the offence of those conditions.

Status: Point in time view as at 01/04/2023.

Changes to legislation: *Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (6) If the alleged victim of the offence appears to the investigating officer to be vulnerable, subsections (2) and (5) apply as if references to the alleged victim of the offence were to a person appearing to the officer to represent the alleged victim.
- (7) Subsections (8) to (11) apply if—
 - (a) a person has been arrested for an offence,
 - (b) the person has been released on bail under this Part subject to conditions, and
 - (c) the person requests a custody officer to vary the conditions under section 3A(8) of the Bail Act 1976.
- (8) If it is reasonably practicable to do so, the investigating officer must seek the views of the alleged victim (if any) of the offence on—
 - (a) whether any of the conditions that are relevant conditions should be varied, and
 - (b) if so, what variations should be made to those conditions.
- (9) The investigating officer must inform the custody officer of any views obtained under subsection (8).
- (10) If any of the conditions which are relevant conditions are varied, the investigating officer must, if it is reasonably practicable to do so, notify the alleged victim of the variations.
- (11) If the alleged victim of the offence appears to the investigating officer to be vulnerable, subsections (8) and (10) apply as if references to the alleged victim of the offence were to a person appearing to the officer to represent the alleged victim.
- (12) In this section “investigating officer”, in relation to an offence, means the constable or other person in charge of the investigation of the offence.
- (13) For the purposes of this section a person (“P”) is an alleged victim of an offence if—
 - (a) an allegation has been made to a constable or other person involved in the investigation of the offence that P has suffered physical, mental or emotional harm, or economic loss, which was directly caused by the offence, and
 - (b) P is an individual.
- (14) For the purposes of this section an alleged victim of an offence is vulnerable if the alleged victim—
 - (a) was aged under 18 at the time of the offence, or
 - (b) may have difficulty understanding a communication from an investigating officer under this section, or communicating effectively in response to it, by reason of—
 - (i) a physical disability or disorder,
 - (ii) a mental disorder within the meaning of the Mental Health Act 1983, or
 - (iii) a significant impairment of intelligence and social functioning.”

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

- I53** Sch. 4 para. 22 not in force at Royal Assent, see [s. 208\(1\)](#)
I54 [Sch. 4 para. 22](#) in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

Commencement Information

- I49** Sch. 4 para. 20 not in force at Royal Assent, see [s. 208\(1\)](#)
I50 [Sch. 4 para. 20](#) in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)
I51 Sch. 4 para. 21 not in force at Royal Assent, see [s. 208\(1\)](#)
I52 [Sch. 4 para. 21](#) in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)
I53 Sch. 4 para. 22 not in force at Royal Assent, see [s. 208\(1\)](#)
I54 [Sch. 4 para. 22](#) in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

Amendments to the Criminal Justice Act 2003 (c. 44)

- 23 In section 24B(3) of the Criminal Justice Act 2003 (arrest for failure to comply with conditions of conditional caution: application of PACE provisions)—
- (a) before paragraph (a) insert—
 - “(za) in section 30CA, omit subsections (4A) to (4D)”, and
 - (b) in paragraph (a), for the words from “in section 30CA(5)(a)” to “provision” substitute “in section 30CA(5), in paragraph (a) of the definition of “relevant officer”, for the reference to being involved in the investigation of the relevant offence”.

Commencement Information

- I55** Sch. 4 para. 23 not in force at Royal Assent, see [s. 208\(1\)](#)
I56 [Sch. 4 para. 23](#) in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

PART 4

LIMITS ON PERIOD OF BAIL WITHOUT CHARGE

- 24 The Police and Criminal Evidence Act 1984 is amended as follows.

Commencement Information

- I57** Sch. 4 para. 24 not in force at Royal Assent, see [s. 208\(1\)](#)
I58 [Sch. 4 para. 24](#) in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

- 25 In section 30B(8) (notice of release under section 30A: bail end date), for “28 days” substitute “3 months”.

Commencement Information

- I59** Sch. 4 para. 25 not in force at Royal Assent, see [s. 208\(1\)](#)
I60 [Sch. 4 para. 25](#) in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 26 (1) Section 47ZB (applicable bail period: initial limit) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a)—
- (i) for “SFO case” substitute “FCA case, HMRC case, NCA case or SFO case”, and
- (ii) for “3 months” substitute “6 months”, and
- (b) in paragraph (b)—
- (i) for “in an FCA case or any other case” substitute “in any other case”, and
- (ii) for “28 days” substitute “3 months”.
- (3) In subsection (4)—
- (a) in paragraph (b)(ii), for “a senior officer” substitute “a member of staff of that Authority who is of the description designated for the purposes of this sub-paragraph by the Chief Executive of that Authority”,
- (b) after paragraph (b) insert—
- “(ba) an “HMRC case” is a case in which—
- (i) the relevant offence in relation to the person is being investigated by an officer of Revenue and Customs, and
- (ii) an officer of Revenue and Customs confirms that sub-paragraph (i) applies,
- (bb) an “NCA case” is a case in which—
- (i) the relevant offence in relation to the person is being investigated by the National Crime Agency, and
- (ii) a National Crime Agency officer confirms that sub-paragraph (i) applies,”
- (c) in paragraph (c)(ii), for “a senior officer” substitute “a member of the Serious Fraud Office”, and
- (d) omit paragraph (d) and the “and” preceding that paragraph.

Commencement Information

I61 Sch. 4 para. 26 not in force at Royal Assent, see [s. 208\(1\)](#)

I62 Sch. 4 para. 26 in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

- 27 In section 47ZC (applicable bail period: conditions A to D in sections 47ZD to 47ZG), in subsection (6)—
- (a) in paragraph (a), for “senior officer” substitute “relevant officer”,
- (b) after paragraph (a) insert—
- “(aa) in relation to a condition which falls to be considered by virtue of section 47ZDA, the senior officer in question;
- (ab) in relation to a condition which falls to be considered by virtue of section 47ZDB, the appropriate decision-maker in question,” and
- (c) in paragraph (b), for “appropriate decision-maker” substitute “qualifying police officer”.

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I63 Sch. 4 para. 27 not in force at Royal Assent, see [s. 208\(1\)](#)

I64 [Sch. 4 para. 27](#) in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

28 (1) Section 47ZD (applicable bail period: extension of initial limit in standard cases) is amended as follows.

(2) In subsection (1)(c), for “senior officer” substitute “relevant officer”.

(3) In subsection (2)—

(a) for “senior officer” substitute “relevant officer”, and

(b) for “3 months” substitute “6 months”.

(4) In subsections (3) to (5), for “senior officer” substitute “relevant officer”.

(5) After subsection (5) insert—

“(6) For the purposes of this Part “relevant officer” means a police officer of the rank of inspector or above.”

Commencement Information

I65 Sch. 4 para. 28 not in force at Royal Assent, see [s. 208\(1\)](#)

I66 [Sch. 4 para. 28](#) in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

29 After section 47ZD insert—

“47ZDA Applicable bail period: further extension of limit in standard cases

(1) This section applies in relation to a person if—

(a) a relevant officer has authorised an extension of the applicable bail period in relation to the person under section 47ZD,

(b) that period has not ended, and

(c) a senior officer is satisfied that conditions A to D are met in relation to the person.

(2) The senior officer may authorise the applicable bail period in relation to the person to be extended so that it ends at the end of the period of 9 months beginning with the person’s bail start date.

(3) Before determining whether to give an authorisation under subsection (2) in relation to a person, the senior officer must arrange for the person or the person’s legal representative to be informed that a determination is to be made.

(4) In determining whether to give an authorisation under subsection (2) in relation to a person, the senior officer must consider any representations made by the person or the person’s legal representative.

(5) The senior officer must arrange for the person or the person’s legal representative to be informed whether an authorisation under subsection (2) has been given in relation to the person.

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (6) For the purposes of this Part “senior officer” means a police officer of the rank of superintendent or above.

47ZDB Applicable bail period: extension of limit in non-standard cases

- (1) This section applies in relation to a person if—
- (a) the applicable bail period in relation to a person is the period mentioned in section 47ZB(1)(a),
 - (b) that period has not ended, and
 - (c) an appropriate decision-maker is satisfied that conditions A to D are met in relation to the person.
- (2) The appropriate decision-maker may authorise the applicable bail period in relation to the person to be extended so that it ends at the end of the period of 12 months beginning with the person’s bail start date.
- (3) Before determining whether to give an authorisation under subsection (2) in relation to a person, the appropriate decision-maker must arrange for the person or the person’s legal representative to be informed that a determination is to be made.
- (4) In determining whether to give an authorisation under subsection (2) in relation to a person, the appropriate decision-maker must consider any representations made by the person or the person’s legal representative.
- (5) The appropriate decision-maker must arrange for the person or the person’s legal representative to be informed whether an authorisation under subsection (2) has been given in relation to the person.
- (6) For the purposes of this Part “appropriate decision-maker” means—
- (a) in an FCA case, a member of staff of the Financial Conduct Authority who is of the description designated for the purposes of this section by the Chief Executive of that Authority,
 - (b) in an HMRC case, an officer of Revenue and Customs of a grade that is equivalent to the rank of superintendent or above,
 - (c) in an NCA case, a National Crime Agency officer of a grade that is equivalent to the rank of superintendent or above, and
 - (d) in an SFO case, a member of the Serious Fraud Office who is of the Senior Civil Service.”

Commencement Information

I67 Sch. 4 para. 29 not in force at Royal Assent, see [s. 208\(1\)](#)

I68 Sch. 4 para. 29 in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

- 30 (1) Section 47ZE (applicable bail period: extension of limit in designated cases) is amended as follows.
- (2) In subsection (1), for paragraphs (a) and (b) substitute “a senior officer has authorised an extension of the applicable bail period in relation to the person under section 47ZDA.”

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) In subsection (2), for “A qualifying prosecutor” substitute “The Director of Public Prosecutions”.
- (4) In subsection (3)—
 - (a) for “an appropriate decision-maker” substitute “a qualifying police officer”,
 - (b) for “the decision maker” substitute “the officer”, and
 - (c) for “6 months” substitute “12 months”.
- (5) Omit subsection (4).
- (6) In subsection (5)—
 - (a) in paragraph (a), for “appropriate decision-maker” substitute “qualifying police officer”, and
 - (b) for paragraph (b) substitute—
 - “(b) the qualifying police officer must consult the Director of Public Prosecutions.”
- (7) In subsections (6) and (7), for “appropriate decision-maker” substitute “qualifying police officer”.
- (8) In subsection (9) omit the definition of “qualifying prosecutor” and the “and” immediately before that definition.

Commencement Information

I69 Sch. 4 para. 30 not in force at Royal Assent, see **s. 208(1)**

I70 Sch. 4 para. 30 in force at 28.10.2022 by S.I. 2022/1075, **reg. 4(b)**

- 31 (1) Section 47ZF (applicable bail period: first extension of limit by court) is amended as follows.
- (2) In subsection (1)—
 - (a) omit paragraph (a),
 - (b) in paragraph (b), for “section 47ZD” substitute “section 47ZDA”,
 - (c) after paragraph (b) (but before the “or” at the end of that paragraph) insert—
 - “(ba) an appropriate decision-maker has authorised an extension of the applicable bail period in relation to the person under section 47ZDB,”, and
 - (d) in paragraph (c), for “an appropriate decision-maker” substitute “a qualifying police officer”.
 - (3) In subsection (4)—
 - (a) in paragraph (a)—
 - (i) for “subsection (1)(a) or (b)” substitute “subsection (1)(b)”, and
 - (ii) for “6 months” substitute “12 months”, and
 - (b) in paragraph (b)—
 - (i) for “subsection (1)(c)” substitute “subsection (1)(ba) or (c)”, and
 - (ii) for “9 months” substitute “18 months”.
 - (4) In subsection (6)—
 - (a) in paragraph (a)—

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (i) for “subsection (1)(a) or (b)” substitute “subsection (1)(b)”, and
- (ii) for “9 months” substitute “18 months”, and
- (b) in paragraph (b)—
 - (i) for “subsection (1)(c)” substitute “subsection (1)(ba) or (c)”, and
 - (ii) for “12 months” substitute “24 months”.
- (5) In subsection (8), after paragraph (b) insert—
 - “(ba) an officer of Revenue and Customs,
 - (bb) a National Crime Agency officer.”.

Commencement Information

- I71** Sch. 4 para. 31 not in force at Royal Assent, see [s. 208\(1\)](#)
- I72** Sch. 4 para. 31 in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

- 32 In section 47ZI (sections 47ZF to 47ZH: proceedings in magistrates’ court), in each of subsections (2)(a) and (3)(a), for “12 months” substitute “24 months”.

Commencement Information

- I73** Sch. 4 para. 32 not in force at Royal Assent, see [s. 208\(1\)](#)
- I74** Sch. 4 para. 32 in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

- 33 In section 47ZM(2) (applicable bail period: special case of release on bail under section 30A), for “28 days”, in both places, substitute “3 months”.

Commencement Information

- I75** Sch. 4 para. 33 not in force at Royal Assent, see [s. 208\(1\)](#)
- I76** Sch. 4 para. 33 in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

PART 5

POLICE DETENTION AFTER ARREST FOR BREACH OF PRE-CHARGE BAIL ETC

- 34 The Police and Criminal Evidence Act 1984 is amended as follows.

Commencement Information

- I77** Sch. 4 para. 34 not in force at Royal Assent, see [s. 208\(1\)](#)
- I78** Sch. 4 para. 34 in force at 28.10.2022 by [S.I. 2022/1075](#), [reg. 4\(b\)](#)

- 35 In section 41 (limits on period of detention without charge), after subsection (12) insert—
- “(13) Section 47(6) and (6A) makes further provision about the calculation of a period of police detention for the purposes of this Part.”

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

179 Sch. 4 para. 35 not in force at Royal Assent, see **s. 208(1)**

180 Sch. 4 para. 35 in force at 28.10.2022 by S.I. 2022/1075, **reg. 4(b)**

36 In section 47 (bail after arrest), after subsection (6) insert—

“(6A) Where a person has been arrested under section 46A above (other than in a case within subsection (1ZA) or (1ZB) of that section) the period of 3 hours beginning with the time at which the person arrives at a police station following the arrest is not to be included as part of any period of police detention which falls to be calculated in relation to the person under this Part of this Act.”

Commencement Information

181 Sch. 4 para. 36 not in force at Royal Assent, see **s. 208(1)**

182 Sch. 4 para. 36 in force at 28.10.2022 by S.I. 2022/1075, **reg. 4(b)**

PART 6

GUIDANCE ON PRE-CHARGE BAIL

37 In the Police and Criminal Evidence Act 1984, after section 50A insert—

“50B Guidance from the College of Policing on pre-charge bail

- (1) The College of Policing may, with the approval of the Secretary of State, issue guidance on bail that is granted to a person under Part 3 or this Part (“pre-charge bail”).
- (2) Guidance on pre-charge bail may in particular cover—
 - (a) the exercise of powers to release a person on pre-charge bail;
 - (b) the exercise of powers to impose or vary conditions of pre-charge bail;
 - (c) the exercise of powers to arrest a person—
 - (i) for failing to answer pre-charge bail, or
 - (ii) for breaching any conditions of pre-charge bail;
 - (d) the exercise of powers to extend the period of pre-charge bail;
 - (e) the duty to seek the views of alleged victims about conditions of pre-charge bail.
- (3) The College of Policing may, with the approval of the Secretary of State, from time to time revise the whole or any part of its guidance on pre-charge bail.
- (4) Before issuing or revising guidance on pre-charge bail, the College of Policing must consult—
 - (a) the National Police Chiefs’ Council,
 - (b) such persons as appear to the College to represent the views of local policing bodies, and

Status: Point in time view as at 01/04/2023.

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- (c) such other persons as the College thinks fit.
- (5) The Secretary of State must lay before Parliament any guidance on pre-charge bail issued by the College of Policing, and any revision of such guidance.
- (6) The Secretary of State is not required by subsection (5) to lay before Parliament, or may exclude from what is laid, anything the publication of which, in the opinion of the Secretary of State—
- (a) could prejudice the prevention or detection of crime or the apprehension or prosecution of offenders, or
 - (b) could jeopardise the safety of any person.
- (7) A person who exercises functions relating to pre-charge bail must have regard to the guidance.
- (8) But subsection (7) does not apply to—
- (a) a member of the Serious Fraud Office,
 - (b) a member of staff of the Financial Conduct Authority,
 - (c) an officer of Revenue and Customs, or
 - (d) a National Crime Agency officer.
- (9) A failure on the part of a person to whom subsection (7) applies to comply with the guidance does not of itself render the person liable to any criminal or civil proceedings.
- (10) But guidance on pre-charge bail is admissible in evidence in criminal or civil proceedings and a court may take into account a failure to comply with it in determining a question in the proceedings.”

Commencement Information

183 Sch. 4 para. 37 not in force at Royal Assent, see [s. 208\(1\)](#)

184 Sch. 4 para. 37 in force at 26.10.2022 by [S.I. 2022/1075](#), [reg. 3\(e\)](#)

SCHEDULE 5

Section 51

OVERSEAS PRODUCTION ORDERS

- 1 The Crime (Overseas Production Orders) Act 2019 is amended as follows.

Commencement Information

185 Sch. 5 para. 1 in force at 28.6.2022, see [s. 208\(5\)\(d\)](#)

- 2 (1) Section 3 (meaning of “electronic data” and “excepted electronic data”) is amended as follows.
- (2) In subsection (4), at the end insert “, other than communications data to which subsection (4A) applies”.
- (3) After subsection (4) insert—

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“(4A) This subsection applies to communications data which is comprised in, included as part of, attached to or logically associated with electronic data which, apart from this subsection, may be specified or described in the application for the overseas production order.”

Commencement Information

186 Sch. 5 para. 2 in force at 28.6.2022, see s. 208(5)(d)

- 3 In section 5(3) (content of order: requirements fulfilled by reference to part only of data sought) for “4(5) or (7)” substitute “4(5), (6) or (7)”.

Commencement Information

187 Sch. 5 para. 3 in force at 28.6.2022, see s. 208(5)(d)

- 4 (1) Section 9 (restrictions on service of order) is amended as follows.
- (2) In subsection (2), after “the Secretary of State” insert “or a prescribed person”.
- (3) In subsection (3), after “the Lord Advocate” insert “or a prescribed person”.
- (4) In subsection (4)—
- (a) for “The Secretary of State or, as the case may be, the Lord Advocate” substitute “A person”, and
- (b) for “the Secretary of State or the Lord Advocate” substitute “that person”.
- (5) After subsection (4) insert—
- “(5) In this section “prescribed person”—
- (a) in relation to an overseas production order made in England and Wales or Northern Ireland, means a person prescribed by regulations made by the Secretary of State;
- (b) in relation to an overseas production order made in Scotland, means a person prescribed by regulations made by the Lord Advocate.”

Commencement Information

188 Sch. 5 para. 4 in force at 28.6.2022, see s. 208(5)(d)

- 5 (1) Section 14 (means of service) is amended as follows.
- (2) In subsection (3)(d)—
- (a) in sub-paragraph (i), after “the Secretary of State” insert “or a prescribed person”, and
- (b) in sub-paragraph (ii), after “the Lord Advocate” insert “or a prescribed person”.
- (3) After subsection (5) insert—
- “(6) In this section “prescribed person”—

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- (a) in relation to an order, notice or other document made or issued in England and Wales or Northern Ireland, means a person prescribed by regulations made by the Secretary of State;
- (b) in relation to an order, notice or other document made or issued in Scotland, means a person prescribed by regulations made by the Lord Advocate.”

Commencement Information

I89 Sch. 5 para. 5 in force at 28.6.2022, see s. 208(5)(d)

- 6 In section 15(3) (modifications of section 9 in the case of an order made on application by the service police)—
- (a) in paragraph (g)—
 - (i) omit the “and” at the end of sub-paragraph (i), and
 - (ii) at the end of sub-paragraph (ii) insert “, and
 - (iii) subsection (5) defined “prescribed person” as a person prescribed by regulations made by the Secretary of State;”, and
 - (b) for paragraph (h) substitute—
 - “(h) section 14 is to be read as if—
 - (i) the reference in subsection (1)(c) to a court in England and Wales, Scotland or Northern Ireland included the Court Martial,
 - (ii) subsection (3)(d) referred only to arrangements made by the Secretary of State or a prescribed person, and
 - (iii) subsection (6) defined “prescribed person” as a person prescribed by regulations made by the Secretary of State.”

Commencement Information

I90 Sch. 5 para. 6 in force at 28.6.2022, see s. 208(5)(d)

- 7 (1) Section 17 (regulations) is amended as follows.
- (2) In subsection (2), for “or 4(1)(b)” substitute “, 4(1)(b), 9(5) or 14(6)”.
- (3) After subsection (5) insert—
- “(6) Regulations made by the Lord Advocate under section 9(5) or 14(6) are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).”

Commencement Information

I91 Sch. 5 para. 7 in force at 28.6.2022, see s. 208(5)(d)

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SCHEDULE 6

Section 56

SPECIAL PROCEDURE FOR ACCESS TO MATERIAL RELATING TO HUMAN REMAINS

Making of orders by judge

- 1 (1) On an application made by a constable, a judge may make an order under paragraph 2 if the judge is satisfied that the following conditions are met.
- (2) The first condition is that there are reasonable grounds for believing that material that consists of, or may relate to the location of, relevant human remains—
- (a) is in the possession or control of a person specified in the application, or
 - (b) is on premises occupied or controlled by a person specified in the application.
- (3) The second condition is that there are reasonable grounds for believing that the material consists of or includes excluded material or special procedure material.
- (4) The third condition is that there are reasonable grounds for believing that the material does not consist of or include items subject to legal privilege.
- (5) The fourth condition is that other methods of obtaining the material—
- (a) have been tried without success, or
 - (b) have not been tried because it appeared that they were bound to fail.
- (6) The fifth condition is that it is in the public interest, having regard—
- (a) to the need to ensure that human remains are located and disposed of in a lawful manner, and
 - (b) to the circumstances under which the person in possession of the material holds it,
- that the material should be produced or access to it should be given.

Commencement Information

I92 Sch. 6 para. 1 not in force at Royal Assent, see [s. 208\(1\)](#)

I93 [Sch. 6 para. 1](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(g\)](#)

- 2 (1) An order under this paragraph is an order that, before the end of the relevant period, the person specified in the application must—
- (a) produce the material to a constable for the constable to take it away, or
 - (b) give a constable access to it.
- (2) In sub-paragraph (1) “the relevant period” means 7 days from the date of the order or such longer period as the order may specify.

Commencement Information

I94 Sch. 6 para. 2 not in force at Royal Assent, see [s. 208\(1\)](#)

I95 [Sch. 6 para. 2](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(g\)](#)

- 3 Where the material consists of information stored in any electronic form—
- (a) an order under paragraph 2(1)(a) has effect as an order to produce the material in a form in which it can be taken away and in which it is visible

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and legible or from which it can readily be produced in a visible or legible form, and

- (b) an order under paragraph 2(1)(b) has effect as an order to give a constable access to the material in a form in which it is visible and legible.

Commencement Information

I96 Sch. 6 para. 3 not in force at Royal Assent, see **s. 208(1)**

I97 Sch. 6 para. 3 in force at 28.6.2022 by S.I. 2022/520, **reg. 5(g)**

- 4 For the purposes of sections 21 and 22 of the Police and Criminal Evidence Act 1984, material produced in pursuance of an order under paragraph 2(1)(a) is to be treated as if it were material seized by a constable.

Commencement Information

I98 Sch. 6 para. 4 not in force at Royal Assent, see **s. 208(1)**

I99 Sch. 6 para. 4 in force at 28.6.2022 by S.I. 2022/520, **reg. 5(g)**

Commencement Information

I92 Sch. 6 para. 1 not in force at Royal Assent, see **s. 208(1)**

I93 Sch. 6 para. 1 in force at 28.6.2022 by S.I. 2022/520, **reg. 5(g)**

I94 Sch. 6 para. 2 not in force at Royal Assent, see **s. 208(1)**

I95 Sch. 6 para. 2 in force at 28.6.2022 by S.I. 2022/520, **reg. 5(g)**

I96 Sch. 6 para. 3 not in force at Royal Assent, see **s. 208(1)**

I97 Sch. 6 para. 3 in force at 28.6.2022 by S.I. 2022/520, **reg. 5(g)**

I98 Sch. 6 para. 4 not in force at Royal Assent, see **s. 208(1)**

I99 Sch. 6 para. 4 in force at 28.6.2022 by S.I. 2022/520, **reg. 5(g)**

Notices of applications for orders

- 5 (1) An application for an order under paragraph 2 that relates to material that consists of or includes journalistic material is to be made *inter partes*.
- (2) Notice of an application for an order under paragraph 2 that relates to such material may be served on a person—
- (a) by delivering it to the person,
 - (b) by leaving it at the person’s proper address, or
 - (c) by sending it by post to the person in a registered letter or by a recorded delivery service.
- (3) Notice of an application for an order under paragraph 2 that relates to such material may be served—
- (a) on a body corporate, by serving it on the body’s secretary or clerk or other similar officer;
 - (b) on a partnership, by serving it on one of the partners.
- (4) For the purposes of sub-paragraph (2), and of section 7 of the Interpretation Act 1978 in its application to that sub-paragraph, the proper address of a person—

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- (a) in the case of a secretary or clerk or other similar officer of a body corporate, is that of the registered or principal office of that body;
- (b) in the case of a partner of a firm is that of the principal office of the firm;
- (c) in any other case is the last known address of the person to be served.

Commencement Information

I100 Sch. 6 para. 5 not in force at Royal Assent, see **s. 208(1)**

I101 Sch. 6 para. 5 in force at 28.6.2022 by S.I. 2022/520, **reg. 5(g)**

- 6 (1) Where notice of an application for an order under paragraph 2 has been served on a person, the person must not conceal, destroy, alter or dispose of the material to which the application relates until sub-paragraph (2) applies except—
- (a) with the leave of a judge, or
 - (b) with the written permission of a constable.
- (2) This paragraph applies when—
- (a) the application is dismissed or abandoned, or
 - (b) the person has complied with an order under paragraph 2 made on the application.

Commencement Information

I102 Sch. 6 para. 6 not in force at Royal Assent, see **s. 208(1)**

I103 Sch. 6 para. 6 in force at 28.6.2022 by S.I. 2022/520, **reg. 5(g)**

Commencement Information

I100 Sch. 6 para. 5 not in force at Royal Assent, see **s. 208(1)**

I101 Sch. 6 para. 5 in force at 28.6.2022 by S.I. 2022/520, **reg. 5(g)**

I102 Sch. 6 para. 6 not in force at Royal Assent, see **s. 208(1)**

I103 Sch. 6 para. 6 in force at 28.6.2022 by S.I. 2022/520, **reg. 5(g)**

Failure to comply with order

- 7 (1) If a person fails to comply with an order under paragraph 2, a judge may deal with the person as if the person had committed a contempt of the Crown Court.
- (2) Any enactment relating to contempt of the Crown Court has effect in relation to such a failure as if it were such a contempt.

Commencement Information

I104 Sch. 6 para. 7 not in force at Royal Assent, see **s. 208(1)**

I105 Sch. 6 para. 7 in force at 28.6.2022 by S.I. 2022/520, **reg. 5(g)**

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Issue of warrants by judge

- 8 (1) On an application made by a constable, a judge may issue a warrant authorising a constable to enter and search premises if the judge is satisfied that the conditions in this paragraph are met.
- (2) The first condition is that there are reasonable grounds for believing that there is material on the premises mentioned in sub-paragraph (5) below that consists of, or may relate to the location of, relevant human remains.
- (3) The second condition is that each of the conditions set out in paragraph 1(3) to (6) is met in relation to the material.
- (4) The third condition is that there are reasonable grounds for believing, in relation to each set of premises specified in the application—
- (a) that it is not practicable to communicate with any person entitled to grant entry to the premises,
 - (b) that it is practicable to communicate with a person entitled to grant entry to the premises but it is not practicable to communicate with any person entitled to grant access to the material,
 - (c) that the material on the premises contains information which—
 - (i) is subject to a restriction on disclosure or an obligation of secrecy contained in any enactment, including an enactment contained in an Act passed after this Act, and
 - (ii) is likely to be disclosed in breach of it if a warrant is not issued, or
 - (d) that service of notice of an application for an order under paragraph 2 may seriously prejudice the purpose of the search.
- (5) The premises referred to in sub-paragraph (2) are—
- (a) one or more sets of premises specified in the application (in which case the application is for a “specific premises warrant”), or
 - (b) any premises occupied or controlled by a person specified in the application, including such sets of premises as are so specified (in which case the application is for an “all premises warrant”).

Commencement Information

I106 Sch. 6 para. 8 not in force at Royal Assent, see [s. 208\(1\)](#)

I107 Sch. 6 para. 8 in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(g\)](#)

- 9 If the application is for an all premises warrant, the judge must also be satisfied—
- (a) that there are reasonable grounds for believing that it is necessary to search premises occupied or controlled by the person in question which are not specified in the application, as well as those which are, in order to find the material in question, and
 - (b) that it is not reasonably practicable to specify in the application all the premises which the person occupies or controls and which might need to be searched.

Commencement Information

I108 Sch. 6 para. 9 not in force at Royal Assent, see [s. 208\(1\)](#)

Status: Point in time view as at 01/04/2023.

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I109 Sch. 6 para. 9 in force at 28.6.2022 by S.I. 2022/520, reg. 5(g)

- 10 (1) The warrant may authorise entry to and search of premises on more than one occasion if, on the application, the judge is satisfied that it is necessary to authorise multiple entries in order to achieve the purpose for which the judge issues the warrant.
- (2) If the warrant authorises multiple entries, the number of entries authorised may be unlimited, or limited to a maximum.

Commencement Information

I110 Sch. 6 para. 10 not in force at Royal Assent, see s. 208(1)

I111 Sch. 6 para. 10 in force at 28.6.2022 by S.I. 2022/520, reg. 5(g)

- 11 A constable may—
- (a) seize and retain anything for which a search has been authorised under paragraph 8, and
- (b) if necessary, use reasonable force in the exercise of a power conferred by a warrant issued under that paragraph.

Commencement Information

I112 Sch. 6 para. 11 not in force at Royal Assent, see s. 208(1)

I113 Sch. 6 para. 11 in force at 28.6.2022 by S.I. 2022/520, reg. 5(g)

Commencement Information

I106 Sch. 6 para. 8 not in force at Royal Assent, see s. 208(1)

I107 Sch. 6 para. 8 in force at 28.6.2022 by S.I. 2022/520, reg. 5(g)

I108 Sch. 6 para. 9 not in force at Royal Assent, see s. 208(1)

I109 Sch. 6 para. 9 in force at 28.6.2022 by S.I. 2022/520, reg. 5(g)

I110 Sch. 6 para. 10 not in force at Royal Assent, see s. 208(1)

I111 Sch. 6 para. 10 in force at 28.6.2022 by S.I. 2022/520, reg. 5(g)

I112 Sch. 6 para. 11 not in force at Royal Assent, see s. 208(1)

I113 Sch. 6 para. 11 in force at 28.6.2022 by S.I. 2022/520, reg. 5(g)

Procedural rules

- 12 Criminal Procedure Rules may make provision about proceedings under this Schedule, other than proceedings for an order under paragraph 2 that relates to material that consists of or includes journalistic material.

Commencement Information

I114 Sch. 6 para. 12 not in force at Royal Assent, see s. 208(1)

I115 Sch. 6 para. 12 in force at 28.6.2022 by S.I. 2022/520, reg. 5(g)

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Costs

- 13 The costs of any application under this Schedule and of anything done or to be done in pursuance of an order made under it shall be in the discretion of the judge.

Commencement Information

- I116** Sch. 6 para. 13 not in force at Royal Assent, see [s. 208\(1\)](#)
I117 [Sch. 6 para. 13](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(g\)](#)

Interpretation

- 14 In this Schedule—
 “journalistic material” has the same meaning as in the Police and Criminal Evidence Act 1984 (see section 13 of that Act);
 “judge” means a Circuit judge, a qualifying judge advocate (within the meaning of the Senior Courts Act 1981) or a District Judge (Magistrates’ Courts).

Commencement Information

- I118** Sch. 6 para. 14 not in force at Royal Assent, see [s. 208\(1\)](#)
I119 [Sch. 6 para. 14](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(g\)](#)

SCHEDULE 7

Section 82

EXPEDITED PUBLIC SPACES PROTECTION ORDERS

- 1 The Anti-social Behaviour, Crime and Policing Act 2014 is amended as follows.

Commencement Information

- I120** Sch. 7 para. 1 not in force at Royal Assent, see [s. 208\(1\)](#)
I121 [Sch. 7 para. 1](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(j\)](#)

- 2 In the heading of Chapter 2 of Part 4, at the end insert “and expedited orders”.

Commencement Information

- I122** Sch. 7 para. 2 not in force at Royal Assent, see [s. 208\(1\)](#)
I123 [Sch. 7 para. 2](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(j\)](#)

- 3 In the italic heading before section 59, at the end insert “and expedited orders”.

Commencement Information

- I124** Sch. 7 para. 3 not in force at Royal Assent, see [s. 208\(1\)](#)
I125 [Sch. 7 para. 3](#) in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(j\)](#)

Status: Point in time view as at 01/04/2023.

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- 4 In the heading of section 59 (power to make orders), before “orders” insert “public spaces protection”.

Commencement Information

I126 Sch. 7 para. 4 not in force at Royal Assent, see **s. 208(1)**

I127 Sch. 7 para. 4 in force at 28.6.2022 by S.I. 2022/520, **reg. 5(j)**

- 5 In the heading of section 60 (duration of orders), after “of” insert “public spaces protection”.

Commencement Information

I128 Sch. 7 para. 5 not in force at Royal Assent, see **s. 208(1)**

I129 Sch. 7 para. 5 in force at 28.6.2022 by S.I. 2022/520, **reg. 5(j)**

- 6 (1) Section 61 (variation and discharge of orders) is amended as follows.
- (2) In subsection (1), in the words before paragraph (a), after “protection order” insert “or expedited order”.
- (3) In subsection (2), for “make a variation under subsection (1)(a)” substitute “under subsection (1)(a) make a variation to a public spaces protection order”.
- (4) After subsection (2) insert—
- “(2A) A local authority may under subsection (1)(a) make a variation to an expedited order that results in the order applying to an area to which it did not previously apply only if the conditions in section 59A(2) to (4) are met as regards that area.”
- (5) In subsection (3), after “59(5)” insert “or 59A(6) (as the case may be)”.
- (6) In subsection (4), after “order” insert “or expedited order”.

Commencement Information

I130 Sch. 7 para. 6 not in force at Royal Assent, see **s. 208(1)**

I131 Sch. 7 para. 6 in force at 28.6.2022 by S.I. 2022/520, **reg. 5(j)**

- 7 (1) Section 62 (premises etc to which alcohol prohibition does not apply) is amended as follows.
- (2) In subsection (1), in the words before paragraph (a), after “order” insert “or expedited order”.
- (3) In subsection (2), in the words before paragraph (a), after “order” insert “or an expedited order”.

Commencement Information

I132 Sch. 7 para. 7 not in force at Royal Assent, see **s. 208(1)**

I133 Sch. 7 para. 7 in force at 28.6.2022 by S.I. 2022/520, **reg. 5(j)**

Status: Point in time view as at 01/04/2023.

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- 8 In section 63 (consumption of alcohol in breach of prohibition order), in subsection (1)—
- (a) in paragraph (a), after “order” insert “or an expedited order”;
 - (b) in the words after paragraph (b) omit “public spaces protection”.

Commencement Information

I134 Sch. 7 para. 8 not in force at Royal Assent, see [s. 208\(1\)](#)

I135 Sch. 7 para. 8 in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(j\)](#)

- 9 (1) Section 64 (orders restricting public right of way over highway) is amended as follows.
- (2) In subsection (1), in the words before paragraph (a), after “order” insert “or expedited order”.
- (3) After subsection (1) insert—
- “(1A) Before making a public spaces protection order that restricts the public right of way over a highway, a local authority must take the prior consultation steps (see subsection (2)).
- (1B) A local authority may not make an expedited order that restricts the public right of way over a highway unless it—
- (a) takes the prior consultation steps before making the order, or
 - (b) takes the subsequent consultation steps (see subsection (2A)) as soon as reasonably practicable after making the order.”
- (4) In subsection (2), for the words from “Before” to “must” substitute “To take the “prior consultation steps” in relation to an order means to”.
- (5) After subsection (2) insert—
- “(2A) To take the “subsequent consultation steps” in relation to an expedited order means to—
- (a) notify potentially affected persons of the order,
 - (b) invite those persons to make representations within a specified period about the terms and effects of the order,
 - (c) inform those persons how they can see a copy of the order, and
 - (d) consider any representations made.
- The definition of “potentially affected persons” in subsection (2) applies to this subsection as if the reference there to “the proposed order” were to “the order”.
- (6) After subsection (3) insert—
- “(3B) Where a local authority proposes to make an expedited order restricting the public right of way over a highway that is also within the area of another local authority it must, if it thinks appropriate to do so, consult that other authority before, or as soon as reasonably practicable after, making the order.”
- (7) In subsections (4), (5), (6), (7) and (8), after “order” insert “or expedited order”.

Status: Point in time view as at 01/04/2023.

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Commencement Information

I136 Sch. 7 para. 9 not in force at Royal Assent, see **s. 208(1)**

I137 Sch. 7 para. 9 in force at 28.6.2022 by S.I. 2022/520, **reg. 5(j)**

- 10 In section 65 (categories of highway over which public right of way may not be restricted), in subsection (1), in the words before paragraph (a), after “order” insert “or an expedited order”.

Commencement Information

I138 Sch. 7 para. 10 not in force at Royal Assent, see **s. 208(1)**

I139 Sch. 7 para. 10 in force at 28.6.2022 by S.I. 2022/520, **reg. 5(j)**

- 11 (1) Section 66 (challenging validity of orders) is amended as follows.
- (2) In subsections (1) and (6), after “public spaces protection order”, in each place it occurs, insert “or an expedited order”.
- (3) In subsection (7), in the words before paragraph (a)—
- (a) after “order”, in the first place it occurs, insert “or an expedited order”;
 - (b) for “a public spaces protection”, in the second place it occurs, substitute “such an”.

Commencement Information

I140 Sch. 7 para. 11 not in force at Royal Assent, see **s. 208(1)**

I141 Sch. 7 para. 11 in force at 28.6.2022 by S.I. 2022/520, **reg. 5(j)**

- 12 (1) Section 67 (offence of failing to comply with order) is amended as follows.
- (2) In subsections (1) and (4), after “order”, in each place it occurs, insert “or an expedited order”.
- (3) In subsection (3), after “order” insert “or expedited order”.

Commencement Information

I142 Sch. 7 para. 12 not in force at Royal Assent, see **s. 208(1)**

I143 Sch. 7 para. 12 in force at 28.6.2022 by S.I. 2022/520, **reg. 5(j)**

- 13 (1) Section 68 (fixed penalty notices) is amended as follows.
- (2) In subsection (1), at the end insert “or an expedited order”.
- (3) In subsection (3), at the end insert “or expedited order”.

Commencement Information

I144 Sch. 7 para. 13 not in force at Royal Assent, see **s. 208(1)**

I145 Sch. 7 para. 13 in force at 28.6.2022 by S.I. 2022/520, **reg. 5(j)**

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- 14 In section 70 (byelaws), after “protection order” insert “or an expedited order”.

Commencement Information

I146 Sch. 7 para. 14 not in force at Royal Assent, see [s. 208\(1\)](#)

I147 Sch. 7 para. 14 in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(j\)](#)

- 15 (1) Section 71 (bodies other than local authorities with statutory functions in relation to land) is amended as follows.
- (2) In subsections (3) to (5), after “public spaces protection order”, in each place it occurs, insert “or an expedited order”.
- (3) In subsection (6)—
- (a) in paragraph (a), after “order” insert “or expedited order”;
 - (b) in paragraph (b)(i), after “order” insert “, or an expedited order.”.

Commencement Information

I148 Sch. 7 para. 15 not in force at Royal Assent, see [s. 208\(1\)](#)

I149 Sch. 7 para. 15 in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(j\)](#)

- 16 In the heading of section 72 (Convention rights, consultation, publicity and notification), at the beginning insert “Public spaces protection orders.”

Commencement Information

I150 Sch. 7 para. 16 not in force at Royal Assent, see [s. 208\(1\)](#)

I151 Sch. 7 para. 16 in force at 28.6.2022 by [S.I. 2022/520](#), [reg. 5\(j\)](#)

- 17 (1) Section 74 (interpretation of Chapter 2 of Part 4) is amended as follows.
- (2) In subsection (1)—
- (a) at the appropriate places insert—
 - ““16 to 19 Academy” has the meaning given by section 1B of the Academies Act 2010;”;
 - ““expedited order” has the meaning given by section 59A(1);”;
 - ““Local Health Board” means a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006;”;
 - ““NHS body” has the meaning given in section 275 of the National Health Service Act 2006;”;
 - ““school” has the meaning given by section 4 of the Education Act 1996.”;
 - (b) for the definition of “restricted area” substitute—
 - ““restricted area”—
 - (a) in relation to a public spaces protection order, has the meaning given by section 59(4);
 - (b) in relation to an expedited order, has the meaning given by section 59A(5).”
- (3) After subsection (2) insert—

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- “(3) For the purposes of this Chapter, an expedited order “regulates” an activity if the activity is—
- (a) prohibited by virtue of section 59A(5)(a), or
 - (b) subjected to requirements by virtue of section 59A(5)(b),
- whether or not for all persons and at all times.”

Commencement Information

I152 Sch. 7 para. 17 not in force at Royal Assent, see **s. 208(1)**

I153 Sch. 7 para. 17 in force at 28.6.2022 by S.I. 2022/520, **reg. 5(j)**

SCHEDULE 8

Section 88

ROAD TRAFFIC OFFENCES: MINOR AND CONSEQUENTIAL AMENDMENTS

Road Traffic Act 1988 (c. 52)

- 1 (1) The Road Traffic Act 1988 is amended as follows.
- (2) In section 12E (effect of motor race order), in the table in subsection (3)—
- (a) after the entry relating to section 2B of the Road Traffic Act 1988 (causing death by careless, or inconsiderate, driving), insert—

| | |
|-------------|--|
| “Section 2C | Causing serious injury by careless, or inconsiderate, driving” |
|-------------|--|
 - (b) in the entry relating to section 3ZB (causing death by driving: unlicensed, disqualified or uninsured drivers), in the second column omit “, disqualified”, and
 - (c) after the entry relating to section 3ZB insert—

| | |
|--------------|--|
| “Section 3ZC | Causing death by driving: disqualified drivers |
| Section 3ZD | Causing serious injury by driving: disqualified drivers” |
- (3) In section 12H (races and trials of speed in Scotland: further provision), in subsection (3), after “2B” insert “, 2C”.
- (4) In section 13A(1) (disapplication of sections 1 to 3 for authorised motoring events), after “2B” insert “, 2C”.

Commencement Information

I154 Sch. 8 para. 1 in force at 28.6.2022, see **s. 208(5)(i)**

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Road Traffic Offenders Act 1988 (c. 55)

2 (1) The Road Traffic Offenders Act 1988 is amended as follows.

(2) In section 24 (alternative verdicts: general), in subsection (1), in the table—

- (a) in the entry relating to section 1A of the Road Traffic Act 1988 (causing serious injury by dangerous driving), in the second column, after “Section 2 (dangerous driving)” insert “Section 2C (causing serious injury by careless, or inconsiderate, driving)”, and
- (b) after the entry relating to section 2B of that Act (causing death by careless, or inconsiderate, driving), insert—

| | |
|---|---|
| “Section 2C (causing serious injury by careless, or inconsiderate, driving)” | Section 3 (careless, and inconsiderate, driving” |
|---|---|

(3) In Schedule 1 (offences to which sections 1, 6, 11 and 12(1) apply), in the table after paragraph 4, after the entry relating to section 2B of the Road Traffic Act 1988 (causing death by careless, or inconsiderate, driving) insert—

| | | |
|-----------------|---|---------------------------------------|
| “RTA section 2C | Causing serious injury by careless, or inconsiderate, driving | Sections 11 and 12(1) of this Act” |
|-----------------|---|---------------------------------------|

Commencement Information

I155 Sch. 8 para. 2 in force at 28.6.2022, see s. 208(5)(i)

Crime (International Co-operation) Act 2003 (c. 32)

3 In paragraph 3 of Schedule 3 to the Crime (International Co-operation) Act 2003 (application of duty to give notice of driving disqualification to Republic of Ireland), after sub-paragraph (ba) insert—

“(bb) section 2C (causing serious injury by careless, or inconsiderate, driving),”.

Commencement Information

I156 Sch. 8 para. 3 in force at 28.6.2022, see s. 208(5)(i)

Armed Forces Act 2006 (c. 52)

4 In paragraph 12(aj) of Schedule 2 to the Armed Forces Act 2006 (road traffic offences in relation to which duty to notify service police of possible corresponding service offence arises)—

- (a) after “1A,” insert “2C,” and
- (b) after “injury by dangerous driving,” insert “causing serious injury by careless, or inconsiderate, driving,”.

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I157 Sch. 8 para. 4 in force at 28.6.2022, see s. 208(5)(i)

SCHEDULE 9

Section 95

SURRENDER OF LICENCES AND TEST CERTIFICATES BY NEW DRIVERS

1 The Road Traffic (New Drivers) Act 1995 is amended as follows.

Commencement Information

I158 Sch. 9 para. 1 not in force at Royal Assent, see s. 208(1)

I159 Sch. 9 para. 1 in force at 30.11.2022 by S.I. 2022/1187, reg. 4(a) (with Pt. 3)

- 2 (1) Section 2 (surrender of licences) is amended as follows.
- (2) For the heading substitute “Persons to whom section 3(1) applies”.
- (3) Before subsection (1), insert—
- “(A1) Section 3(1) (revocation of licences) applies to a person who—
- (a) is the holder of a licence, and
- (b) satisfies the conditions in subsection (1) or (3).”
- (4) In subsection (1)—
- (a) for “Subsection (2) applies where—” substitute “A person satisfies the conditions in this subsection if—”;
- (b) omit paragraph (a);
- (c) in paragraph (b), for “he” substitute “the person”;
- (d) after paragraph (d), insert—
- “(da) the Secretary of State is required under section 44A(2) of that Act to endorse the person’s driving record with particulars of the offence and the penalty points to be attributed to it;”;
- (e) in paragraph (e)—
- (i) after “person’s” insert “driving record or”;
- (ii) omit “, or that date has been shown by other evidence in the proceedings”;
- (f) in paragraph (f), for “court” substitute “Secretary of State”.
- (5) Omit subsection (2).
- (6) In subsection (3)—
- (a) for “Subsection (4) applies where—” substitute “A person satisfies the conditions in this subsection if—”;
- (b) for paragraph (a), substitute—
- “(a) the person has been given a fixed penalty notice under section 54 of the Road Traffic Offenders Act 1988 or

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

a conditional offer has been issued to the person under section 75 of that Act;”;

(c) for paragraph (c), substitute—

“(c) the Secretary of State is required under section 57A(5) or 77A(2) of that Act to endorse the person’s driving record with particulars of the offence and the penalty points to be attributed to it;”;

(d) in paragraph (d), for “appropriate person” substitute “Secretary of State”;

(e) in paragraph (e), after the first “the” insert “person’s driving record or”;

(f) in paragraph (f), for “appropriate person” substitute “Secretary of State”.

(7) Omit subsection (4).

(8) Omit subsection (7).

Commencement Information

I160 Sch. 9 para. 2 not in force at Royal Assent, see **s. 208(1)**

I161 Sch. 9 para. 2 in force at 30.11.2022 by S.I. 2022/1187, **reg. 4(a)** (with Pt. 3)

3 (1) Section 3 (revocation of licences) is amended as follows.

(2) For subsection (1) substitute—

“(1) The Secretary of State must, in the case of a person to whom this subsection applies (see section 2), by notice served on the person revoke the person’s licence.”

(3) Omit subsection (1ZA).

(4) In subsection (1A)—

(a) in the words before paragraph (a), omit “or (1ZA)”;

(b) in paragraph (b), at the beginning insert “if the Secretary of State is already in receipt of it.”.

(5) In subsection (1B), omit “or (1ZA)”.

Commencement Information

I162 Sch. 9 para. 3 not in force at Royal Assent, see **s. 208(1)**

I163 Sch. 9 para. 3 in force at 30.11.2022 by S.I. 2022/1187, **reg. 4(a)** (with Pt. 3)

4 After section 3 insert—

“3A Surrender of licences

(1) Where—

(a) the Secretary of State is required under section 3(1) or (1B) to serve a notice on a person revoking the person’s licence, and

(b) the Secretary of State is not already in receipt of the licence,

the notice may also require the person to surrender the licence to the Secretary of State before the end of the period of 28 days beginning with the date on which the notice is served.

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (2) A person who, without reasonable excuse, fails to comply with a requirement imposed under subsection (1)—
 - (a) is guilty of an offence, and
 - (b) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) Where the Secretary of State receives a Northern Ireland licence pursuant to a requirement to surrender it imposed under subsection (1), the Secretary of State must send it to the licensing authority in Northern Ireland.”

Commencement Information

I164 Sch. 9 para. 4 not in force at Royal Assent, see **s. 208(1)**

I165 Sch. 9 para. 4 in force at 30.11.2022 by S.I. 2022/1187, **reg. 4(a)** (with Pt. 3)

- 5 In section 9, for subsection (5) (interpretation: address for sending licences, test certificates etc) substitute—

“(5) Any requirement under any provision of this Act that—

- (a) a licence, a test certificate or a notice must be sent to the Secretary of State, or
- (b) a licence or a test certificate must be surrendered to the Secretary of State,

is a requirement that the licence, test certificate or notice must be sent, or the licence or test certificate must be surrendered, to the Secretary of State at such address as the Secretary of State may determine.”

Commencement Information

I166 Sch. 9 para. 5 not in force at Royal Assent, see **s. 208(1)**

I167 Sch. 9 para. 5 in force at 30.11.2022 by S.I. 2022/1187, **reg. 4(a)** (with Pt. 3)

- 6 (1) Schedule 1 (newly qualified drivers holding test certificates) is amended as follows.

(2) Omit—

- (a) paragraph 1(2A);
- (b) paragraph 2(1);
- (c) paragraph 3 and the heading before it;
- (d) paragraph 4 and the italic heading before it.

(3) In paragraph 5—

(a) for sub-paragraph (1) substitute—

“(1) Where—

- (a) there is a person to whom this Part of this Schedule applies,
- (b) the person satisfies the conditions in section 2(1)(b) to (da) and (f) or (3)(a) to (d) and (f),
- (c) the Secretary of State is satisfied that the person has been issued with a test certificate, and

Status: Point in time view as at 01/04/2023.

Changes to legislation: *Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (d) the person’s driving record, licence or test certificate shows the date on which the person became a qualified driver,
the Secretary of State must by notice served on the person revoke the person’s test certificate and this sub-paragraph applies to the person instead of section 3(1).”;
 - (b) omit sub-paragraph (1ZA);
 - (c) in sub-paragraph (1A)—
 - (i) omit “or (1ZA)”;
 - (ii) after “with” insert “, if the Secretary of State is already in receipt of it,”;
 - (d) in sub-paragraph (1B), omit “or (1ZA)”.
- (4) After paragraph 5 insert—

“Surrender of test certificate

- 5A (1) Where—
- (a) the Secretary of State is required under paragraph 5(1) or (1B) to serve a notice on a person revoking the person’s test certificate, and
 - (b) the Secretary of State is not already in receipt of the test certificate,
- the notice may also require the person to surrender the test certificate to the Secretary of State before the end of the period of 28 days beginning with the date on which the notice is served.
- (2) A person who, without reasonable excuse, fails to comply with a requirement imposed under sub-paragraph (1)—
- (a) is guilty of an offence, and
 - (b) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) Where the Secretary of State receives a Northern Ireland test certificate pursuant to a requirement to surrender it imposed under sub-paragraph (1), the Secretary of State must send it to the licensing authority in Northern Ireland.”

- (5) In paragraph 6(1), omit “or (1ZA)”.
- (6) Omit paragraph 7 and the italic heading before it.
- (7) In paragraph 8—
- (a) for sub-paragraph (1) substitute—

“(1) Where—

- (a) there is a person to whom this Part of this Schedule applies,
- (b) the person satisfies the conditions in section 2(1)(b) to (da) and (f) or (3)(a) to (d) and (f),
- (c) the Secretary of State is satisfied that the person has been issued with a test certificate, and

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (d) the person’s driving record, licence or test certificate shows the date on which the person became a qualified driver,
the Secretary of State must by notice served on the person revoke the person’s licence and test certificate and this sub-paragraph applies to the person instead of section 3(1).”;
 - (b) omit sub-paragraph (1ZA);
 - (c) in sub-paragraph (1A)—
 - (i) omit “or (1ZA)”, and
 - (ii) for “the Northern Ireland licence and the Northern Ireland test certificate” substitute “—
 - (a) if the Secretary of State is already in receipt of it, the Northern Ireland licence, and
 - (b) if the Secretary of State is already in receipt of it, the Northern Ireland test certificate.”;
 - (d) in sub-paragraph (1B), omit “or (1ZA)”.
- (8) After paragraph 8 insert—

“Surrender of licence and test certificate

- 8A (1) Where—
- (a) the Secretary of State is required under paragraph 8(1) or (1B) to serve a notice on a person revoking the person’s licence and test certificate, and
 - (b) the Secretary of State is not already in receipt of the licence or test certificate,
- the notice may also require the person to surrender the licence, or test certificate, or both (as the case may be) to the Secretary of State before the end of the period of 28 days beginning with the date on which the notice is served.
- (2) A person who, without reasonable excuse, fails to comply with a requirement imposed under sub-paragraph (1)—
 - (a) is guilty of an offence, and
 - (b) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
 - (3) Where the Secretary of State receives a Northern Ireland licence or a Northern Ireland test certificate pursuant to a requirement to surrender it imposed under sub-paragraph (1), the Secretary of State must send it to the licensing authority in Northern Ireland.”

- (9) In paragraph 9(1), omit “or (1ZA)”.
- (10) In paragraph 10(a), omit “or (1ZA)” in both places.

Commencement Information

I168 Sch. 9 para. 6 not in force at Royal Assent, see [s. 208\(1\)](#)

I169 Sch. 9 para. 6 in force at 30.11.2022 by [S.I. 2022/1187](#), [reg. 4\(a\)](#) (with Pt. 3)

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULE 10

Section 96

SURRENDER OF LICENCES: MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS TO THE ROAD TRAFFIC OFFENDERS ACT 1988

1 The Road Traffic Offenders Act 1988 is amended as follows.

Commencement Information

I170 Sch. 10 para. 1 not in force at Royal Assent, see [s. 208\(1\)](#)

I171 [Sch. 10 para. 1](#) in force at 30.11.2022 by [S.I. 2022/1187](#), [reg. 4\(a\)](#) (with [Pt. 3](#))

2 (1) Section 2 (requirement of warning etc: supplementary) is amended as follows.

(2) In subsection (2)—

- (a) omit “, or” at the end of paragraph (a);
- (b) omit paragraph (b).

Commencement Information

I172 Sch. 10 para. 2 not in force at Royal Assent, see [s. 208\(1\)](#)

I173 [Sch. 10 para. 2](#) in force at 30.11.2022 by [S.I. 2022/1187](#), [reg. 4\(a\)](#) (with [Pt. 3](#))

3 (1) Section 26 (interim disqualification) is amended as follows.

(2) In subsection (8), omit “has not caused it to be delivered, or has not posted it, in accordance with section 7 of this Act and”.

(3) In subsection (9)—

- (a) omit “, or” at the end of paragraph (a);
- (b) omit paragraph (b).

Commencement Information

I174 Sch. 10 para. 3 not in force at Royal Assent, see [s. 208\(1\)](#)

I175 [Sch. 10 para. 3](#) in force at 30.11.2022 by [S.I. 2022/1187](#), [reg. 4\(a\)](#) (with [Pt. 3](#))

4 (1) Section 27 (production of licence) is amended as follows.

(2) In subsection (3), omit “has not caused it to be delivered, or posted it, in accordance with section 7 of this Act and”.

(3) Omit subsection (4) (which has already been repealed as it extends to Scotland).

(4) Omit subsections (4A) and (5).

Commencement Information

I176 Sch. 10 para. 4 not in force at Royal Assent, see [s. 208\(1\)](#)

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

I177 Sch. 10 para. 4 in force at 30.11.2022 by S.I. 2022/1187, reg. 4(a) (with Pt. 3)

- 5 (1) Section 47 (supplementary provisions as to disqualifications and endorsements) is amended as follows.
- (2) In subsection (2), omit “a court orders the endorsement of a person’s driving record it may, and where”.
- (3) Omit subsection (2A).

Commencement Information

I178 Sch. 10 para. 5 not in force at Royal Assent, see s. 208(1)

I179 Sch. 10 para. 5 in force at 30.11.2022 by S.I. 2022/1187, reg. 4(a) (with Pt. 3)

- 6 Omit section 56 (licence receipts).

Commencement Information

I180 Sch. 10 para. 6 not in force at Royal Assent, see s. 208(1)

I181 Sch. 10 para. 6 in force at 30.11.2022 by S.I. 2022/1187, reg. 4(a) (with Pt. 3)

- 7 (1) Section 57A (endorsement of driving records without hearings) is amended as follows.
- (2) In subsection (3)—
- (a) after “penalty is made” insert “in accordance with this Part”;
- (b) omit “and return to that person any licence surrendered by him under section 54 of this Act”.
- (3) In subsection (4), omit “and return to that person any licence surrendered by him under section 54 of this Act”.
- (4) In subsection (5)(b), after “him” insert “in accordance with this Part”.

Commencement Information

I182 Sch. 10 para. 7 not in force at Royal Assent, see s. 208(1)

I183 Sch. 10 para. 7 in force at 30.11.2022 by S.I. 2022/1187, reg. 4(a) (with Pt. 3)

- 8 (1) Section 61A (fixed penalty notice mistakenly given: exclusion of fixed penalty procedures) is amended as follows.
- (2) In subsection (3), omit “and send the chief officer of police any licence sent to him under section 54(7) of this Act”.

Commencement Information

I184 Sch. 10 para. 8 not in force at Royal Assent, see s. 208(1)

I185 Sch. 10 para. 8 in force at 30.11.2022 by S.I. 2022/1187, reg. 4(a) (with Pt. 3)

- 9 (1) Section 69 (payment of penalty) is amended as follows.

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(2) In subsection (1), omit “or authorised person”.

Commencement Information

I186 Sch. 10 para. 9 not in force at Royal Assent, see [s. 208\(1\)](#)

I187 Sch. 10 para. 9 in force at 30.11.2022 by S.I. 2022/1187, [reg. 4\(a\)](#) (with Pt. 3)

10 (1) Section 70 (registration certificates) is amended as follows.

(2) In subsection (2A)(a), omit “or given by an authorised person”.

(3) In subsection (3A)(a), omit “or given by an authorised person”.

Commencement Information

I188 Sch. 10 para. 10 not in force at Royal Assent, see [s. 208\(1\)](#)

I189 Sch. 10 para. 10 in force at 30.11.2022 by S.I. 2022/1187, [reg. 4\(a\)](#) (with Pt. 3)

11 (1) Section 79 (statements by constables) is amended as follows.

(2) In subsection (1), omit “or a notice under section 54(5) of this Act”.

(3) In subsection (6)—

(a) omit “, and” at the end of paragraph (a);

(b) omit paragraph (b).

Commencement Information

I190 Sch. 10 para. 11 not in force at Royal Assent, see [s. 208\(1\)](#)

I191 Sch. 10 para. 11 in force at 30.11.2022 by S.I. 2022/1187, [reg. 4\(a\)](#) (with Pt. 3)

12 In section 80 (certificates about payment)—

(a) in the heading, after “payment” insert “etc”;

(b) after paragraph (b) insert “, or

(c) that the identification requirements specified in section 69(3C) or 75(8B) have been fulfilled,”;

(c) in the words after paragraph (b), for “it” substitute “the penalty”.

Commencement Information

I192 Sch. 10 para. 12 not in force at Royal Assent, see [s. 208\(1\)](#)

I193 Sch. 10 para. 12 in force at 30.11.2022 by S.I. 2022/1187, [reg. 4\(a\)](#) (with Pt. 3)

13 (1) In section 84(a) (regulations), omit “54(5), 56,”.

(2) The reference in sub-paragraph (1) of this paragraph to section 84(a) is to be read as a reference to section 84(1)(a), if the condition in sub-paragraph (3) is met.

(3) The condition is that section 16(3) of the Domestic Violence, Crime and Victims Act 2004 (which amends section 84) comes into force before the repeal of section 54(5) of the Road Traffic Offenders Act 1988 made by section 93(3)(b) of this Act.

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I194 Sch. 10 para. 13 not in force at Royal Assent, see [s. 208\(1\)](#)

I195 [Sch. 10 para. 13](#) in force at 30.11.2022 by [S.I. 2022/1187](#), [reg. 4\(a\)](#) (with [Pt. 3](#))

- 14 (1) Section 89 (interpretation) is amended as follows.
- (2) In subsection (1), omit the definition of “authorised person”.
- (3) In subsection (1), in the definition of “chief officer of police”, omit “(except in the definition of “authorised person”)”.

Commencement Information

I196 Sch. 10 para. 14 not in force at Royal Assent, see [s. 208\(1\)](#)

I197 [Sch. 10 para. 14](#) in force at 30.11.2022 by [S.I. 2022/1187](#), [reg. 4\(a\)](#) (with [Pt. 3](#))

- 15 (1) Section 90 (index to Part 3) is amended as follows.
- (2) In the table, omit the entry for “authorised person”.

Commencement Information

I198 Sch. 10 para. 15 not in force at Royal Assent, see [s. 208\(1\)](#)

I199 [Sch. 10 para. 15](#) in force at 30.11.2022 by [S.I. 2022/1187](#), [reg. 4\(a\)](#) (with [Pt. 3](#))

- 16 In section 91ZA(1) (application to Northern Ireland licence holders), after paragraph (c) insert—
- “(ca) section 37A.”.

Commencement Information

I200 Sch. 10 para. 16 not in force at Royal Assent, see [s. 208\(1\)](#)

I201 [Sch. 10 para. 16](#) in force at 30.11.2022 by [S.I. 2022/1187](#), [reg. 4\(a\)](#) (with [Pt. 3](#))

- 17 In section 91A(1) (application to Community licence holders)—
- (a) omit “and (9)(b),”;
- (b) for “and 27” substitute “, 27 and 37A”.

Commencement Information

I202 Sch. 10 para. 17 not in force at Royal Assent, see [s. 208\(1\)](#)

I203 [Sch. 10 para. 17](#) in force at 30.11.2022 by [S.I. 2022/1187](#), [reg. 4\(a\)](#) (with [Pt. 3](#))

- 18 (1) Schedule 1 (offences to which sections 1, 6, 11 and 12(1) apply) is amended as follows.
- (2) In paragraph 2(a), after “section” insert “37A or”.
- (3) In paragraph 2(d)—
- (a) after “under” insert “section 3A(2) or”;
- (b) for “3(5)” substitute “5A(2) or 8A(2)”.

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I204 Sch. 10 para. 18 not in force at Royal Assent, see **s. 208(1)**

I205 Sch. 10 para. 18 in force at 30.11.2022 by S.I. 2022/1187, **reg. 4(a)** (with Pt. 3)

- 19 In Part 1 of Schedule 2 (prosecution and punishment of offences), in the entry relating to section 27 of the Road Traffic Offenders Act 1988, for the words in column 2 (general nature of offence) substitute—

| |
|--|
| “Failing to produce licence to court when required to do so.” |
|--|

Commencement Information

I206 Sch. 10 para. 19 not in force at Royal Assent, see **s. 208(1)**

I207 Sch. 10 para. 19 in force at 30.11.2022 by S.I. 2022/1187, **reg. 4(a)** (with Pt. 3)

PART 2

AMENDMENTS TO OTHER ACTS

Road Traffic Act 1988 (c. 52)

- 20 The Road Traffic Act 1988 is amended as follows.

Commencement Information

I208 Sch. 10 para. 20 not in force at Royal Assent, see **s. 208(1)**

I209 Sch. 10 para. 20 in force at 30.11.2022 by S.I. 2022/1187, **reg. 4(a)** (with Pt. 3)

- 21 In section 93 (revocation of licence because of disability or prospective disability), omit subsection (4).

Commencement Information

I210 Sch. 10 para. 21 not in force at Royal Assent, see **s. 208(1)**

I211 Sch. 10 para. 21 in force at 30.11.2022 by S.I. 2022/1187, **reg. 4(a)** (with Pt. 3)

- 22 In section 99 (duration of licences), omit subsection (6).

Commencement Information

I212 Sch. 10 para. 22 not in force at Royal Assent, see **s. 208(1)**

I213 Sch. 10 para. 22 in force at 30.11.2022 by S.I. 2022/1187, **reg. 4(a)** (with Pt. 3)

- 23 (1) Section 164 (power of constables to require production of driving licence and in certain cases statement of date of birth) is amended as follows.

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(2) After subsection (5), insert—

“(5A) If a person is required to surrender the person’s licence or test certificate to the Secretary of State under—

- (a) section 37A of the Road Traffic Offenders Act 1988, or
- (b) section 3A of, or paragraph 5A or 8A of Schedule 1 to, the Road Traffic (New Drivers) Act 1995,

and fails to do so, a constable or vehicle examiner may require the person to produce the licence or test certificate and, upon its being produced, may seize it and deliver it to the Secretary of State.

(5B) In subsection (5A), “test certificate” has the same meaning as in Schedule 1 to the Road Traffic (New Drivers) Act 1995.”

(3) In subsection (6), for “(7) to” substitute “(8) and”.

(4) Omit subsection (7).

Commencement Information

I214 Sch. 10 para. 23 not in force at Royal Assent, see **s. 208(1)**

I215 Sch. 10 para. 23 in force at 30.11.2022 by S.I. 2022/1187, **reg. 4(a)** (with Pt. 3)

24 In section 166 (powers of certain officers as respects goods vehicles and passenger-carrying vehicles), for “164(1) or (3)” substitute “164(1), (3) or (5A)”.

Commencement Information

I216 Sch. 10 para. 24 not in force at Royal Assent, see **s. 208(1)**

I217 Sch. 10 para. 24 in force at 30.11.2022 by S.I. 2022/1187, **reg. 4(a)** (with Pt. 3)

Commencement Information

I208 Sch. 10 para. 20 not in force at Royal Assent, see **s. 208(1)**

I209 Sch. 10 para. 20 in force at 30.11.2022 by S.I. 2022/1187, **reg. 4(a)** (with Pt. 3)

I210 Sch. 10 para. 21 not in force at Royal Assent, see **s. 208(1)**

I211 Sch. 10 para. 21 in force at 30.11.2022 by S.I. 2022/1187, **reg. 4(a)** (with Pt. 3)

I212 Sch. 10 para. 22 not in force at Royal Assent, see **s. 208(1)**

I213 Sch. 10 para. 22 in force at 30.11.2022 by S.I. 2022/1187, **reg. 4(a)** (with Pt. 3)

I214 Sch. 10 para. 23 not in force at Royal Assent, see **s. 208(1)**

I215 Sch. 10 para. 23 in force at 30.11.2022 by S.I. 2022/1187, **reg. 4(a)** (with Pt. 3)

I216 Sch. 10 para. 24 not in force at Royal Assent, see **s. 208(1)**

I217 Sch. 10 para. 24 in force at 30.11.2022 by S.I. 2022/1187, **reg. 4(a)** (with Pt. 3)

Crime (International Co-operation) Act 2003 (c. 32)

25 In section 63 of the Crime (International Co-operation) Act 2003 (production of licence: Great Britain), omit subsection (3).

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I218 Sch. 10 para. 25 not in force at Royal Assent, see **s. 208(1)**

I219 Sch. 10 para. 25 in force at 30.11.2022 by S.I. 2022/1187, **reg. 4(a)** (with Pt. 3)

PART 3

CONSEQUENTIAL REPEALS OF AMENDING ENACTMENTS

Road Traffic (New Drivers) Act 1995 (c. 13)

- 26 In Schedule 2 to the Road Traffic (New Drivers) Act 1995, omit paragraph 4 (which amends section 47 of the Road Traffic Offenders Act 1988).

Commencement Information

I220 Sch. 10 para. 26 not in force at Royal Assent, see **s. 208(1)**

I221 Sch. 10 para. 26 in force at 30.11.2022 by S.I. 2022/1187, **reg. 4(a)** (with Pt. 3)

Access to Justice Act 1999 (c. 22)

- 27 In Schedule 13 to the Access to Justice Act 1999, omit—
- (a) paragraph 141 (which amends section 7 of the Road Traffic Offenders Act 1988);
 - (b) paragraph 144 (which amends section 27 of that Act);
 - (c) paragraph 173 (which amends paragraph 3 of Schedule 1 to the Road Traffic (New Drivers) Act 1995).

Commencement Information

I222 Sch. 10 para. 27 not in force at Royal Assent, see **s. 208(1)**

I223 Sch. 10 para. 27 in force at 30.11.2022 by S.I. 2022/1187, **reg. 4(a)** (with Pt. 3)

Police Reform Act 2002 (c. 30)

- 28 In section 76 of the Police Reform Act 2002, omit subsection (2) (which amends section 54 of the Road Traffic Offenders Act 1988).

Commencement Information

I224 Sch. 10 para. 28 not in force at Royal Assent, see **s. 208(1)**

I225 Sch. 10 para. 28 in force at 30.11.2022 by S.I. 2022/1187, **reg. 4(a)** (with Pt. 3)

Courts Act 2003 (c. 39)

- 29 In Schedule 8 to the Courts Act 2003, omit—

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) paragraph 310 (which amends section 7 of the Road Traffic Offenders Act 1988);
- (b) paragraph 313 (which amends section 27 of that Act);
- (c) paragraph 365 (which amends paragraph 3 of Schedule 1 to the Road Traffic (New Drivers) Act 1995).

Commencement Information

I226 Sch. 10 para. 29 not in force at Royal Assent, see **s. 208(1)**

I227 Sch. 10 para. 29 in force at 30.11.2022 by S.I. 2022/1187, **reg. 4(a)** (with Pt. 3)

Road Safety Act 2006 (c. 49)

30 The Road Safety Act 2006 is amended as follows.

Commencement Information

I228 Sch. 10 para. 30 not in force at Royal Assent, see **s. 208(1)**

I229 Sch. 10 para. 30 in force at 30.11.2022 by S.I. 2022/1187, **reg. 4(a)** (with Pt. 3)

- 31 In section 10, omit—
- (a) subsections (5) and (6) (which amend section 54 of the Road Traffic Offenders Act 1988);
 - (b) subsections (10) and (11) (which amend section 57A of that Act).

Commencement Information

I230 Sch. 10 para. 31 not in force at Royal Assent, see **s. 208(1)**

I231 Sch. 10 para. 31 in force at 30.11.2022 by S.I. 2022/1187, **reg. 4(a)** (with Pt. 3)

- 32 In Schedule 1, omit—
- (a) paragraph 3(8) (which amends section 54 of the Road Traffic Offenders Act 1988);
 - (b) paragraph 4 (which amends section 56 of that Act);
 - (c) paragraph 18(5) (which amends section 79 of that Act);
 - (d) paragraph 25 (which amends section 2 of the Road Traffic (New Drivers) Act 1995);
 - (e) paragraph 26(3) and (4) (which amend section 3 of that Act);
 - (f) paragraph 27(2), (3), (4), (5)(a) and (b), (6), (7), (8)(a) and (b), (9) and (10) (which amend Schedule 1 to that Act).

Commencement Information

I232 Sch. 10 para. 32 not in force at Royal Assent, see **s. 208(1)**

I233 Sch. 10 para. 32 in force at 30.11.2022 by S.I. 2022/1187, **reg. 4(a)** (with Pt. 3)

- 33 In Schedule 2, omit paragraph 25(2)(b) (which amends section 76 of the Road Traffic Offenders Act 1988).

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I234 Sch. 10 para. 33 not in force at Royal Assent, see **s. 208(1)**

I235 Sch. 10 para. 33 in force at 30.11.2022 by S.I. 2022/1187, **reg. 4(a)** (with Pt. 3)

34 In Schedule 3, omit—

- (a) paragraph 5(3) and (4) (which amend section 93 of the Road Traffic Act 1988);
- (b) paragraph 9(5) (which amends section 99 of that Act);
- (c) paragraph 26(6) (which amends section 164 of that Act);
- (d) paragraph 32(3) and (4) (which amend section 26 of the Road Traffic Offenders Act 1988);
- (e) paragraph 33(5) (which amends section 27 of that Act);
- (f) paragraph 44(3) (which amends section 47 of that Act);
- (g) paragraph 46 (which amends section 56 of that Act);
- (h) paragraph 49(3) (which amends section 61A of that Act);
- (i) paragraph 54 (which amends section 77A of that Act);
- (j) paragraph 67(2), (3)(a) and (b) and (4) (which amend section 2 of the Road Traffic (New Drivers) Act 1995);
- (k) paragraph 68 (which amends section 3 of that Act);
- (l) paragraph 70 (which amends Schedule 1 to that Act).

Commencement Information

I236 Sch. 10 para. 34 not in force at Royal Assent, see **s. 208(1)**

I237 Sch. 10 para. 34 in force at 30.11.2022 by S.I. 2022/1187, **reg. 4(a)** (with Pt. 3)

Commencement Information

I228 Sch. 10 para. 30 not in force at Royal Assent, see **s. 208(1)**

I229 Sch. 10 para. 30 in force at 30.11.2022 by S.I. 2022/1187, **reg. 4(a)** (with Pt. 3)

I230 Sch. 10 para. 31 not in force at Royal Assent, see **s. 208(1)**

I231 Sch. 10 para. 31 in force at 30.11.2022 by S.I. 2022/1187, **reg. 4(a)** (with Pt. 3)

I232 Sch. 10 para. 32 not in force at Royal Assent, see **s. 208(1)**

I233 Sch. 10 para. 32 in force at 30.11.2022 by S.I. 2022/1187, **reg. 4(a)** (with Pt. 3)

I234 Sch. 10 para. 33 not in force at Royal Assent, see **s. 208(1)**

I235 Sch. 10 para. 33 in force at 30.11.2022 by S.I. 2022/1187, **reg. 4(a)** (with Pt. 3)

I236 Sch. 10 para. 34 not in force at Royal Assent, see **s. 208(1)**

I237 Sch. 10 para. 34 in force at 30.11.2022 by S.I. 2022/1187, **reg. 4(a)** (with Pt. 3)

Criminal Justice and Courts Act 2015 (c. 2)

35 In Schedule 11 to the Criminal Justice and Courts Act 2015, omit—

- (a) paragraph 9 (which amends section 7 of the Road Traffic Offenders Act 1988);
- (b) paragraph 11 (which amends section 27 of that Act).

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I238 Sch. 10 para. 35 not in force at Royal Assent, see [s. 208\(1\)](#)

I239 Sch. 10 para. 35 in force at 30.11.2022 by S.I. 2022/1187, [reg. 4\(a\)](#) (with Pt. 3)

PROSPECTIVE

SCHEDULE 11

Section 119

CAUTIONS: CONSEQUENTIAL AMENDMENTS

Rehabilitation of Offenders Act 1974 (c. 53)

1 The Rehabilitation of Offenders Act 1974 is amended as follows.

Commencement Information

I240 Sch. 11 para. 1 not in force at Royal Assent, see [s. 208\(1\)](#)

2 In section 8A (protection afforded to spent cautions), in subsection (2)—

(a) for paragraph (a) substitute—

“(aa) a diversionary caution under Part 6 of the Police, Crime, Sentencing and Courts Act 2022;

(ab) a community caution under that Part of that Act;

(ac) a caution given under section 22 of the Criminal Justice Act 2003 (conditional cautions) in respect of an offence committed before the coming into force of section 118 of the Police, Crime, Sentencing and Courts Act 2022;

(ad) a caution given under section 66A of the Crime and Disorder Act 1998 (conditional cautions for children and young persons);”;

(b) in paragraph (d), for “(a) or” substitute “(aa) to”.

Commencement Information

I241 Sch. 11 para. 2 not in force at Royal Assent, see [s. 208\(1\)](#)

3 (1) Schedule 2 (protection for spent cautions) is amended as follows.

(2) In paragraph 1(1)(a), for the words from “conditional” to “section 8A(2)(a)” substitute “caution referred to in section 8A(2)(aa), (ac) or (ad)”.

(3) In paragraph 2(1)(f), for “conditional caution” substitute “caution referred to in section 8A(2)(aa) to (ad)”.

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I242 Sch. 11 para. 3 not in force at Royal Assent, see [s. 208\(1\)](#)

Commencement Information

I240 Sch. 11 para. 1 not in force at Royal Assent, see [s. 208\(1\)](#)

I241 Sch. 11 para. 2 not in force at Royal Assent, see [s. 208\(1\)](#)

I242 Sch. 11 para. 3 not in force at Royal Assent, see [s. 208\(1\)](#)

Bail Act 1976 (c. 63)

4 The Bail Act 1976 is amended as follows.

Commencement Information

I243 Sch. 11 para. 4 not in force at Royal Assent, see [s. 208\(1\)](#)

5 In section 3A (conditions of bail in case of police bail), in subsection (1), for “Part 3 of the Criminal Justice Act 2003” substitute “Part 6 of the Police, Crime, Sentencing and Courts Act 2022”.

Commencement Information

I244 Sch. 11 para. 5 not in force at Royal Assent, see [s. 208\(1\)](#)

6 In section 5A (supplementary provision in case of police bail), in subsection (1), for “Part 3 of the Criminal Justice Act 2003” substitute “Part 6 of the Police, Crime, Sentencing and Courts Act 2022”.

Commencement Information

I245 Sch. 11 para. 6 not in force at Royal Assent, see [s. 208\(1\)](#)

7 Paragraphs 5 and 6 do not affect the operation of the Bail Act 1976 in relation to bail granted under Part 3 of the Criminal Justice Act 2003 in relation to offences committed before the day on which section 118(2) comes into force.

Commencement Information

I246 Sch. 11 para. 7 not in force at Royal Assent, see [s. 208\(1\)](#)

Commencement Information

I243 Sch. 11 para. 4 not in force at Royal Assent, see [s. 208\(1\)](#)

I244 Sch. 11 para. 5 not in force at Royal Assent, see [s. 208\(1\)](#)

I245 Sch. 11 para. 6 not in force at Royal Assent, see [s. 208\(1\)](#)

I246 Sch. 11 para. 7 not in force at Royal Assent, see [s. 208\(1\)](#)

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Matrimonial and Family Proceedings Act 1984 (c. 42)

- 8 In section 31R of the Matrimonial and Family Proceedings Act 1984 (prohibition of cross-examination in person: victims of offences), in subsection (5), in paragraph (a) of the definition of “caution”, for sub-paragraph (i) substitute—
- “(i) a diversionary caution or community caution given under Part 6 of the Police, Crime, Sentencing and Courts Act 2022,
 - (ia) a caution given under section 22 of the Criminal Justice Act 2003 (conditional cautions) in respect of an offence committed before the coming into force of section 118 of the Police, Crime, Sentencing and Courts Act 2022,”.

Commencement Information

I247 Sch. 11 para. 8 not in force at Royal Assent, see [s. 208\(1\)](#)

Police Act 1997 (c. 50)

- 9 The Police Act 1997 is amended as follows.

Commencement Information

I248 Sch. 11 para. 9 not in force at Royal Assent, see [s. 208\(1\)](#)

- 10 (1) Section 112 (criminal conviction certificates) is amended as follows.
- (2) In subsection (2), in paragraphs (a) and (b), for “conditional” substitute “relevant”.
- (3) In subsection (3)—
- (a) in the definition of “central records” for “conditional” substitute “relevant”;
 - (b) omit the definition of “conditional caution”;
 - (c) at the end insert—
 - ““relevant caution” means—
 - (a) a diversionary caution given under Part 6 of the Police, Crime, Sentencing and Courts Act 2022,
 - (b) a caution given under section 22 of the Criminal Justice Act 2003 (conditional cautions) in respect of an offence committed before the coming into force of section 118 of the Police, Crime, Sentencing and Courts Act 2022, or
 - (c) a caution given under section 66A of the Crime and Disorder Act 1998,other than one that is spent for the purposes of Schedule 2 to the Rehabilitation of Offenders Act 1974;”.

Commencement Information

I249 Sch. 11 para. 10 not in force at Royal Assent, see [s. 208\(1\)](#)

- 11 (1) Section 116A (up-dating certificates) is amended as follows.

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(2) In subsection (10), in paragraph (a), for “conditional cautions” substitute “relevant cautions”.

(3) In subsection (11), after the definition of “exempted question” insert—
 ““relevant caution” has the same meaning as in section 112;”.

Commencement Information

I250 Sch. 11 para. 11 not in force at Royal Assent, see [s. 208\(1\)](#)

Commencement Information

I248 Sch. 11 para. 9 not in force at Royal Assent, see [s. 208\(1\)](#)

I249 Sch. 11 para. 10 not in force at Royal Assent, see [s. 208\(1\)](#)

I250 Sch. 11 para. 11 not in force at Royal Assent, see [s. 208\(1\)](#)

Police and Criminal Evidence Act 1984 (c. 60)

12 The Police and Criminal Evidence Act 1984 is amended as follows.

Commencement Information

I251 Sch. 11 para. 12 not in force at Royal Assent, see [s. 208\(1\)](#)

13 In section 34 (limitation on police detention), in subsection (5E)—
 (a) for “includes” substitute “means”;
 (b) for paragraph (a) substitute—
 “(a) a diversionary or community caution under Part 6 of the
 Police, Crime, Sentencing and Courts Act 2022;”.

Commencement Information

I252 Sch. 11 para. 13 not in force at Royal Assent, see [s. 208\(1\)](#)

14 In section 37B (consultation with DPP), in subsection (7), for “section 17 of the Criminal Justice and Courts Act 2015” substitute “any restriction on the giving of the caution under Part 6 of the Police, Crime, Sentencing and Courts Act 2022”.

Commencement Information

I253 Sch. 11 para. 14 not in force at Royal Assent, see [s. 208\(1\)](#)

15 In section 60B (notification of decision not to prosecute person interviewed), in subsection (4)—
 (a) for “includes” substitute “means”;
 (b) for paragraph (a) substitute—
 “(a) a diversionary or community caution under Part 6 of the
 Police, Crime, Sentencing and Courts Act 2022;”.

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I254 Sch. 11 para. 15 not in force at Royal Assent, see [s. 208\(1\)](#)

- 16 In section 63B (testing for presence of Class A drugs), in subsection (7)(aa), for “conditional caution under Part 3 of the Criminal Justice Act 2003” substitute “diversionary caution under Part 6 of the Police, Crime, Sentencing and Courts Act 2022”.

Commencement Information

I255 Sch. 11 para. 16 not in force at Royal Assent, see [s. 208\(1\)](#)

- 17 Omit section 63L (which relates to persons given a penalty notice).

Commencement Information

I256 Sch. 11 para. 17 not in force at Royal Assent, see [s. 208\(1\)](#)

- 18 In section 64A (photographing of suspects), in subsection (1B)—
- (a) after paragraph (ca) insert—
 - “(cb) given a diversionary or community caution under Part 6 of the Police, Crime, Sentencing and Courts Act 2022;”;
 - (b) in paragraph (d), omit the words from “a penalty notice” to “2001;”;
 - (c) after paragraph (e) insert “or”;
 - (d) omit paragraph (g) (and the “or” immediately before it).

Commencement Information

I257 Sch. 11 para. 18 not in force at Royal Assent, see [s. 208\(1\)](#)

- 19 Paragraphs 13 to 18 do not affect the operation of the Police and Criminal Evidence Act 1984 in relation to conditional cautions given under Part 3 of the Criminal Justice Act 2003, or penalty notices given under section 2 of the Criminal Justice and Police Act 2001, in relation to offences committed before the day on which section 118(2) and (3) come into force.

Commencement Information

I258 Sch. 11 para. 19 not in force at Royal Assent, see [s. 208\(1\)](#)

Commencement Information

I251 Sch. 11 para. 12 not in force at Royal Assent, see [s. 208\(1\)](#)
I252 Sch. 11 para. 13 not in force at Royal Assent, see [s. 208\(1\)](#)
I253 Sch. 11 para. 14 not in force at Royal Assent, see [s. 208\(1\)](#)
I254 Sch. 11 para. 15 not in force at Royal Assent, see [s. 208\(1\)](#)
I255 Sch. 11 para. 16 not in force at Royal Assent, see [s. 208\(1\)](#)
I256 Sch. 11 para. 17 not in force at Royal Assent, see [s. 208\(1\)](#)

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

I257 Sch. 11 para. 18 not in force at Royal Assent, see [s. 208\(1\)](#)

I258 Sch. 11 para. 19 not in force at Royal Assent, see [s. 208\(1\)](#)

Crime and Disorder Act 1998 (c. 37)

20 The Crime and Disorder Act 1998 is amended as follows.

Commencement Information

I259 Sch. 11 para. 20 not in force at Royal Assent, see [s. 208\(1\)](#)

21 In section 66E (failure to comply with conditions), for subsections (4) and (5) substitute—

“(4) If a constable has reasonable grounds for believing that the offender has failed without reasonable excuse to comply with any of the conditions attached to a youth conditional caution, the constable may arrest the offender without warrant.

(5) Sections 106(2) to (10) and 107 of the Police, Crime, Sentencing and Courts Act 2022 apply in relation to a person arrested under subsection (4) above.”

Commencement Information

I260 Sch. 11 para. 21 not in force at Royal Assent, see [s. 208\(1\)](#)

22 In section 66G (code of practice), in subsection (2)—

(a) in paragraph (j), for the words from “conferred by” to the end substitute “under section 66E(4)”;

(b) in paragraph (k), for “section 24A(2) of that Act” substitute “section 106(2) and (3) of the Police, Crime, Sentencing and Courts Act 2022”.

Commencement Information

I261 Sch. 11 para. 22 not in force at Royal Assent, see [s. 208\(1\)](#)

Commencement Information

I259 Sch. 11 para. 20 not in force at Royal Assent, see [s. 208\(1\)](#)

I260 Sch. 11 para. 21 not in force at Royal Assent, see [s. 208\(1\)](#)

I261 Sch. 11 para. 22 not in force at Royal Assent, see [s. 208\(1\)](#)

Police Reform Act 2002 (c. 30)

23 The Police Reform Act 2002 is amended as follows.

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I262 Sch. 11 para. 23 not in force at Royal Assent, see [s. 208\(1\)](#)

- 24 In section 43 (railways safety accreditation scheme)—
- (a) in subsection (6), omit “Subject to subsection (7)”;
 - (b) omit subsection (7).

Commencement Information

I263 Sch. 11 para. 24 not in force at Royal Assent, see [s. 208\(1\)](#)

- 25 In Schedule 5 (powers exercisable by accredited persons), omit the following—
- (a) paragraph 1(2)(aa) and (2A);
 - (b) paragraph 4 and the preceding italic heading;
 - (c) paragraph 9A and the preceding italic heading.

Commencement Information

I264 Sch. 11 para. 25 not in force at Royal Assent, see [s. 208\(1\)](#)

- 26 Omit Schedule 5A (powers exercisable by accredited inspectors).

Commencement Information

I265 Sch. 11 para. 26 not in force at Royal Assent, see [s. 208\(1\)](#)

Commencement Information

I262 Sch. 11 para. 23 not in force at Royal Assent, see [s. 208\(1\)](#)

I263 Sch. 11 para. 24 not in force at Royal Assent, see [s. 208\(1\)](#)

I264 Sch. 11 para. 25 not in force at Royal Assent, see [s. 208\(1\)](#)

I265 Sch. 11 para. 26 not in force at Royal Assent, see [s. 208\(1\)](#)

Licensing Act 2003 (c. 17)

- 27 In section 147A of the Licensing Act 2003 (persistently selling alcohol to children), in subsection (7), omit paragraph (c) and the preceding “or”.

Commencement Information

I266 Sch. 11 para. 27 not in force at Royal Assent, see [s. 208\(1\)](#)

Courts Act 2003 (c. 39)

- 28 The Courts Act 2003 is amended as follows.

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I267 Sch. 11 para. 28 not in force at Royal Assent, see [s. 208\(1\)](#)

- 29 In section 85EA (prohibition of cross-examination in person: victims of offences), in subsection (5), in paragraph (a) of the definition of “caution”, for sub-paragraph (i) substitute—
- “(i) a diversionary caution or community caution given under Part 6 of the Police, Crime, Sentencing and Courts Act 2022,
 - (ia) a caution given under section 22 of the Criminal Justice Act 2003 (conditional cautions) in respect of an offence committed before the coming into force of section 118 of the Police, Crime, Sentencing and Courts Act 2022.”.

Commencement Information

I268 Sch. 11 para. 29 not in force at Royal Assent, see [s. 208\(1\)](#)

- 30 In Schedule 5 (collection of fines), in paragraph 3(1)(b), for sub-paragraph (ii) substitute—
- “(ii) section 112 of the Police, Crime, Sentencing and Courts Act 2022, or”.

Commencement Information

I269 Sch. 11 para. 30 not in force at Royal Assent, see [s. 208\(1\)](#)

Commencement Information

I267 Sch. 11 para. 28 not in force at Royal Assent, see [s. 208\(1\)](#)

I268 Sch. 11 para. 29 not in force at Royal Assent, see [s. 208\(1\)](#)

I269 Sch. 11 para. 30 not in force at Royal Assent, see [s. 208\(1\)](#)

Criminal Justice Act 2003 (c. 44)

- 31 In section 330 of the Criminal Justice Act 2003 (orders and rules), in subsection (5)
- (a) in paragraph (a), omit “section 25(5)”;
 - (b) omit paragraph (aa).

Commencement Information

I270 Sch. 11 para. 31 not in force at Royal Assent, see [s. 208\(1\)](#)

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Offender Management Act 2007 (c. 21)

- 32 (1) Section 1 of the Offender Management Act 2007 (meaning of “the probation purposes”) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (b)—
- (i) for “conditional cautions”, in the first place, substitute “diversionary or community cautions”;
- (ii) for “conditional cautions”, in the second place, substitute “them”;
- (b) in paragraph (e), for “conditional cautions” substitute “diversionary or community cautions”.
- (3) In subsection (4), omit the definition of “conditional caution”.
- (4) In subsection (5), for “conditional cautions” substitute “diversionary or community cautions”.

Commencement Information

I271 Sch. 11 para. 32 not in force at Royal Assent, see [s. 208\(1\)](#)

Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)

- 33 The Anti-social Behaviour, Crime and Policing Act 2014 is amended as follows.

Commencement Information

I272 Sch. 11 para. 33 not in force at Royal Assent, see [s. 208\(1\)](#)

- 34 In section 101 (community remedy document), in subsection (9), in the definition of “out of court disposal process”, for “conditional caution” substitute “diversionary caution, community caution”.

Commencement Information

I273 Sch. 11 para. 34 not in force at Royal Assent, see [s. 208\(1\)](#)

- 35 (1) Section 102 (out-of-court disposals) is amended as follows.
- (2) In subsection (2)—
- (a) after paragraph (b) insert—
- “(ba) a person authorised by a prosecution authority under section 98(7) of the Police, Crime, Sentencing and Courts Act 2022 for purposes relating to diversionary or community cautions;”;
- (b) in paragraph (c), omit “section 22 of the Criminal Justice Act 2003 (conditional cautions) or”.
- (3) In subsection (6)—

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) in the definition of “caution”, for the words from “includes” to “2003” substitute “means a diversionary or community caution given under Part 6 of the Police, Crime, Sentencing and Courts Act 2022”;
- (b) for the definition of “investigating officer” and “relevant prosecutor” substitute—
 - ““investigating officer” has the meaning given by section 121 of the Police, Crime, Sentencing and Courts Act 2022;
 - “relevant prosecutor” has the meaning given by section 66H of the Crime and Disorder Act 1998;”.

Commencement Information

I274 Sch. 11 para. 35 not in force at Royal Assent, see [s. 208\(1\)](#)

- 36 Paragraphs 34 and 35 do not affect the operation of sections 101 and 102 of the Anti-social Behaviour, Crime and Policing Act 2014 in relation to conditional cautions given under Part 3 of the Criminal Justice Act 2003 in respect of offences committed before the day on which section 118(2) comes into force.

Commencement Information

I275 Sch. 11 para. 36 not in force at Royal Assent, see [s. 208\(1\)](#)

Commencement Information

I272 Sch. 11 para. 33 not in force at Royal Assent, see [s. 208\(1\)](#)

I273 Sch. 11 para. 34 not in force at Royal Assent, see [s. 208\(1\)](#)

I274 Sch. 11 para. 35 not in force at Royal Assent, see [s. 208\(1\)](#)

I275 Sch. 11 para. 36 not in force at Royal Assent, see [s. 208\(1\)](#)

Criminal Justice and Courts Act 2015 (c. 2)

- 37 In the Criminal Justice and Courts Act 2015, omit sections 17 and 18 (restrictions on use of cautions).

Commencement Information

I276 Sch. 11 para. 37 not in force at Royal Assent, see [s. 208\(1\)](#)

Other consequential repeals

- 38 (1) Omit the following (which make amendments to Part 3 of the Criminal Justice Act 2003, which is repealed by section 118(2) above)—
- (a) paragraph 129 of Schedule 4 to the Commissioners for Revenue and Customs Act 2005;
 - (b) sections 17 and 18 of the Police and Justice Act 2006;
 - (c) paragraphs 60 to 62 of Schedule 26 to the Criminal Justice and Immigration Act 2008;

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (d) sections 133 and 134 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012;
- (e) section 103(1) of the Anti-social Behaviour, Crime and Policing Act 2014;
- (f) sections 60, 64(8) and 66(10) of, and paragraph 16(2) of Schedule 12 to, the Policing and Crime Act 2017;
- (g) paragraphs 14 to 16 and 23 of Schedule 4 to this Act.

- (2) Sub-paragraph (1) does not affect the continuing operation of the repealed provisions in relation to cautions given under Part 3 of the Criminal Justice Act 2003 in respect of offences committed before the day on which section 118(2) comes into force.

Commencement Information

I277 Sch. 11 para. 38 not in force at Royal Assent, see [s. 208\(1\)](#)

- 39 (1) Omit the following (which make amendments to Chapter 1 of Part 1 of the Criminal Justice and Police Act 2001, which is repealed by section 118(3) above)—
 - (a) section 15 of the Domestic Violence, Crime and Victims Act 2004;
 - (b) section 132 of, and Schedule 23 to, the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

- (2) Sub-paragraph (1) does not affect the continuing operation of the repealed provisions in relation to penalty notices given under Chapter 1 of Part 1 of the Criminal Justice and Police Act 2001 in respect of offences committed before the day on which section 118(3) comes into force.

Commencement Information

I278 Sch. 11 para. 39 not in force at Royal Assent, see [s. 208\(1\)](#)

Commencement Information

I277 Sch. 11 para. 38 not in force at Royal Assent, see [s. 208\(1\)](#)

I278 Sch. 11 para. 39 not in force at Royal Assent, see [s. 208\(1\)](#)

SCHEDULE 12

Section 124

MINIMUM SENTENCES FOR PARTICULAR OFFENCES: CONSEQUENTIAL AMENDMENTS

Mental Health Act 1983 (c. 20)

- 1 In section 37 of the Mental Health Act 1983 (power to order hospital admission or guardianship), in subsection (1B)(d), for “312(2), 313(2), 314(2) or 315(2)” substitute “312(2A), 313(2A), 314(2A) or 315(2A)”.

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I279 Sch. 12 para. 1 in force at 28.6.2022, see s. 208(5)(k)

Armed Forces Act 2006 (c. 52)

2 The Armed Forces Act 2006 is amended as follows.

Commencement Information

I280 Sch. 12 para. 2 in force at 28.6.2022, see s. 208(5)(k)

- 3 In section 225(2) (third drug trafficking offence)—
- (a) for “section 313(2)” substitute “section 313(2A)”,
 - (b) for “particular circumstances” substitute “exceptional circumstances”, and
 - (c) for paragraph (b) substitute—
“ (b) justify not doing so.”

Commencement Information

I281 Sch. 12 para. 3 in force at 28.6.2022, see s. 208(5)(k)

- 4 In section 226(2) (third domestic burglary)—
- (a) for “section 314(2)” substitute “section 314(2A)”,
 - (b) for “particular circumstances” substitute “exceptional circumstances”, and
 - (c) for paragraph (b) substitute—
“ (b) justify not doing so.”

Commencement Information

I282 Sch. 12 para. 4 in force at 28.6.2022, see s. 208(5)(k)

- 5 (1) Section 227A (offences of threatening with a weapon in public or on school premises) is amended as follows.
- (2) In subsection (1A)—
 - (a) for “particular circumstances” substitute “exceptional circumstances”, and
 - (b) for paragraph (b) substitute—
“ (b) justify not doing so.”
 - (3) Sub-paragraph (2) has effect only if this Schedule comes into force before the coming into force of paragraph 16(a) of Schedule 26 to the Sentencing Act 2020 (which omits subsection (1A) of section 227A of the Armed Forces Act 2006).
 - (4) In subsection (2)—
 - (a) for “particular circumstances” substitute “exceptional circumstances”, and
 - (b) for paragraph (b) substitute—
“ (b) justify not doing so.”

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I283 Sch. 12 para. 5 in force at 28.6.2022, see s. 208(5)(k)

- 6 In section 237 (duty to have regard to purposes of sentencing etc), in subsection (3)—
- (a) in paragraph (bc), for “section 313(2)” substitute “section 313(2A)”, and
 - (b) in paragraph (bd), for “section 314(2)” substitute “section 314(2A)”.

Commencement Information

I284 Sch. 12 para. 6 in force at 28.6.2022, see s. 208(5)(k)

- 7 (1) Section 239 (reduction in sentences for guilty pleas) is amended as follows.
- (2) In subsection (4), for “section 313(2) or 314(2)” substitute “section 313(2A) or 314(2A)”.
 - (3) In subsection (5), for “section 313(2) or 314(2)”, in both places it occurs, substitute “section 313(2A) or 314(2A)”.

Commencement Information

I285 Sch. 12 para. 7 in force at 28.6.2022, see s. 208(5)(k)

- 8 In section 260 (discretionary custodial sentences: general restrictions), in subsection (1)—
- (a) in paragraph (e), for “section 313(2)” substitute “section 313(2A)”, and
 - (b) in paragraph (f), for “section 314(2)” substitute “section 314(2A)”.

Commencement Information

I286 Sch. 12 para. 8 in force at 28.6.2022, see s. 208(5)(k)

- 9 In section 273 (review of unduly lenient sentence by Court Martial Appeal Court), in subsection (6)(b)—
- (a) in sub-paragraph (iv), for “section 313(2)” substitute “section 313(2A)”, and
 - (b) in sub-paragraph (v), for “section 314(2)” substitute “section 314(2A)”.

Commencement Information

I287 Sch. 12 para. 9 in force at 28.6.2022, see s. 208(5)(k)

Commencement Information

I280 Sch. 12 para. 2 in force at 28.6.2022, see s. 208(5)(k)

I281 Sch. 12 para. 3 in force at 28.6.2022, see s. 208(5)(k)

I282 Sch. 12 para. 4 in force at 28.6.2022, see s. 208(5)(k)

I283 Sch. 12 para. 5 in force at 28.6.2022, see s. 208(5)(k)

I284 Sch. 12 para. 6 in force at 28.6.2022, see s. 208(5)(k)

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- I285** Sch. 12 para. 7 in force at 28.6.2022, see s. 208(5)(k)
I286 Sch. 12 para. 8 in force at 28.6.2022, see s. 208(5)(k)
I287 Sch. 12 para. 9 in force at 28.6.2022, see s. 208(5)(k)

SCHEDULE 13

Section 152

REMOVAL OF ATTENDANCE CENTRE REQUIREMENTS FOR ADULTS: RELATED AMENDMENTS

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

- 1 The Powers of Criminal Courts (Sentencing) Act 2000 is amended as follows.

Commencement Information

- I288** Sch. 13 para. 1 not in force at Royal Assent, see s. 208(1)
I289 Sch. 13 para. 1 in force at 28.6.2022 by S.I. 2022/520, reg. 5(q) (as amended by S.I. 2022/680, reg. 2(c))

- 2 (1) Section 60 (attendance centre orders) is amended as follows (but see subparagraph (4)).
- (2) In subsection (1)—
- (a) in paragraph (b), for “21” substitute “18”;
- (b) omit paragraph (c) and the word “or” before it.
- (3) In subsection (4)(b), for the words from “16 or over” to the end, substitute “16 or 17”.
- (4) Sub-paragraphs (1) to (3) have no effect if paragraph 102 of Schedule 32 to the Criminal Justice Act 2003 (which confines the effect of section 60 to persons aged under 16) is in force when this paragraph comes into force.

Commencement Information

- I290** Sch. 13 para. 2 not in force at Royal Assent, see s. 208(1)
I291 Sch. 13 para. 2 in force at 28.6.2022 by S.I. 2022/520, reg. 5(q) (as amended by S.I. 2022/680, reg. 2(c))

- 3 In Schedule 5 (further provision about attendance centre orders), in paragraph 7(1), omit “or (c)”.

Commencement Information

- I292** Sch. 13 para. 3 not in force at Royal Assent, see s. 208(1)
I293 Sch. 13 para. 3 in force at 28.6.2022 by S.I. 2022/520, reg. 5(q) (as amended by S.I. 2022/680, reg. 2(c))

Commencement Information

- I288** Sch. 13 para. 1 not in force at Royal Assent, see s. 208(1)
I289 Sch. 13 para. 1 in force at 28.6.2022 by S.I. 2022/520, reg. 5(q) (as amended by S.I. 2022/680, reg. 2(c))
I290 Sch. 13 para. 2 not in force at Royal Assent, see s. 208(1)
I291 Sch. 13 para. 2 in force at 28.6.2022 by S.I. 2022/520, reg. 5(q) (as amended by S.I. 2022/680, reg. 2(c))

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- I292** Sch. 13 para. 3 not in force at Royal Assent, see [s. 208\(1\)](#)
I293 Sch. 13 para. 3 in force at 28.6.2022 by S.I. 2022/520, [reg. 5\(q\)](#) (as amended by S.I. 2022/680, [reg. 2\(c\)](#))

Criminal Justice Act 2003 (c. 44)

4 The Criminal Justice Act 2003 (the “2003 Act”) is amended as follows.

Commencement Information

- I294** Sch. 13 para. 4 not in force at Royal Assent, see [s. 208\(1\)](#)
I295 Sch. 13 para. 4 in force at 28.6.2022 by S.I. 2022/520, [reg. 5\(q\)](#) (as amended by S.I. 2022/680, [reg. 2\(c\)](#))

- 5 (1) Section 221 (provision of attendance centres) is amended as follows.
- (2) In subsection (2), omit “aged under 25”.
- (3) After subsection (3) insert—
- “(4) In this section “relevant order” means—
- (a) an order under section 177(1) (community order) or 189(1) (suspended sentence order);
 - (b) a relevant order within the meaning given by section 397 of the Sentencing Code, made in respect of an offence of which the offender was convicted before the day on which paragraph 5 of Schedule 13 to the Police, Crime, Sentencing and Courts Act 2022 came into force.”

Commencement Information

- I296** Sch. 13 para. 5 not in force at Royal Assent, see [s. 208\(1\)](#)
I297 Sch. 13 para. 5 in force at 28.6.2022 by S.I. 2022/520, [reg. 5\(q\)](#) (as amended by S.I. 2022/680, [reg. 2\(c\)](#))

- 6 (1) In section 300(2) (power to impose attendance centre requirement on fine defaulter)
- (a) if the relevant amendment is not in force when this paragraph comes into force, in paragraph (c) for “under 25” substitute “under 18”;
 - (b) if the relevant amendment is in force when this paragraph comes into force, omit paragraph (c) and the word “or” before it.
- (2) In sub-paragraph (1) the “relevant amendment” means paragraph 2(3)(a)(i) of Schedule 26 to the Criminal Justice and Immigration Act 2008 (which confines the application of section 300(2) of the 2003 Act to those over 18).

Commencement Information

- I298** Sch. 13 para. 6 not in force at Royal Assent, see [s. 208\(1\)](#)
I299 Sch. 13 para. 6 in force at 28.6.2022 by S.I. 2022/520, [reg. 5\(q\)](#) (as amended by S.I. 2022/680, [reg. 2\(c\)](#))

- 7 If paragraph 102 of Schedule 32 is not in force when this paragraph comes into force, in sub-paragraph (2)(b) of that paragraph 102 (amendment of section 61(1)(b) of the Powers of Criminal Courts (Sentencing) Act 2000), for “21” substitute “18”.

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I300 Sch. 13 para. 7 not in force at Royal Assent, see **s. 208(1)**

I301 Sch. 13 para. 7 in force at 28.6.2022 by S.I. 2022/520, **reg. 5(q)** (as amended by S.I. 2022/680, **reg. 2(c)**)

Commencement Information

I294 Sch. 13 para. 4 not in force at Royal Assent, see **s. 208(1)**

I295 Sch. 13 para. 4 in force at 28.6.2022 by S.I. 2022/520, **reg. 5(q)** (as amended by S.I. 2022/680, **reg. 2(c)**)

I296 Sch. 13 para. 5 not in force at Royal Assent, see **s. 208(1)**

I297 Sch. 13 para. 5 in force at 28.6.2022 by S.I. 2022/520, **reg. 5(q)** (as amended by S.I. 2022/680, **reg. 2(c)**)

I298 Sch. 13 para. 6 not in force at Royal Assent, see **s. 208(1)**

I299 Sch. 13 para. 6 in force at 28.6.2022 by S.I. 2022/520, **reg. 5(q)** (as amended by S.I. 2022/680, **reg. 2(c)**)

I300 Sch. 13 para. 7 not in force at Royal Assent, see **s. 208(1)**

I301 Sch. 13 para. 7 in force at 28.6.2022 by S.I. 2022/520, **reg. 5(q)** (as amended by S.I. 2022/680, **reg. 2(c)**)

Sentencing Code

8 The Sentencing Code is amended as follows.

Commencement Information

I302 Sch. 13 para. 8 not in force at Royal Assent, see **s. 208(1)**

I303 Sch. 13 para. 8 in force at 28.6.2022 by S.I. 2022/520, **reg. 5(q)** (as amended by S.I. 2022/680, **reg. 2(c)**)

9 (1) Schedule 11 (transfer of community orders to Scotland or Northern Ireland) is amended as follows.

(2) In paragraph 12(2)—

(a) at the end of paragraph (g) insert “, where such a requirement is available (see section 207(3))”;

(b) at the end of paragraph (h) insert “, where such a requirement is available (see section 207(4))”.

(3) In paragraph 25(3), omit paragraph (b) (but not the “or” at the end of that paragraph).

Commencement Information

I304 Sch. 13 para. 9 not in force at Royal Assent, see **s. 208(1)**

I305 Sch. 13 para. 9 in force at 28.6.2022 by S.I. 2022/520, **reg. 5(q)** (as amended by S.I. 2022/680, **reg. 2(c)**)

10 (1) Schedule 17 (transfer of suspended sentence orders to Scotland or Northern Ireland) is amended as follows.

(2) In paragraph 9(2)—

(a) at the end of paragraph (g) insert “, where such a requirement is available (see section 291(3))”;

(b) at the end of paragraph (h) insert “, where such a requirement is available (see section 291(4))”.

(3) In paragraph 32—

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Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) in sub-paragraph (2), omit paragraph (b) (but not the “or” at the end of that paragraph);
- (b) in sub-paragraph (5)—
 - (i) at the end of paragraph (g) insert “, where such a requirement is available (see section 291(3))”;
 - (ii) at the end of paragraph (h) insert “, where such a requirement is available (see section 291(4))”.

Commencement Information

I306 Sch. 13 para. 10 not in force at Royal Assent, see **s. 208(1)**

I307 Sch. 13 para. 10 in force at 28.6.2022 by S.I. 2022/520, **reg. 5(q)** (as amended by S.I. 2022/680, **reg. 2(c)**)

Commencement Information

I302 Sch. 13 para. 8 not in force at Royal Assent, see **s. 208(1)**

I303 Sch. 13 para. 8 in force at 28.6.2022 by S.I. 2022/520, **reg. 5(q)** (as amended by S.I. 2022/680, **reg. 2(c)**)

I304 Sch. 13 para. 9 not in force at Royal Assent, see **s. 208(1)**

I305 Sch. 13 para. 9 in force at 28.6.2022 by S.I. 2022/520, **reg. 5(q)** (as amended by S.I. 2022/680, **reg. 2(c)**)

I306 Sch. 13 para. 10 not in force at Royal Assent, see **s. 208(1)**

I307 Sch. 13 para. 10 in force at 28.6.2022 by S.I. 2022/520, **reg. 5(q)** (as amended by S.I. 2022/680, **reg. 2(c)**)

SCHEDULE 14

Section 153

COMMUNITY AND SUSPENDED SENTENCE ORDERS: SPECIAL PROCEDURES RELATING TO REVIEW AND BREACH

PART 1

AMENDMENTS TO THE SENTENCING CODE

Introductory

- 1 The Sentencing Code is amended as specified in this Part of this Schedule.

Commencement Information

I308 Sch. 14 para. 1 in force at 28.6.2022, see **s. 208(5)(r)**

Orders that qualify for special procedures

- 2 After section 395 insert—

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“395A Community and suspended sentence orders qualifying for special procedures

- (1) A community order or suspended sentence order qualifies for special procedures for the purposes of a relevant provision if the order—
 - (a) is of a description specified in regulations for the purposes of that provision, and
 - (b) is made within a period, or after a time, so specified.
- (2) In subsection (1) “relevant provision” means—
 - (a) section 217A;
 - (b) section 293A;
 - (c) paragraphs 10(5)(ba) and 11(2)(ba) of Schedule 10;
 - (d) paragraph 13(1)(da) of Schedule 16.
- (3) A description specified under subsection (1)(a) may, among other things, be framed by reference to—
 - (a) the courts by which the orders are made (for example, courts sitting in particular places or areas);
 - (b) the persons who are subject to the orders (for example, persons of a particular sex);
 - (c) the offences to which the orders relate.
- (4) Where regulations under subsection (1)(a) specify a description of community or suspended sentence order for the first time, they must under subsection (1)(b) specify, in relation to that description of order, a period of 18 months beginning with the day on which the regulations come into force.
- (5) Regulations under this section are to be made by the Secretary of State.
- (6) Regulations under this section are subject to—
 - (a) the negative resolution procedure, where under subsection (1)(b) the regulations specify a period, and
 - (b) the affirmative resolution procedure, in any other case.”

Commencement Information

I309 Sch. 14 para. 2 in force at 28.6.2022, see s. 208(5)(r)

Review of community orders

- 3 (1) Section 211 (power of Crown Court to direct magistrates’ court supervision) is amended as follows.
 - (2) The existing provision becomes subsection (1).
 - (3) After that subsection insert—

“(2) Subsection (1) does not apply to a community order that qualifies for special procedures for the purposes of section 217A.”

Status: Point in time view as at 01/04/2023.

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Commencement Information

I310 Sch. 14 para. 3 in force at 28.6.2022, see s. 208(5)(r)

- 4 In section 217 (power to provide for court review of community orders), after subsection (2) insert—

“(2A) Regulations under this section may not make provision in respect of community orders which for the purposes of section 217A qualify for special procedures.”

Commencement Information

I311 Sch. 14 para. 4 in force at 28.6.2022, see s. 208(5)(r)

- 5 After section 217 insert—

“217A Review of community order qualifying for special procedures

- (1) A community order that—
 - (a) imposes one or more community order requirements, and
 - (b) qualifies for special procedures for the purposes of this section, may make provision for the order to be reviewed periodically (“provision for review”).
- (2) Where a community order contains provision for review under this section, it must—
 - (a) specify the intervals at which the order is to be reviewed,
 - (b) provide for each review to be made, subject to section 217B, at a hearing held for the purpose by the responsible court (a “review hearing”),
 - (c) require the offender to attend each review hearing, and
 - (d) provide for a report by an officer of a provider of probation services on the offender’s progress in complying with the community order requirements of the order (a “progress report”) to be made to the responsible court before each review.
- (3) In this section “the responsible court”, in relation to a community order, means the court by which the order is made.
- (4) For more about community orders that qualify for special procedures, see section 395A.

217B Powers on review

- (1) This section applies where a review hearing is held on a review of a community order by virtue of section 217A.
- (2) The court may, after considering the progress report, amend—
 - (a) the community order requirements of the order, or
 - (b) any provision of the order which relates to those requirements.

Status: Point in time view as at 01/04/2023.

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- (3) But the court—
- (a) may not amend the community order requirements of the order so as to impose a requirement of a different kind unless the offender expresses willingness to comply with that requirement,
 - (b) may not amend—
 - (i) a mental health treatment requirement,
 - (ii) a drug rehabilitation requirement, or
 - (iii) an alcohol treatment requirement,
unless the offender expresses willingness to comply with the requirement as amended, and
 - (c) except with the consent of the offender, may not amend the order while an appeal against the order is pending.
- (4) For the purposes of subsection (3)(a)—
- (a) a community order requirement of a kind within any entry in the table in section 201 is of the same kind as any other community requirement within that entry, and
 - (b) an electronic compliance monitoring requirement is a requirement of the same kind as any requirement within that table to which it relates.
- (5) If the court is of the opinion that the offender has without reasonable excuse breached a community order requirement of the order, the court may adjourn the hearing so that the court can deal with the case forthwith under paragraph 10 or 11 of Schedule 10 (powers of court to deal with offender on breach of requirement).
- (6) For some powers available where the court is of the opinion referred to in subsection (5) but does not deal with the case forthwith, see paragraph 9A of Schedule 10.
- (7) In this section—
- “review hearing”, and
“progress report”,
- have the same meanings as in section 217A.

217C Alteration of review arrangements

- (1) Subsections (2) and (3) apply where a court—
- (a) considers the progress report relating to a review under section 217A (the “current review”), and
 - (b) forms the opinion that the offender’s progress in complying with the community order requirements of the community order is satisfactory.
- (2) If the court forms that opinion before a review hearing is held at the current review—
- (a) it may order that no review hearing is to be held at the current review, and
 - (b) it may amend the community order so as to provide for each subsequent review to be held without a review hearing.

Status: Point in time view as at 01/04/2023.

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- (3) If a review hearing is held at the current review, the court may at the hearing amend the community order so as to provide for each subsequent review to be held without a review hearing.
- (4) If at a review held without a review hearing the court—
 - (a) considers the progress report, and
 - (b) forms the opinion that the offender’s progress under the order is no longer satisfactory,it may require the offender to attend a hearing of the court at a specified time and place.
- (5) At a review hearing the court may amend the community order so as to vary the intervals specified under section 217A(2)(a).
- (6) The functions of a court under this section that are exercisable in relation to a review without a hearing are to be exercised—
 - (a) where the court is the Crown Court, by a judge of the court, and
 - (b) where the court is a magistrates’ court, by a justice of the peace.
- (7) In this section—

“review hearing”, and
“progress report”,

have the same meanings as in section 217A.”

Commencement Information

I312 Sch. 14 para. 5 in force at 28.6.2022, see s. 208(5)(r)

Commencement Information

I310 Sch. 14 para. 3 in force at 28.6.2022, see s. 208(5)(r)

I311 Sch. 14 para. 4 in force at 28.6.2022, see s. 208(5)(r)

I312 Sch. 14 para. 5 in force at 28.6.2022, see s. 208(5)(r)

Review of suspended sentence orders

6 In section 293 (review of suspended sentence orders), at the end insert—

“(7) Nothing in this section applies in relation to suspended sentence orders which qualify for special procedures for the purposes of section 293A.”

Commencement Information

I313 Sch. 14 para. 6 in force at 28.6.2022, see s. 208(5)(r)

7 After section 293 insert—

“293A Review of suspended sentence order qualifying for special procedures

(1) A suspended sentence order that—

Status: Point in time view as at 01/04/2023.

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- (a) imposes one or more community requirements, and
 - (b) qualifies for special procedures for the purposes of this section,
- may make provision for the order to be reviewed periodically (“provision for review”).
- (2) Where a suspended sentence order contains provision for review under this section, it must—
 - (a) specify the intervals at which the order is to be reviewed,
 - (b) provide for each review to be made, subject to section 294, at a hearing held for the purpose by the responsible court (a “review hearing”),
 - (c) require the offender to attend each review hearing, and
 - (d) provide for a report by an officer of a provider of probation services on the offender’s progress in complying with the community requirements of the order (a “progress report”) to be made to the responsible court before each review.
 - (3) In this section “the responsible court”, in relation to a suspended sentence order, means the court by which the order is made.
 - (4) For more about suspended sentence orders that qualify for special procedures, see section 395A.”

Commencement Information

I314 Sch. 14 para. 7 in force at 28.6.2022, see s. 208(5)(r)

- 8 (1) Section 294 (review hearings) is amended as follows.
 - (2) In subsection (1), after “293” insert “or 293A”.
 - (3) In subsection (5), after “the case” insert “forthwith”.
 - (4) After subsection (5) insert—
 - “(5A) For some powers available where the court is of the opinion referred to in subsection (5) but does not deal with the case forthwith, see paragraph 9A of Schedule 16.”
 - (5) In subsection (6), after “293(2)” insert “(or, as the case may be, section 293A(2))”.

Commencement Information

I315 Sch. 14 para. 8 in force at 28.6.2022, see s. 208(5)(r)

- 9 (1) Section 295 (alteration of review arrangements) is amended as follows.
 - (2) In subsection (1), after “a review” insert “under section 293 or 293A”.
 - (3) In subsection (5), after “293(2)(a)” insert “or 293A(2)(a)”.
 - (4) In subsection (7), after “293(2)” insert “(or, as the case may be, section 293A(2))”.

Status: Point in time view as at 01/04/2023.

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Commencement Information

I316 Sch. 14 para. 9 in force at 28.6.2022, see s. 208(5)(r)

10 (1) Section 297 (power to direct magistrates' court supervision) is amended as follows.

(2) The existing provision becomes subsection (1).

(3) After that subsection insert—

“(2) Subsection (1) does not apply to a suspended sentence order that qualifies for special procedures for the purposes of section 293A.”

Commencement Information

I317 Sch. 14 para. 10 in force at 28.6.2022, see s. 208(5)(r)

Commencement Information

I313 Sch. 14 para. 6 in force at 28.6.2022, see s. 208(5)(r)

I314 Sch. 14 para. 7 in force at 28.6.2022, see s. 208(5)(r)

I315 Sch. 14 para. 8 in force at 28.6.2022, see s. 208(5)(r)

I316 Sch. 14 para. 9 in force at 28.6.2022, see s. 208(5)(r)

I317 Sch. 14 para. 10 in force at 28.6.2022, see s. 208(5)(r)

Review of drug rehabilitation requirements

11 In Schedule 9 (community orders and suspended sentence orders: community requirements), in paragraph 21 (review of drug rehabilitation requirements), at the end insert—

“(7) Nothing in this paragraph or paragraph 22 applies in relation to—

(a) a community order that qualifies for special procedures for the purposes of section 217A, or

(b) a suspended sentence order that qualifies for special procedures for the purposes of section 293A.”

Commencement Information

I318 Sch. 14 para. 11 in force at 28.6.2022, see s. 208(5)(r)

Breach of community order: power to commit to custody

12 (1) Schedule 10 (breach etc of community order) is amended as follows.

(2) In paragraph 1 (interpretation), in the definition of “appropriate court” in subparagraph (1)—

(a) after paragraph (a) insert—

“(aa) if the community order qualifies for special procedures for the purposes of section 217A, the court that made the order;”;

Status: Point in time view as at 01/04/2023.

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- (b) in paragraph (b), after the second “order” insert “and does not fall within paragraph (aa)”.
- (3) In paragraph 8 (issue of summons or warrant by justice of the peace), in sub-paragraph (3)—
 - (a) in paragraph (a), omit the final “or”;
 - (b) after paragraph (a) insert—
 - “(aa) in the case of a community order that qualifies for special procedures for the purposes of section 217A, before the court that made the order, or”.
- (4) After paragraph 9 insert—

“Issue of summons or warrant after review hearing

- 9A (1) This paragraph applies where—
 - (a) a community order is in force,
 - (b) on a review hearing under section 217B a magistrates’ court or the Crown Court (“the court”) is of the opinion that the offender has without reasonable excuse breached a community order requirement of the order, and
 - (c) the court does not deal with the case forthwith by virtue of section 217B(5).
- (2) The court may at any time—
 - (a) issue a summons requiring the offender to appear at the place and time specified in it, or
 - (b) issue a warrant for the offender’s arrest.
- (3) A summons or warrant issued under this paragraph must direct the offender to appear or be brought before the court which issued it.
- (4) Where—
 - (a) a summons is issued under this paragraph, and
 - (b) the offender does not appear in answer to the summons, the court may issue a warrant for the arrest of the offender.”
- (5) In paragraph 10—
 - (a) in sub-paragraph (1), after “paragraph 8” insert “or 9A or by virtue of section 217B(5)”;
 - (b) in sub-paragraph (5), after paragraph (b) insert—
 - “(ba) if the community order qualifies for special procedures for the purposes of this paragraph, by ordering the offender to be committed to prison for such period not exceeding 28 days as the court considers appropriate (but see also paragraph 13A);”.
- (6) In paragraph 11—
 - (a) in sub-paragraph (1)(a)—
 - (i) after “paragraph 9” insert “or 9A”;
 - (ii) after “10(3)” insert “or section 217B(5)”;
 - (b) in sub-paragraph (2), after paragraph (b) insert—

Status: Point in time view as at 01/04/2023.

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“(ba) if the community order qualifies for special procedures for the purposes of this paragraph, by ordering the offender to be committed to prison for such period not exceeding 28 days as the court considers appropriate (but see also paragraph 13A);”.

(7) After paragraph 13 insert—

“Power under paragraphs 10 and 11 to commit to prison: further provision

13A (1) In the case of a person under the age of 21—

- (a) an order under paragraph 10(5)(ba) or 11(2)(ba) must be for committal to a young offender institution instead of to prison, but
- (b) the Secretary of State may from time to time direct that a person committed to a young offender institution by such an order is to be detained in a prison or remand centre instead.

(2) A person committed to prison or a young offender institution by an order under paragraph 10(5)(ba) or 11(2)(ba) is to be regarded as being in legal custody.

(3) No more than three orders under paragraph 10(5)(ba) or 11(2)(ba) may be made in relation to the same community order.”

(8) In paragraph 14 (revocation etc of community order subject to magistrates’ court supervision), in sub-paragraph (2)—

- (a) in paragraph (a), omit the final “and”;
- (b) after paragraph (a) insert—

“(aa) if the community order qualifies for special procedures for the purposes of section 217A, the court that made the order, and”.

Commencement Information

I319 Sch. 14 para. 12 in force at 28.6.2022, see s. 208(5)(r)

Breach of suspended sentence order: power to commit to custody

13 (1) Schedule 16 (breach etc of suspended sentence order) is amended as follows.

(2) In paragraph 4—

- (a) in sub-paragraph (1)(a), after “293(1)” insert “or 293A(1)”;
- (b) in sub-paragraph (2)(a), after “293(4)” insert “or 293A(3)”.

(3) After paragraph 9 insert—

“Issue of summons or warrant after review hearing in special procedure cases

9A (1) This paragraph applies where—

- (a) a suspended sentence order is subject to review in accordance with section 293A(1),

Status: Point in time view as at 01/04/2023.

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- (b) on a review hearing under section 294(5) a magistrates' court or the Crown Court ("the court") is of the opinion that the offender has without reasonable excuse breached a community requirement of the order, and
 - (c) the court does not deal with the case forthwith under section 294(5).
- (2) The court may at any time—
- (a) issue a summons requiring the offender to appear at the place and time specified in it, or
 - (b) issue a warrant for the offender's arrest.
- (3) A summons or warrant issued under this paragraph must direct the offender to appear or be brought before the court which issued it.
- (4) Where—
- (a) a summons is issued under this paragraph, and
 - (b) the offender does not appear in answer to the summons, the court may issue a warrant for the arrest of the offender."
- (4) In paragraph 10, in sub-paragraph (1)(a)(i), after "8" insert "or 9A".
- (5) In paragraph 12, in sub-paragraph (2)(a)(i), after "9" insert "or 9A".
- (6) In paragraph 13, in sub-paragraph (1), after paragraph (d) insert—
- “(da) in a case where the suspended sentence order qualifies for special procedures for the purposes of this paragraph, the court is dealing with the case by virtue of paragraph 10 or 12(2) and the offender is aged 18 or over, the court may order the offender to be committed to prison for such period not exceeding 28 days as the court considers appropriate (but see also paragraph 13A);”.
- (7) In paragraph 14 (duty to make activation order where not unjust), in sub-paragraph (2)—
- (a) in paragraph (a), omit the final "and";
 - (b) after paragraph (b) insert “, and
 - (c) in a case where the suspended sentence order qualifies for special procedures for the purposes of paragraph 13(1)(da), the court is dealing with the case by virtue of paragraph 10 or 12(2) and the offender is aged 18 or over, the possibility of making an order under paragraph 13(1)(da).”
- (8) After paragraph 16 insert—

“Power under paragraph 13(1)(da) to commit to prison: further provision

- 16A (1) In the case of an offender under the age of 21—
- (a) an order under paragraph 13(1)(da) must be for committal to a young offender institution instead of to prison, but
 - (b) the Secretary of State may from time to time direct that a person committed to a young offender institution by such an order is to be detained in a prison or remand centre instead.

Status: Point in time view as at 01/04/2023.

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- (2) A person committed to prison or a young offender institution by an order under paragraph 13(1)(da) is to be regarded as being in legal custody.
- (3) No more than three orders under paragraph 13(1)(da) may be made in relation to the same suspended sentence order.”

Commencement Information

I320 Sch. 14 para. 13 in force at 28.6.2022, see s. 208(5)(r)

PART 2

PROSPECTIVE AMENDMENTS

Prospective amendments relating to abolition of detention in a young offender institution

- 14 (1) Schedule 22 of the Sentencing Act 2020 (prospective amendments) is amended as follows.
 - (2) In paragraph 21 (powers to imprison for breach of community order)—
 - (a) in sub-paragraph (2)(a), in the inserted paragraph (d), after sub-paragraph (i) insert—

“(ia) the order does not qualify for special procedures for the purposes of paragraph (ba);”;
 - (b) in sub-paragraph (3)(a), in the inserted paragraph (d), before sub-paragraph (i) insert—

“(ai) the community order does not qualify for special procedures for the purposes of paragraph (ba),”.
 - (3) After paragraph 75 insert—

“75A In paragraph 13A of Schedule 10 (detention following breach of community order)—
 - (a) omit sub-paragraph (1);
 - (b) in sub-paragraph (2), omit “or a young offender institution”.
 - (4) After paragraph 78 insert—

“78A In paragraph 16A of Schedule 16 (detention following breach of suspended sentence order)—
 - (a) omit sub-paragraph (1);
 - (b) in sub-paragraph (2), omit “or a young offender institution”.

Commencement Information

I321 Sch. 14 para. 14 in force at 28.6.2022, see s. 208(5)(r)

Status: Point in time view as at 01/04/2023.

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SCHEDULE 15

Section 154

COMMUNITY AND SUSPENDED SENTENCE ORDERS: DRUG TESTING REQUIREMENT

1 The Sentencing Code is amended as follows.

Commencement Information

I322 Sch. 15 para. 1 in force at 28.6.2022, see s. 208(5)(s)

2 In section 201 (community order: community order requirements table), after the entry in the table relating to the drug rehabilitation requirement, insert—

| | | |
|---------------------------|----------|-------------------|
| “drug testing requirement | Part 10A | section 207(3A)”. |
|---------------------------|----------|-------------------|

Commencement Information

I323 Sch. 15 para. 2 in force at 28.6.2022, see s. 208(5)(s)

3 In section 207 (community order: availability of particular requirements), after subsection (3) insert—

“Drug testing requirement

(3A) A drug testing requirement is not an available requirement if the offender was convicted of the offence before the day on which section 154 of the Police, Crime, Sentencing and Courts Act 2022 came into force.”

Commencement Information

I324 Sch. 15 para. 3 in force at 28.6.2022, see s. 208(5)(s)

4 In section 287 (suspended sentence order: community requirements table), after the entry in the table relating to the drug rehabilitation requirement, insert—

| | | |
|---------------------------|----------|-------------------|
| “drug testing requirement | Part 10A | section 291(3A)”. |
|---------------------------|----------|-------------------|

Commencement Information

I325 Sch. 15 para. 4 in force at 28.6.2022, see s. 208(5)(s)

5 In section 291 (suspended sentence order: availability of particular requirements), after subsection (3) insert—

“Drug testing requirement

(3A) A drug testing requirement is not an available requirement if the offender was convicted of the offence before the day on which section 154 of the Police, Crime, Sentencing and Courts Act 2022 came into force.”

Status: Point in time view as at 01/04/2023.

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Commencement Information

I326 Sch. 15 para. 5 in force at 28.6.2022, see s. 208(5)(s)

- 6 In Schedule 9 (community orders and suspended sentence orders: requirements), after Part 10 insert—

“PART 10A

DRUG TESTING REQUIREMENT

Requirement

- 22A (1) In this Code, “drug testing requirement”, in relation to a relevant order, means a requirement that during a period specified in the order, the offender must, for the purpose of ascertaining whether there is any drug or psychoactive substance in the offender’s body during that period, provide samples in accordance with directions given by the responsible officer.
- (2) The order—
- (a) must provide that if the offender provides samples to a person other than the responsible officer, the results of the tests carried out on the samples are to be communicated to the responsible officer;
 - (b) may make provision about the provision of samples by virtue of sub-paragraph (1).
- (3) The power of the responsible officer to give directions by virtue of sub-paragraph (1) about the provision of samples—
- (a) is a power to give directions as to—
 - (i) the type of samples to be provided, and
 - (ii) the times at which, or circumstances in which, they are to be provided,
 - (b) is subject to any provision made by the order, and
 - (c) is to be exercised in accordance with guidance issued by the Secretary of State.
- (4) The Secretary of State may revise any guidance issued under sub-paragraph (3)(c).
- (5) In this paragraph and paragraph 22B—
- “drug” means a controlled drug as defined by section 2 of the Misuse of Drugs Act 1971;
- “psychoactive substance” has the meaning given by section 2(1) of the Psychoactive Substances Act 2016.

Restrictions on imposing drug testing requirement

- 22B (1) A court may not impose a drug testing requirement unless the following conditions are met—

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- (a) the misuse condition, and
 - (b) the availability of arrangements condition.
- (2) The misuse condition is that the court is satisfied that the offender’s misuse of a drug or psychoactive substance—
- (a) caused or contributed to the offence to which the order relates or an associated offence, or
 - (b) is likely to cause or contribute to the commission of further offences by the offender.
- (3) The availability of arrangements condition is that the court has been notified by the Secretary of State that arrangements for implementing drug testing requirements are available in the offender’s home local justice area (and the notice has not been withdrawn).”

Commencement Information

I327 Sch. 15 para. 6 in force at 28.6.2022, see s. 208(5)(s)

SCHEDULE 16

Section 160

DETENTION AND TRAINING ORDERS: TIME TO COUNT AS SERVED

PART 1

DETENTION AND TRAINING ORDERS MADE UNDER SENTENCING CODE

Criminal Justice Act 2003 (c. 44)

- 1 The Criminal Justice Act 2003 is amended as follows.

Commencement Information

I328 Sch. 16 para. 1 in force at 28.6.2022, see s. 208(5)(t)

- 2 (1) Section 240ZA (time remanded in custody to count as time served: terms of imprisonment and detention) is amended as follows.
- (2) In the heading, for “and detention” substitute “or detention and detention and training orders”.
- (3) After subsection (1) insert—
- “(1A) This section also applies where—
- (a) a court, on or after the day on which Schedule 16 to the Police, Crime, Sentencing and Courts Act 2022 came into force, makes a detention and training order in respect of an offender for an offence, and

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Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) the offender concerned has been remanded in custody in connection with the offence or a related offence.
- (1B) In this section any reference to a “sentence”, in relation to an offender, is to—
- (a) a term of imprisonment being served by the offender as mentioned in subsection (1)(a), or
 - (b) a detention and training order made in respect of the offender as mentioned in subsection (1A)(a).”
- (4) In subsection (2), for “that purpose” substitute “the purposes of subsection (1)(b) or (1A)(b)”.
- (5) For subsection (9) substitute—
- “(8A) Subsection (9) applies in relation to an offender who is sentenced to two or more consecutive sentences or sentences which are wholly or partly concurrent if—
- (a) the sentences were imposed on the same occasion, or
 - (b) where they were imposed on different occasions, the offender has not been released during the period beginning with the first and ending with the last of those occasions.
- (9) For the purposes of subsections (3) and (5), the sentences are to be treated as a single sentence.”

Commencement Information

I329 Sch. 16 para. 2 in force at 28.6.2022, see s. 208(5)(t)

- 3 (1) Section 240A (time remanded on bail to count towards time served: terms of imprisonment and detention) is amended as follows.
- (2) In the heading, for “and detention” substitute “or detention and detention and training orders”.
- (3) After subsection (3ZA) insert—
- “(3ZAA) Subsection (3ZB) also applies where—
- (a) a court, on or after the day on which Schedule 16 to the Police, Crime, Sentencing and Courts Act 2022 came into force, makes a detention and training order in respect of an offender for an offence, and
 - (b) the court has made a declaration under section 325 of the Sentencing Code specifying a credit period in relation to the order.
- (3ZAB) In this section any reference to a “sentence”, in relation to an offender, is to—
- (a) a term of imprisonment being served by the offender as mentioned in subsection (3ZA)(a), or
 - (b) a detention and training order made in respect of the offender as mentioned in subsection (3ZAA)(a).”
- (4) In subsection (9)(b), omit the words from “and, in paragraph (b)” to the end.

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I330 Sch. 16 para. 3 in force at 28.6.2022, see s. 208(5)(t)

4 In section 242 (interpretation), at the end insert—

“(3) In sections 240ZA and 240A, “detention and training order” has the meaning given by section 233 of the Sentencing Code.”

Commencement Information

I331 Sch. 16 para. 4 in force at 28.6.2022, see s. 208(5)(t)

Commencement Information

I328 Sch. 16 para. 1 in force at 28.6.2022, see s. 208(5)(t)

I329 Sch. 16 para. 2 in force at 28.6.2022, see s. 208(5)(t)

I330 Sch. 16 para. 3 in force at 28.6.2022, see s. 208(5)(t)

I331 Sch. 16 para. 4 in force at 28.6.2022, see s. 208(5)(t)

Sentencing Act 2020 (c. 17)

5 The Sentencing Act 2020 is amended as follows.

Commencement Information

I332 Sch. 16 para. 5 in force at 28.6.2022, see s. 208(5)(t)

6 Omit sections 239 and 240 (effect on term of detention and training order of period on remand etc).

Commencement Information

I333 Sch. 16 para. 6 in force at 28.6.2022, see s. 208(5)(t)

7 In section 244 (offender subject concurrently to detention and training order and sentence of detention in a young offender institution), in subsection (2)(c), at the beginning insert “with the exception of sections 240ZA and 240A,”.

Commencement Information

I334 Sch. 16 para. 7 in force at 28.6.2022, see s. 208(5)(t)

8 In section 245 (offender subject concurrently to detention and training order and other sentence of detention), in subsection (2)(c), at the beginning insert “with the exception of sections 240ZA and 240A,”.

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I335 Sch. 16 para. 8 in force at 28.6.2022, see s. 208(5)(t)

- 9 In section 325 (time on bail under certain conditions: declaration by court), in subsection (5)—
- (a) omit the “or” at the end of paragraph (b);
 - (b) at the end of paragraph (c) insert “, or
 - (d) makes a detention and training order.”

Commencement Information

I336 Sch. 16 para. 9 in force at 28.6.2022, see s. 208(5)(t)

- 10 In section 327 (period in custody awaiting extradition: declaration by court), in subsection (2)—
- (a) omit the “or” at the end of paragraph (b);
 - (b) at the end of paragraph (c) insert “, or
 - (d) a detention and training order.”

Commencement Information

I337 Sch. 16 para. 10 in force at 28.6.2022, see s. 208(5)(t)

- 11 In Schedule 27 (transitional provision), omit paragraph 14 (and the italic heading above it).

Commencement Information

I338 Sch. 16 para. 11 in force at 28.6.2022, see s. 208(5)(t)

Commencement Information

I332 Sch. 16 para. 5 in force at 28.6.2022, see s. 208(5)(t)

I333 Sch. 16 para. 6 in force at 28.6.2022, see s. 208(5)(t)

I334 Sch. 16 para. 7 in force at 28.6.2022, see s. 208(5)(t)

I335 Sch. 16 para. 8 in force at 28.6.2022, see s. 208(5)(t)

I336 Sch. 16 para. 9 in force at 28.6.2022, see s. 208(5)(t)

I337 Sch. 16 para. 10 in force at 28.6.2022, see s. 208(5)(t)

I338 Sch. 16 para. 11 in force at 28.6.2022, see s. 208(5)(t)

Other enactments

- 12 In Schedule 2 to the Criminal Appeal Act 1968 (procedural and other provisions applicable on order for retrial), in paragraph 2(4), for “and detention” substitute “or detention and detention and training orders”.

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I339 Sch. 16 para. 12 in force at 28.6.2022, see s. 208(5)(t)

- 13 In Schedule 7 to the International Criminal Court Act 2001 (domestic provisions not applicable to ICC prisoners), in paragraph 2(1)(d), for “and detention” substitute “or detention and detention and training orders”.

Commencement Information

I340 Sch. 16 para. 13 in force at 28.6.2022, see s. 208(5)(t)

Commencement Information

I339 Sch. 16 para. 12 in force at 28.6.2022, see s. 208(5)(t)

I340 Sch. 16 para. 13 in force at 28.6.2022, see s. 208(5)(t)

PART 2

DETENTION AND TRAINING ORDERS MADE UNDER ARMED FORCES ACT 2006

- 14 The Armed Forces Act 2006 is amended as follows.

Commencement Information

I341 Sch. 16 para. 14 in force at 28.6.2022, see s. 208(5)(t)

- 15 In section 213 (application of provisions relating to civilian detention and training orders)—
- (a) in subsection (2)(a), for “sections 237 to 240” substitute “sections 237 and 238”;
 - (b) omit subsection (3).

Commencement Information

I342 Sch. 16 para. 15 in force at 28.6.2022, see s. 208(5)(t)

- 16 After section 213 insert—

“213A Period in service custody: effect on term of detention and training order

- (1) Subsection (2) applies where—
 - (a) the Court Martial or the Service Civilian Court proposes to make an order under section 211 in respect of an offence, and
 - (b) the offender has been kept in service custody in connection with the offence or any other offence the charge for which was founded on the same facts or evidence.

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (2) In determining the term of the order under section 211, the court must take account of the period for which the offender was kept in service custody.
- (3) If the court proposes to make two or more orders under section 211 in respect of two or more offences—
 - (a) subsection (2) does not apply, but
 - (b) in determining the total term of those orders, the court must take account of the total period for which the offender has been kept in service custody in connection with—
 - (i) any of those offences, or
 - (ii) any other offence the charge for which was founded on the same facts or evidence.
- (4) A period of service custody may be taken account of under this section only once.

213B Period of custody awaiting extradition: effect on term of detention and training order

- (1) This section applies where—
 - (a) the Court Martial or the Service Civilian Court proposes to make an order under section 211 in respect of an offence,
 - (b) the offender was tried for the offence, or is to be sentenced—
 - (i) after having been extradited to the United Kingdom, and
 - (ii) without having first been restored or had an opportunity of leaving the United Kingdom, and
 - (c) the offender was kept in custody for any period while awaiting extradition to the United Kingdom.
- (2) The court must—
 - (a) specify in open court the number of days for which the offender was kept in custody while awaiting extradition, and
 - (b) take account of those days in determining the term of the order.”

Commencement Information

I343 Sch. 16 para. 16 in force at 28.6.2022, see s. 208(5)(t)

SCHEDULE 17

Section 161

YOUTH REHABILITATION ORDERS

PART 1

ELECTRONIC MONITORING: GENERAL REQUIREMENTS

- 1 In Part 17 of Schedule 6 to the Sentencing Code (electronic monitoring requirement) after paragraph 43 insert—

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“Electronic monitoring: general

- 43A Where a youth rehabilitation order made on or after the day on which paragraph 1 of Schedule 17 to the Police, Crime, Sentencing and Courts Act 2022 came into force imposes an electronic monitoring requirement, the offender must (in particular)—
- (a) submit, as required from time to time by the responsible officer or the person responsible for the monitoring, to—
 - (i) being fitted with, or installation of, any necessary apparatus, and
 - (ii) inspection or repair of any apparatus fitted or installed for the purposes of the monitoring,
 - (b) not interfere with, or with the working of, any apparatus fitted or installed for the purposes of the monitoring, and
 - (c) take any steps required by the responsible officer, or the person responsible for the monitoring, for the purpose of keeping in working order any apparatus fitted or installed for the purposes of the monitoring.”

Commencement Information

I344 Sch. 17 para. 1 in force at 28.6.2022, see s. 208(5)(u)

PART 2

ELECTRONIC WHEREABOUTS MONITORING REQUIREMENTS

Criminal Justice and Immigration Act 2008 (c. 4)

- 2 (1) Section 39 of the Criminal Justice and Immigration Act 2008 (youth default orders) is amended as follows.
- (2) In subsection (4)(a), for “electronic monitoring requirement” substitute “electronic compliance monitoring requirement”.
- (3) In subsection (6)—
- (a) in paragraph (a), after “198(3) to (5),” insert “198A,”
 - (b) in paragraph (b), for “, 7 and 17” substitute “and 7”, and
 - (c) after that paragraph insert—
 - “(ba) Part 17 of that Schedule (electronic monitoring requirements), so far as it applies to electronic compliance monitoring requirements,”.

Commencement Information

I345 Sch. 17 para. 2 in force at Royal Assent for specified purposes, see s. 208(4)(r)

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Sentencing Code

3 The Sentencing Code is amended as follows.

Commencement Information

I346 Sch. 17 para. 3 in force at Royal Assent for specified purposes, see [s. 208\(4\)\(r\)](#)

- 4 (1) Section 174 (youth rehabilitation requirements table) is amended as follows.
- (2) The existing text becomes subsection (1).
- (3) In that subsection, in the table—
- (a) in the entry relating to electronic monitoring requirements, for “electronic monitoring requirement” substitute “electronic compliance monitoring requirement”, and
- (b) after that entry insert—
- | | | | | |
|----------------------------|-------------|------------|---------|------------------|
| “electronic requirement | whereabouts | monitoring | Part 17 | section 185(5)”. |
|----------------------------|-------------|------------|---------|------------------|
- (4) After that subsection insert—
- “(2) See section 198A for provision about an electronic monitoring requirement imposed by a youth rehabilitation order made in respect of an offence of which the offender was convicted before the day on which paragraph 4 of Schedule 17 to the Police, Crime, Sentencing and Courts Act 2022 first came into force to any extent (ignoring, for these purposes, the coming into force of Part 2 of that Schedule for the purposes of making regulations).”

Commencement Information

I347 Sch. 17 para. 4 in force at Royal Assent for specified purposes, see [s. 208\(4\)\(r\)](#)

- 5 In section 175(1)(c) (meaning of youth rehabilitation order with intensive supervision and surveillance), for “electronic monitoring requirement” substitute “electronic compliance monitoring requirement”.

Commencement Information

I348 Sch. 17 para. 5 in force at Royal Assent for specified purposes, see [s. 208\(4\)\(r\)](#)

- 6 (1) Section 185 (youth rehabilitation order: availability of particular requirements) is amended as follows.
- (2) In the italic heading before subsection (4), for “requirement” substitute “requirements”.
- (3) In subsection (4), for “electronic monitoring requirement” substitute “electronic compliance monitoring requirement”.
- (4) After subsection (4) insert—

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“(5) An electronic whereabouts monitoring requirement is not available for a youth rehabilitation order in respect of an offence unless the offender was convicted of the offence on or after the day on which paragraph 6 of Schedule 17 to the Police, Crime, Sentencing and Courts Act 2022 first came into force to any extent (ignoring, for these purposes, the coming into force of Part 2 of that Schedule for the purposes of making regulations).”

Commencement Information

I349 Sch. 17 para. 6 in force at Royal Assent for specified purposes, see [s. 208\(4\)\(r\)](#)

7 In section 190 (provision of copies of youth rehabilitation order and related documents), in the table in subsection (3)—

- (a) in the entry relating to an electronic monitoring requirement, in the first column, for “An electronic monitoring requirement” substitute “An electronic compliance monitoring requirement”, and
- (b) after that entry insert—

| | |
|---|--|
| “An electronic whereabouts monitoring requirement | Any person who by virtue of paragraph 46 of Schedule 6 will be responsible for the electronic monitoring |
| | Any person without whose consent the requirement could not be included in the order.” |

Commencement Information

I350 Sch. 17 para. 7 in force at Royal Assent for specified purposes, see [s. 208\(4\)\(r\)](#)

8 After section 198 insert—

“198A Electronic monitoring requirement previously imposed

- (1) This section applies where an electronic monitoring requirement was imposed by a youth rehabilitation order in respect of an offence of which the offender was convicted before the day on which paragraph 4 of Schedule 17 to the Police, Crime, Sentencing and Courts Act 2022 first came into force to any extent (ignoring, for these purposes, the coming into force of Part 2 of that Schedule for the purposes of making regulations).
- (2) In this section “electronic monitoring requirement” has the meaning given by paragraph 41 of Schedule 6 as it had effect before the day mentioned in subsection (1).
- (3) The electronic monitoring requirement is not affected by the renaming of electronic monitoring requirements as electronic compliance monitoring requirements by that Act.
- (4) This Chapter applies in relation to the youth rehabilitation order as if any reference to an electronic compliance monitoring requirement were to an electronic monitoring requirement.”

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I351 Sch. 17 para. 8 in force at Royal Assent for specified purposes, see [s. 208\(4\)\(r\)](#)

- 9 In section 395 (data from electronic monitoring: code of practice), after “electronic monitoring of offenders under” insert “—
- (a) electronic compliance monitoring requirements and electronic whereabouts monitoring requirements imposed by youth rehabilitation orders, and
- (b)”.

Commencement Information

I352 Sch. 17 para. 9 in force at Royal Assent for specified purposes, see [s. 208\(4\)\(r\)](#)

- 10 In paragraph 19(3) of Schedule 6 (requirements where court imposes curfew requirement), for “electronic monitoring requirement” substitute “electronic compliance monitoring requirement”.

Commencement Information

I353 Sch. 17 para. 10 in force at Royal Assent for specified purposes, see [s. 208\(4\)\(r\)](#)

- 11 In paragraph 21 of Schedule 6 (requirements where court imposes exclusion requirement), for “electronic monitoring requirement” substitute “electronic compliance monitoring requirement”.

Commencement Information

I354 Sch. 17 para. 11 in force at Royal Assent for specified purposes, see [s. 208\(4\)\(r\)](#)

- 12 (1) Part 17 of Schedule 6 (electronic monitoring) is amended as follows.
- (2) In the Part heading, omit “requirement”.
- (3) For the italic heading before paragraph 41 substitute “Electronic compliance monitoring requirement”.
- (4) In paragraph 41, for “electronic monitoring requirement” substitute “electronic compliance monitoring requirement”.
- (5) In the italic heading before paragraph 42, at the end insert “: electronic compliance monitoring requirement”.
- (6) In paragraph 42(1), for “electronic monitoring requirement” substitute “electronic compliance monitoring requirement”.
- (7) In the italic heading before paragraph 43, at the end insert “: electronic compliance monitoring requirement”.
- (8) In paragraph 43(1), for “electronic monitoring requirement” substitute “electronic compliance monitoring requirement”.

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (9) In the italic heading before paragraph 43A (inserted by Part 1 of this Schedule), for “Electronic monitoring” substitute “Electronic compliance monitoring requirement”.
- (10) In paragraph 43A(1), for “electronic monitoring requirement” substitute “electronic compliance monitoring requirement”.
- (11) For the italic heading before paragraph 44 substitute “Restrictions on imposing electronic compliance monitoring requirement”.
- (12) In paragraph 44—
- (a) in sub-paragraph (1)(a), for “electronic monitoring requirement” substitute “electronic compliance monitoring requirement”, and
 - (b) in sub-paragraph (2), in the opening words, for “electronic monitoring requirement” substitute “electronic compliance monitoring requirement”.
- (13) After paragraph 44 insert—

“Electronic whereabouts monitoring requirement

- 45 In this Code “electronic whereabouts monitoring requirement”, in relation to a youth rehabilitation order, means a requirement to submit to electronic monitoring of the offender’s whereabouts (otherwise than for the purpose of monitoring the offender’s compliance with any other requirement included in the order) during a period specified in the order.

Person responsible for electronic monitoring: electronic whereabouts monitoring order

- 46 (1) A youth rehabilitation order which imposes an electronic whereabouts monitoring requirement must include provision for making a person responsible for the monitoring.
- (2) The person who is made responsible for the monitoring must be of a description specified in regulations made by the Secretary of State.

Electronic whereabouts monitoring requirement: general

- 47 Where a youth rehabilitation order imposes an electronic whereabouts monitoring requirement, the offender must (in particular)—
- (a) submit, as required from time to time by the responsible officer or the person responsible for the monitoring, to—
 - (i) being fitted with, or installation of, any necessary apparatus, and
 - (ii) inspection or repair of any apparatus fitted or installed for the purposes of the monitoring,
 - (b) not interfere with, or with the working of, any apparatus fitted or installed for the purposes of the monitoring, and
 - (c) take any steps required by the responsible officer, or the person responsible for the monitoring, for the purpose of keeping in working order any apparatus fitted or installed for the purposes of the monitoring.

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Restrictions on imposing electronic whereabouts monitoring requirement

- 48 (1) Where—
- (a) it is proposed to include an electronic whereabouts monitoring requirement in a youth rehabilitation order, but
 - (b) there is a person (other than the offender) without whose co-operation it will not be practicable to secure the monitoring,
- the requirement may not be included in the order without that person’s consent.
- (2) A court may not include an electronic whereabouts monitoring requirement in a youth rehabilitation order in respect of an offender unless—
- (a) the court has been notified by the Secretary of State that electronic monitoring arrangements are available in the local justice area proposed to be specified in the order (and the notice has not been withdrawn),
 - (b) the court is satisfied that—
 - (i) the offender can be fitted with any necessary apparatus under the arrangements currently available, and
 - (ii) any other necessary provision can be made under those arrangements, and
 - (c) the court is satisfied that arrangements are generally operational throughout England and Wales (even if not always operational everywhere there) under which the offender’s whereabouts can be electronically monitored.”

Commencement Information

I355 Sch. 17 para. 12 in force at Royal Assent for specified purposes, see [s. 208\(4\)\(r\)](#)

- 13 (1) Schedule 7 (breach, revocation or amendment of youth rehabilitation order) is amended as follows.
- (2) In paragraph 1(2)(b) (interpretation), for “electronic monitoring requirement” substitute “electronic compliance monitoring requirement”.
- (3) In paragraph 27(6) (persons to whom copy of order amending or revoking youth rehabilitation order must be given)—
- (a) in the entry relating to an electronic monitoring requirement, in the first column, for “An electronic monitoring requirement” substitute “An electronic compliance monitoring requirement”, and
 - (b) after that entry insert—

“An electronic whereabouts monitoring requirement

Any person who by virtue of paragraph 46 of Schedule 6 will be responsible for the electronic monitoring

Any person without whose consent the requirement could not be included in the order.”

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I356 Sch. 17 para. 13 in force at Royal Assent for specified purposes, see [s. 208\(4\)\(r\)](#)

14 (1) Schedule 8 (transfer of youth rehabilitation orders to Northern Ireland) is amended as follows.

(2) In paragraph 5(2) (meaning of “locally based requirement”)—

(a) in paragraph (i), for “an electronic monitoring requirement” substitute “an electronic compliance monitoring requirement”, and

(b) after that paragraph insert—

“(j) an electronic whereabouts monitoring requirement.”

(3) In paragraph 7 (further provisions where offender resides or will reside in Northern Ireland), in sub-paragraph (c)—

(a) in paragraph (vi), for “electronic monitoring” substitute “electronic compliance monitoring”;

(b) at the end insert—

“(vii) paragraph 48(2) (availability of requirements for electronic whereabouts monitoring;”.

(4) In paragraph 11(4) (persons to whom copy of youth rehabilitation order or amending order must be given)—

(a) in the entry relating to an electronic monitoring requirement, in the first column, for “An electronic monitoring requirement” substitute “An electronic compliance monitoring requirement”, and

(b) after that entry insert—

“An electronic whereabouts monitoring requirement

Any person who by virtue of paragraph 46 of Schedule 6 will be responsible for the electronic monitoring

Any person without whose consent the requirement could not be included in the order.”

Commencement Information

I357 Sch. 17 para. 14 in force at Royal Assent for specified purposes, see [s. 208\(4\)\(r\)](#)

Commencement Information

I346 Sch. 17 para. 3 in force at Royal Assent for specified purposes, see [s. 208\(4\)\(r\)](#)

I347 Sch. 17 para. 4 in force at Royal Assent for specified purposes, see [s. 208\(4\)\(r\)](#)

I348 Sch. 17 para. 5 in force at Royal Assent for specified purposes, see [s. 208\(4\)\(r\)](#)

I349 Sch. 17 para. 6 in force at Royal Assent for specified purposes, see [s. 208\(4\)\(r\)](#)

I350 Sch. 17 para. 7 in force at Royal Assent for specified purposes, see [s. 208\(4\)\(r\)](#)

I351 Sch. 17 para. 8 in force at Royal Assent for specified purposes, see [s. 208\(4\)\(r\)](#)

I352 Sch. 17 para. 9 in force at Royal Assent for specified purposes, see [s. 208\(4\)\(r\)](#)

I353 Sch. 17 para. 10 in force at Royal Assent for specified purposes, see [s. 208\(4\)\(r\)](#)

I354 Sch. 17 para. 11 in force at Royal Assent for specified purposes, see [s. 208\(4\)\(r\)](#)

I355 Sch. 17 para. 12 in force at Royal Assent for specified purposes, see [s. 208\(4\)\(r\)](#)

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

I356 Sch. 17 para. 13 in force at Royal Assent for specified purposes, see [s. 208\(4\)\(r\)](#)

I357 Sch. 17 para. 14 in force at Royal Assent for specified purposes, see [s. 208\(4\)\(r\)](#)

VALID FROM 03/07/2023

PART 3

INTENSIVE SUPERVISION AND SURVEILLANCE

15 The Sentencing Code is amended as follows.

Commencement Information

I358 Sch. 17 para. 15 not in force at Royal Assent, see [s. 208\(1\)](#)

16 In section 175(1) (youth rehabilitation order with intensive supervision and surveillance)—

- (a) omit the “and” at the end of paragraph (b), and
- (b) at the end of paragraph (c) insert “, and
- (d) in relation to an order made on or after the day on which paragraph 16 of Schedule 17 to the Police, Crime, Sentencing and Courts Act 2022 first came into force to any extent, an electronic whereabouts monitoring requirement, unless paragraph 48 of Schedule 6 prevents such a requirement from being imposed.”

Commencement Information

I359 Sch. 17 para. 16 not in force at Royal Assent, see [s. 208\(1\)](#)

17 (1) Paragraph 2 of Schedule 6 (extended activity requirement) is amended as follows.

(2) In sub-paragraph (2), for “180” substitute “the relevant number”.

(3) After sub-paragraph (2) insert—

“(2A) In sub-paragraph (2) “the relevant number” means—

- (a) in relation to a youth rehabilitation order in respect of an offence of which the offender was convicted before the day on which paragraph 17 of Schedule 17 to the Police, Crime, Sentencing and Courts Act 2022 first came into force to any extent, 180 days, and
- (b) in relation to a youth rehabilitation order in respect of an offence of which the offender was convicted on or after that day, 365 days.”

Commencement Information

I360 Sch. 17 para. 17 not in force at Royal Assent, see [s. 208\(1\)](#)

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

PART 4

CURFEW REQUIREMENTS AND EDUCATION REQUIREMENTS

Introductory

18 The Sentencing Act 2020 is amended as follows.

Commencement Information

I361 Sch. 17 para. 18 in force at 28.6.2022, see s. 208(5)(u)

Curfew requirement

19 (1) Paragraph 18 of Schedule 6 (curfew requirement) is amended as follows.

(2) In sub-paragraph (4)—

- (a) omit the “and” at the end of paragraph (a),
- (b) in paragraph (b), for “16 hours” substitute “the relevant number of hours”, and
- (c) at the end insert “, and
 - (c) not more than 112 hours in any period of 7 days beginning with the day of the week on which the requirement first takes effect.”

(3) After sub-paragraph (4) insert—

“(4A) In sub-paragraph (4)(b), “the relevant number of hours”—

- (a) in relation to a youth rehabilitation order in respect of an offence of which the offender was convicted before the day on which paragraph 19 of Schedule 17 to the Police, Crime, Sentencing and Courts Act 2022 came into force, means 16 hours, and
- (b) in relation to a youth rehabilitation order in respect of an offence of which the offender was convicted on or after that day, means 20 hours.”

Commencement Information

I362 Sch. 17 para. 19 in force at 28.6.2022, see s. 208(5)(u)

20 In paragraph 9(1) of Schedule 23 (powers to amend limits in youth rehabilitation orders)—

- (a) in the words before paragraph (a), for “either” substitute “any”, and
- (b) in paragraph (b), for “18(4)” substitute “18(4) or (4A)”.

Commencement Information

I363 Sch. 17 para. 20 in force at 28.6.2022, see s. 208(5)(u)

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I362 Sch. 17 para. 19 in force at 28.6.2022, see s. 208(5)(u)

I363 Sch. 17 para. 20 in force at 28.6.2022, see s. 208(5)(u)

Education requirement

- 21 (1) Paragraph 39 of Schedule 6 (education requirement) is amended as follows.
- (2) In sub-paragraph (4), for “by the time the offender ceases to be of compulsory school age” substitute “by the relevant time”.
- (3) After sub-paragraph (4) insert—
- “(4A) In sub-paragraph (4) “the relevant time” in relation to a youth rehabilitation order made in respect of—
- (a) an offence of which the offender was convicted before the day on which paragraph 21 of Schedule 17 to the Police, Crime, Sentencing and Courts Act 2022 came into force, or
- (b) an offender who, when the order was made, was not resident in England within the meaning of Part 1 of the Education and Skills Act 2008 (duty to participate in education or training after compulsory school age),
- means the time the offender ceases to be of compulsory school age.
- (4B) In sub-paragraph (4) “the relevant time” in relation to a youth rehabilitation order made in respect of—
- (a) an offence of which the offender was convicted on or after the day on which paragraph 21 of Schedule 17 to the Police, Crime, Sentencing and Courts Act 2022 came into force, and
- (b) an offender who, when the order was made, was resident in England within the meaning of Part 1 of the Education and Skills Act 2008 (duty to participate in education or training after compulsory school age),
- means the time at which the offender ceases to be a person to whom that Part applies or, if later, ceases to be of compulsory school age.”

Commencement Information

I364 Sch. 17 para. 21 in force at 28.6.2022, see s. 208(5)(u)

PART 5

THE RESPONSIBLE OFFICER

Criminal Justice and Immigration Act 2008 (c. 4)

- 22 (1) The Criminal Justice and Immigration Act 2008 is amended as follows.
- (2) In section 4(1) (meaning of “the responsible officer”), omit paragraph (a).

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) In section 5 (responsible officer and offender: duties in relation to the other), omit subsection (2).

Commencement Information

I365 Sch. 17 para. 22 in force at 28.6.2022, see s. 208(5)(u)

Sentencing Code

- 23 (1) The Sentencing Code is amended as follows.
- (2) In section 191 (the responsible officer)—
- (a) in subsection (1), omit “(2),”;
 - (b) omit subsection (2).
- (3) In section 192 (obligations of responsible officer), omit subsection (3).

Commencement Information

I366 Sch. 17 para. 23 in force at 28.6.2022, see s. 208(5)(u)

SCHEDULE 18

Section 183

VARIATION ETC OF ORDER BY COURT IN ANOTHER PART OF THE UNITED KINGDOM

PART 1

VARIATION ETC OF ORDER MADE IN ENGLAND AND
 WALES OR SCOTLAND BY COURT IN NORTHERN IRELAND

Amendments of the Sexual Offences Act 2003 (c. 42)

- 1 (1) Section 136ZC of the Sexual Offences Act 2003 (variation of sexual harm prevention order by court in Northern Ireland) is amended as follows.
- (2) In the heading, after “Variation” insert “, renewal or discharge”.
- (3) In subsection (2), in the words after paragraph (b), after “varying” insert “, renewing or discharging”.
- (4) In subsection (4)—
- (a) for “subsections (5) and (6)” substitute “subsections (4A) to (6B)”, and
 - (b) after “varying” insert “, renewing or discharging”.
- (5) After subsection (4) insert—
- “(4A) In determining the application the court must have regard to—
- (a) the time for which the defendant is likely to remain in Northern Ireland, and

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) whether—
- (i) in the case of a sexual harm prevention order made by a court in England and Wales, the defendant is likely to return to, or to visit, England and Wales, or
 - (ii) in the case of a sexual harm prevention order made by a court in Scotland, the defendant is likely to return to, or to visit, Scotland.”
- (6) In subsection (5), in the words before paragraph (a)—
- (a) after “An order may be” insert “renewed, or”, and
 - (b) for “only” substitute “, only”.
- (7) In subsection (6), in the words before paragraph (a), after “An order as” insert “renewed or”.
- (8) After subsection (6) insert—
- “(6A) The court must not discharge a sexual harm prevention order made by a court in England and Wales before the end of 5 years beginning with the day on which the order was made without the consent of the defendant and the Chief Constable.
- (6B) The court must not discharge a sexual harm prevention order made by a court in Scotland, or vary such an order so as to remove a prohibition or requirement, unless the order or, as the case may be, the prohibition or requirement is no longer necessary for the purpose of—
- (a) protecting the public, or any particular members of the public, from sexual harm from the defendant, or
 - (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the defendant outside the United Kingdom.”
- (9) In subsection (9)—
- (a) in the definition of “the appropriate court”, for paragraphs (a) and (b) substitute—

“(a) where the sexual harm prevention order was made—

 - (i) in England and Wales, by the Crown Court, otherwise than on appeal from a magistrates’ court, or by the Court of Appeal, or
 - (ii) in Scotland, by the High Court of Justiciary otherwise than on appeal,

the Crown Court (in Northern Ireland);

(b) where the defendant is aged 18 or over and the sexual harm prevention order was made—

 - (i) in England and Wales, by a magistrates’ court or by the Crown Court on appeal from a magistrates’ court, or
 - (ii) in Scotland, by the High Court of Justiciary on appeal, by the Court of Session, by the Sheriff Appeal Court or by a sheriff,

any court of summary jurisdiction in Northern Ireland;”, and
 - (b) at the appropriate place insert—

““the defendant”, in relation to a sexual harm prevention order made under section 11 or 12 of the Abusive Behaviour and Sexual Harm

Status: Point in time view as at 01/04/2023.

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(Scotland) Act 2016 (asp 22), means the person against whom the order has effect;”;

““sexual harm prevention order” includes a sexual harm prevention order made under section 11 or 12 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016.”

Commencement Information

I367 Sch. 18 para. 1 not in force at Royal Assent, see **s. 208(1)**

I368 Sch. 18 para. 1 in force at 31.3.2023 by S.I. 2023/387, reg. 3(g)(i)

- 2 (1) Section 136ZD of the Sexual Offences Act 2003 (variation of sexual risk order by court in Northern Ireland) is amended as follows.
- (2) In the heading, after “Variation” insert “, renewal or discharge”.
- (3) In subsection (2), in the words after paragraph (b), after “varying” insert “, renewing or discharging”.
- (4) In subsection (3)—
- (a) for “subsections (4) and (5)” substitute “subsections (3A) to (5B)”, and
 - (b) after “varying” insert “, renewing or discharging”.
- (5) After subsection (3) insert—
- “(3A) In determining the application the court must have regard to—
- (a) the time for which the defendant is likely to remain in Northern Ireland, and
 - (b) whether—
 - (i) in the case of a sexual risk order made by a court in England and Wales, the defendant is likely to return to, or to visit, England and Wales, or
 - (ii) in the case of a sexual risk order made by a court in Scotland, the defendant is likely to return to, or to visit, Scotland.”
- (6) In subsection (4), in the words before paragraph (a)—
- (a) after “An order may be” insert “renewed, or”, and
 - (b) for “only” substitute “, only”.
- (7) In subsection (5), in the words before paragraph (a), after “An order as” insert “renewed or”.
- (8) After subsection (5) insert—
- “(5A) The court must not discharge a sexual risk order made by a court in England and Wales before the end of 2 years beginning with the day on which the order was made without the consent of the defendant and the Chief Constable.
- (5B) The court must not discharge a sexual risk order made by a court in Scotland, or vary such an order so as to remove a prohibition or requirement, unless the order or, as the case may be, the prohibition or requirement is no longer necessary for the purpose of—

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) protecting the public, or any particular members of the public, from harm from the defendant, or
- (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from harm from the defendant outside the United Kingdom.”

(9) In subsection (8), at the appropriate place insert—

““the defendant”, in relation to a sexual risk order made under section 27 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 (asp 22), means the person against whom the order has effect;”;

““sexual risk order” includes a sexual risk order made under section 27 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016.”

Commencement Information

I368 Sch. 18 para. 1 in force at 31.3.2023 by S.I. 2023/387, reg. 3(g)(i)

I369 Sch. 18 para. 2 not in force at Royal Assent, see s. 208(1)

I370 Sch. 18 para. 2 in force at 31.3.2023 by S.I. 2023/387, reg. 3(g)(i)

Commencement Information

I367 Sch. 18 para. 1 not in force at Royal Assent, see s. 208(1)

I368 Sch. 18 para. 1 in force at 31.3.2023 by S.I. 2023/387, reg. 3(g)(i)

I369 Sch. 18 para. 2 not in force at Royal Assent, see s. 208(1)

I370 Sch. 18 para. 2 in force at 31.3.2023 by S.I. 2023/387, reg. 3(g)(i)

Amendments of the Sentencing Code

- 3 (1) Section 351 of the Sentencing Code (variation of sexual harm prevention order by court in Northern Ireland) is amended as follows.
- (2) In the heading, after “Variation” insert “, renewal or discharge”.
 - (3) In subsection (2), in the words after paragraph (b), after “varying” insert “, renewing or discharging”.
 - (4) In subsection (5), in the words after paragraph (b)—
 - (a) after “varying” insert “, renewing or discharging”, and
 - (b) for “subsections (6) and (7)” substitute “subsections (5A) to (7A)”.
 - (5) After subsection (5) insert—

“(5A) In determining the application the court must have regard to—

 - (a) the time for which the defendant is likely to remain in Northern Ireland, and
 - (b) whether the defendant is likely to return to, or to visit, England and Wales.”
 - (6) In subsection (6), in the words before paragraph (a)—
 - (a) after “An order may be” insert “renewed, or”, and
 - (b) for “only” substitute “, only”.

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(7) In subsection (7), in the words before paragraph (a), after “An order as” insert “renewed or”.

(8) After subsection (7) insert—

“(7A) The court must not discharge an order before the end of the period of 5 years beginning with the day on which the order was made without the consent of the defendant and the Chief Constable of the Police Service of Northern Ireland.”

Commencement Information

I371 Sch. 18 para. 3 not in force at Royal Assent, see **s. 208(1)**

I372 Sch. 18 para. 3 in force at 31.3.2023 by S.I. 2023/387, reg. 3(g)(i)

PART 2

VARIATION OF ORDER BY COURT IN SCOTLAND

Amendments of the Sexual Offences Act 2003 (c. 42)

4 After section 136ZD of the Sexual Offences Act 2003 insert—

“136ZE Variation, renewal or discharge of sexual harm prevention order etc by court in Scotland

- (1) This section applies where a relevant order has been made in respect of a person who now—
 - (a) is residing in Scotland, or
 - (b) is in or is intending to come to Scotland.
- (2) In this section “relevant order” means—
 - (a) a sexual harm prevention order,
 - (b) a sexual offences prevention order, or
 - (c) a foreign travel order.
- (3) An application may be made to the appropriate sheriff in Scotland—
 - (a) by the defendant, or
 - (b) by the chief constable,
 for an order varying, renewing or discharging the relevant order.
- (4) Subject to subsections (5) to (12), on the application the court, after hearing the person making the application and the other person mentioned in subsection (3) (if that person wishes to be heard), may make any order varying, renewing or discharging the relevant order that the appropriate sheriff considers appropriate.
- (5) In determining the application the court must have regard to—
 - (a) the time for which the defendant is likely to remain in Scotland, and
 - (b) whether—

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (i) in the case of a sexual harm prevention order, the defendant is likely to return to, or to visit, England and Wales, or
 - (ii) in the case of a sexual offences prevention order or foreign travel order, the defendant is likely to return to, or to visit, Northern Ireland.
- (6) A sexual harm prevention order may be renewed, or varied under this section so as to impose additional prohibitions or requirements on the defendant, only if it is necessary to do so for the purpose of—
 - (a) protecting the public in Scotland, or any particular members of the public in Scotland, from sexual harm from the defendant, or
 - (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the defendant outside the United Kingdom.
- (7) A sexual harm prevention order as renewed or varied under this section may contain only such prohibitions and requirements as are necessary for the purpose of—
 - (a) protecting the public or any particular members of the public from sexual harm from the defendant, or
 - (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the defendant outside the United Kingdom.
- (8) A sexual offences prevention order may be renewed, or varied under this section so as to impose additional prohibitions or requirements on the defendant, only if it is necessary to do so for the purpose of protecting the public in Scotland, or any particular members of the public in Scotland, from serious sexual harm from the defendant.
- (9) A sexual offences prevention order as renewed or varied under this section may contain only such prohibitions and requirements as are necessary for the purpose of protecting the public or any particular members of the public from serious sexual harm from the defendant.
- (10) A foreign travel order may be renewed, or varied under this section so as to impose additional prohibitions on the defendant, only if it is necessary to do so for the purpose of protecting children generally or any child from serious sexual harm from the defendant outside the United Kingdom.
- (11) A foreign travel order as renewed or varied under this section may contain only such prohibitions as are necessary for the purpose mentioned in subsection (10).
- (12) The court must not discharge a sexual harm prevention order or a sexual offences prevention order before the end of 5 years beginning with the day on which the order was made without the consent of the defendant and the chief constable.
- (13) The defendant may appeal against the making of an order under this section, or the refusal to make such an order, as if it were a decision constituting final judgment in civil proceedings within the meaning of the Courts Reform (Scotland) Act 2014 ([asp 18](#)).
- (14) In this section—

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“the appropriate sheriff” means—

- (a) in any case, a sheriff in whose sheriffdom the defendant resides, or
- (b) in a case where the application is made by the chief constable—
 - (i) a sheriff in whose sheriffdom the defendant is believed by the chief constable to be, or
 - (ii) a sheriff to whose sheriffdom the defendant is believed by the chief constable to be intending to come;

“the chief constable” means the chief constable of the Police Service of Scotland;

“child” means a person under 18;

“serious sexual harm”, in relation to the renewal or variation of a sexual offences prevention order, means serious physical or psychological harm caused by the defendant committing one or more of the offences listed in Schedule 3;

“serious sexual harm”, in relation to the renewal or variation of a foreign travel order, means serious physical or psychological harm caused by the defendant doing, outside the United Kingdom, anything which would constitute an offence listed in Schedule 3 if done in any part of the United Kingdom;

“sexual harm” and “vulnerable adult”, in relation to the renewal or variation of a sexual harm prevention order, have the meanings given by section 103B(1).

136ZF Variation, renewal or discharge of sexual risk order etc by court in Scotland

- (1) This section applies where a relevant order has been made in respect of a person who now—
 - (a) is residing in Scotland, or
 - (b) is in or is intending to come to Scotland.
- (2) In this section “relevant order” means—
 - (a) a sexual risk order, or
 - (b) a risk of sexual harm order.
- (3) An application may be made to the appropriate sheriff in Scotland—
 - (a) by the defendant, or
 - (b) by the chief constable,
 for an order varying, renewing or discharging the relevant order.
- (4) Subject to subsections (5) to (10), on the application the court, after hearing the person making the application and the other person mentioned in subsection (3) (if that person wishes to be heard), may make any order varying, renewing or discharging the relevant order that the appropriate sheriff considers appropriate.
- (5) In determining the application the court must have regard to—
 - (a) the time for which the defendant is likely to remain in Scotland, and
 - (b) whether—

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (i) in the case of a sexual risk order, the defendant is likely to return to, or to visit, England and Wales, or
 - (ii) in the case of a risk of sexual harm order, the defendant is likely to return to, or to visit, Northern Ireland.
- (6) A sexual risk order may be renewed, or varied under this section so as to impose additional prohibitions or requirements on the defendant, only if it is necessary to do so for the purpose of—
 - (a) protecting the public in Scotland, or any particular members of the public in Scotland, from harm from the defendant, or
 - (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from harm from the defendant outside the United Kingdom.
- (7) A sexual risk order as renewed or varied under this section may contain only such prohibitions and requirements as are necessary for the purpose of—
 - (a) protecting the public or any particular members of the public from harm from the defendant, or
 - (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from harm from the defendant outside the United Kingdom.
- (8) A risk of sexual harm order may be renewed, or varied under this section so as to impose additional prohibitions on the defendant, only if it is necessary to do so for the purpose of protecting children generally or any child from physical or psychological harm from the defendant doing acts within section 123(3).
- (9) A risk of sexual harm order as renewed or varied under this section may contain only such prohibitions as are necessary for the purpose mentioned in subsection (8).
- (10) The court must not discharge a relevant order before the end of 2 years beginning with the day on which the order was made without the consent of the defendant and the chief constable.
- (11) The defendant may appeal against the making of an order under this section, or the refusal to make such an order, as if it were a decision constituting final judgment in civil proceedings within the meaning of the Courts Reform (Scotland) Act 2014 (asp 18).
- (12) In this section—
 - “the appropriate sheriff” means—
 - (a) in any case, a sheriff in whose sheriffdom the defendant resides, or
 - (b) in a case where the application is made by the chief constable—
 - (i) a sheriff in whose sheriffdom the defendant is believed by the chief constable to be, or
 - (ii) a sheriff to whose sheriffdom the defendant is believed by the chief constable to be intending to come;
 - “the chief constable” means the chief constable of the Police Service of Scotland;

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“child”—

- (a) in relation to the renewal or variation of a sexual risk order, means a person under 18;
- (b) in relation to the renewal or variation of a risk of sexual harm order, means a person under 16;

“harm” and “vulnerable adult”, in relation to the renewal or variation of a sexual risk order, have the meanings given by section 122B(1).”

Commencement Information

I373 Sch. 18 para. 4 not in force at Royal Assent, see **s. 208(1)**

I374 Sch. 18 para. 4 in force at 31.3.2023 by **S.I. 2023/387, reg. 3(g)(ii)**

Amendments of the Sentencing Code

5 After section 351 of the Sentencing Code insert—

“351A Variation, renewal or discharge of sexual harm prevention order by court in Scotland

- (1) This section applies where a sexual harm prevention order has been made in respect of an offender who—
 - (a) is residing in Scotland, or
 - (b) is in or intends to come to Scotland.
- (2) An application may be made to the appropriate sheriff in Scotland—
 - (a) by the offender, or
 - (b) by the chief constable,
 for an order varying, renewing or discharging the sexual harm prevention order.
- (3) Subsection (4) applies where an application under subsection (2) is made.
- (4) After hearing—
 - (a) the person making the application, and
 - (b) the other person mentioned in subsection (2) (if that person wishes to be heard),
 the sheriff may make any order varying, renewing or discharging the sexual harm prevention order that the sheriff considers appropriate.

This is subject to subsections (5) to (8).
- (5) In determining the application the court must have regard to—
 - (a) the time for which the defendant is likely to remain in Scotland, and
 - (b) whether the defendant is likely to return to, or to visit, England and Wales.
- (6) An order may be renewed, or varied so as to impose additional prohibitions or requirements on the offender, only if it is necessary to do so for the purpose of—

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) protecting the public in Scotland, or any particular members of the public in Scotland, from sexual harm from the offender, or
 - (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the offender outside the United Kingdom.
- (7) An order as renewed or varied under this section may contain only such prohibitions and requirements as are necessary for the purpose of—
- (a) protecting the public or any particular members of the public from sexual harm from the offender, or
 - (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the offender outside the United Kingdom.
- (8) The court must not discharge an order before the end of the period of 5 years beginning with the day on which the order was made without the consent of the defendant and the chief constable.
- (9) The offender may appeal against the making of an order under this section, or the refusal to make such an order, as if it were a decision constituting final judgment in civil proceedings within the meaning of the Courts Reform (Scotland) Act 2014 (asp 18).
- (10) In this section—
- “the appropriate sheriff” means—
- (a) in any case, a sheriff in whose sheriffdom the offender resides, or
 - (b) in a case where the application is made by the chief constable—
 - (i) a sheriff in whose sheriffdom the offender is believed by the chief constable to be, or
 - (ii) a sheriff to whose sheriffdom the offender is believed by the chief constable to be intending to come;
- “the chief constable” means the chief constable of the Police Service of Scotland.”

Commencement Information

I375 Sch. 18 para. 5 not in force at Royal Assent, see **s. 208(1)**

I376 Sch. 18 para. 5 in force at 31.3.2023 by **S.I. 2023/387, reg. 3(g)(ii)**

PART 3

VARIATION OF ORDER BY COURT IN ENGLAND AND WALES

- 6 After section 136ZF of the Sexual Offences Act 2003 (inserted by paragraph 4) insert—

Status: Point in time view as at 01/04/2023.

Changes to legislation: Police, Crime, Sentencing and Courts Act 2022 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“136ZG Variation, renewal or discharge of sexual harm prevention order made in Scotland by court in England and Wales

- (1) This section applies where a relevant Scottish order has been made in respect of a person (“the defendant”) who now—
 - (a) is residing in England and Wales, or
 - (b) is in or is intending to come to England and Wales.
- (2) In this section “relevant Scottish order” means a sexual harm prevention order made under section 11 or 12 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 ([asp 22](#)).
- (3) A person within subsection (4) may by complaint to the appropriate court apply for an order varying, renewing or discharging the relevant order.
- (4) Those persons are—
 - (a) the defendant;
 - (b) the chief officer of police for the area in which the defendant resides;
 - (c) a chief officer of police who believes that the defendant is in, or is intending to come to, that officer’s police area.
- (5) If a list has been published under section 172 of the Police, Crime, Sentencing and Courts Act 2022 (list of countries where children are at high risk of sexual abuse or sexual exploitation) and has not been withdrawn, a person mentioned in subsection (4)(b) or (c) must have regard to the list in considering—
 - (a) whether to apply for an order varying or renewing the relevant Scottish order for the purpose of protecting children generally, or any particular children, from sexual harm from the defendant outside the United Kingdom, and
 - (b) in particular, whether to apply for an order imposing, varying or renewing a prohibition on foreign travel for that purpose.
- (6) Subject to subsections (7) to (14), on an application under this section the court, after hearing the person making the application and (if they wish to be heard) the other persons mentioned in subsection (4), may make any order varying, renewing or discharging the relevant Scottish order that the court considers appropriate.
- (7) In determining the application the court must have regard to—
 - (a) the time for which the defendant is likely to remain in England and Wales, and
 - (b) whether the defendant is likely to return to, or to visit, Scotland.
- (8) A relevant Scottish order may be renewed, or varied under this section so as to impose additional prohibitions or requirements on the defendant, only if it is necessary to do so for the purpose of—
 - (a) protecting the public in England and Wales, or any particular members of the public in England and Wales, from sexual harm from the defendant, or

Status: Point in time view as at 01/04/2023.

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- (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the defendant outside the United Kingdom.
- (9) A relevant Scottish order as renewed or varied under this section may contain only such prohibitions and requirements as are necessary for the purpose of—
 - (a) protecting the public or any particular members of the public from sexual harm from the defendant, or
 - (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the defendant outside the United Kingdom.
- (10) If a list has been published under section 172 of the Police, Crime, Sentencing and Courts Act 2022 and has not been withdrawn, the court must have regard to the list in considering—
 - (a) whether any order varying or renewing the relevant Scottish order is necessary for the purpose of protecting children generally, or any particular children, from sexual harm from the defendant outside the United Kingdom, and
 - (b) in particular, whether an order imposing, varying or renewing a prohibition on foreign travel is necessary for that purpose.
- (11) A relevant Scottish order may be renewed or varied under this section so as to require the defendant to submit to electronic monitoring of the defendant's compliance with the prohibitions and requirements imposed by the order.
- (12) Section 103FA (electronic monitoring requirements) applies in relation to—
 - (a) the variation under this section of a relevant Scottish order to require the defendant to submit to electronic monitoring of the defendant's compliance with the prohibitions and requirements imposed by the order, or
 - (b) the renewal of an order to continue such a requirement,as it applies in relation to the making of a sexual harm prevention order, subject to subsection (13).
- (13) In its application to the variation or renewal of a relevant Scottish order, section 103FA has effect as if—
 - (a) the reference in subsection (4)(b) to a case where it is proposed to include in the order a requirement or provision mentioned in subparagraph (i) or (ii) included a case where the order already includes such a requirement or provision,
 - (b) the reference in subsection (4)(b) to the local justice area in which the place or area proposed to be specified is situated included the local justice area in which the place or area already specified is situated, and
 - (c) the reference in subsection (9) to section 103E were to this section.
- (14) The court must not discharge a relevant Scottish order, or vary such an order so as to remove a prohibition or requirement, unless the order or, as the case may be, the prohibition or requirement is no longer necessary for the purpose of—

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- (a) protecting the public, or any particular members of the public, from sexual harm from the defendant, or
- (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the defendant outside the United Kingdom.

(15) In this section—

“adult magistrates’ court” means a magistrates’ court that is not a youth court;

“the appropriate court” means—

- (a) where the defendant is aged 18 or over, an adult magistrates’ court for the area in which the defendant resides or, where the application is made by a chief officer of police, any adult magistrates’ court acting for a local justice area that includes any part of the chief officer’s police area;
- (b) where the defendant is under the age of 18, a youth court for the area in which the defendant resides or, where the application is made by a chief officer of police, any youth court acting for a local justice area that includes any part of the chief officer’s police area;

“child” means a person under 18;

“prohibition on foreign travel” includes a prohibition on foreign travel within the meaning of Chapter 3 of Part 2 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 (see sections 17 and 25 of that Act);

“sexual harm” and “vulnerable adult” have the same meanings as in Chapter 3 of Part 2 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 (see sections 10 and 25 of that Act).

136ZH Variation, renewal or discharge of sexual offences prevention order or foreign travel order by court in England and Wales

- (1) This section applies where a relevant order has been made in respect of a person who now—
 - (a) is residing in England and Wales, or
 - (b) is in or is intending to come to England and Wales.
- (2) In this section “relevant order” means—
 - (a) a sexual offences prevention order, or
 - (b) a foreign travel order.
- (3) A person within subsection (4) may by complaint to the appropriate court apply for an order varying, renewing or discharging the relevant order.
- (4) Those persons are—
 - (a) the defendant;
 - (b) the chief officer of police for the area in which the defendant resides;
 - (c) a chief officer of police who believes that the defendant is in, or is intending to come to, that officer’s police area.
- (5) If—

Status: Point in time view as at 01/04/2023.

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- (a) this section applies in relation to a person because that person is subject to a foreign travel order, and
 - (b) a list has been published under section 172 of the Police, Crime, Sentencing and Courts Act 2022 (list of countries where children are at high risk of sexual abuse or sexual exploitation) and has not been withdrawn,

a person mentioned in subsection (4)(b) or (c) must have regard to the list in considering whether to apply for an order varying or renewing the foreign travel order.
- (6) Subject to subsections (7) to (16), on an application under this section the court, after hearing the person making the application and (if they wish to be heard) the other persons mentioned in subsection (4), may make any order varying, renewing or discharging the relevant order that the court considers appropriate.
- (7) In determining the application the court must have regard to—
 - (a) the time for which the defendant is likely to remain in England and Wales, and
 - (b) whether the defendant is likely to return to, or to visit, Northern Ireland.
- (8) A sexual offences prevention order may be renewed, or varied under this section so as to impose additional prohibitions or requirements on the defendant, only if it is necessary to do so for the purpose of protecting the public in England and Wales, or any particular members of the public in England and Wales, from serious sexual harm from the defendant.
- (9) A sexual offences prevention order as renewed or varied under this section may contain only such prohibitions and requirements as are necessary for the purpose of protecting the public or any particular members of the public from serious sexual harm from the defendant.
- (10) A sexual offences prevention order may be renewed or varied under this section so as to require the defendant to submit to electronic monitoring of the defendant's compliance with the prohibitions and requirements imposed by the order.
- (11) Section 103FA (electronic monitoring requirements) applies in relation to—
 - (a) the variation under this section of a sexual offences prevention order to require the defendant to submit to electronic monitoring of the defendant's compliance with the prohibitions and requirements imposed by the order, or
 - (b) the renewal of an order to continue such a requirement,

as it applies in relation to the making of a sexual harm prevention order, subject to subsection (12).
- (12) In its application to the variation or renewal of a sexual offences prevention order, section 103FA has effect as if—
 - (a) the reference in subsection (4)(b) to a case where it is proposed to include in the order a requirement or provision mentioned in subparagraph (i) or (ii) included a case where the order already includes such a requirement or provision,

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- (b) the reference in subsection (4)(b) to the local justice area in which the place or area proposed to be specified is situated included the local justice area in which the place or area already specified is situated, and
 - (c) the reference in subsection (9) to section 103E were to this section.
- (13) The court must not discharge a sexual offences prevention order before the end of 5 years beginning with the day on which the order was made without the consent of the defendant and—
- (a) where the application under this section is made by a chief officer of police, that chief officer, or
 - (b) in any other case, the chief officer of police for the area in which the defendant resides.
- (14) A foreign travel order may be renewed, or varied under this section so as to impose additional prohibitions on the defendant, only if it is necessary to do so for the purpose of protecting children generally or any child from serious sexual harm from the defendant outside the United Kingdom.
- (15) A foreign travel order as renewed or varied under this section may contain only such prohibitions as are necessary for the purpose mentioned in subsection (14).
- (16) If a list has been published under section 172 of the Police, Crime, Sentencing and Courts Act 2022 and has not been withdrawn, the court must have regard to the list in considering whether to renew or vary a foreign travel order under this section.
- (17) In this section—
- “adult magistrates’ court” means a magistrates’ court that is not a youth court;
 - “the appropriate court” means—
 - (a) where the defendant is aged 18 or over, an adult magistrates’ court for the area in which the defendant resides or, where the application is made by a chief officer of police, any adult magistrates’ court acting for a local justice area that includes any part of the chief officer’s police area;
 - (b) where the defendant is under the age of 18, a youth court for the area in which the defendant resides or, where the application is made by a chief officer of police, any youth court acting for a local justice area that includes any part of the chief officer’s police area;
 - “child” means a person under 18;
 - “serious sexual harm”—
 - (a) in relation to the renewal or variation of a sexual offences prevention order, means serious physical or psychological harm caused by the defendant committing one or more of the offences listed in Schedule 3;
 - (b) in relation to the renewal or variation of a foreign travel order, means serious physical or psychological harm caused by the defendant doing, outside the United Kingdom, anything which

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would constitute an offence listed in Schedule 3 if done in any part of the United Kingdom.

136ZI Variation, renewal or discharge of sexual risk order made in Scotland by court in England and Wales

- (1) This section applies where a relevant Scottish order has been made in respect of a person (“the defendant”) who now—
 - (a) is residing in England and Wales, or
 - (b) is in or is intending to come to England and Wales.
- (2) In this section “relevant Scottish order” means a sexual risk order made under section 27 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 ([asp 22](#)).
- (3) A person within subsection (4) may by complaint to the appropriate court apply for an order varying, renewing or discharging the relevant Scottish order.
- (4) Those persons are—
 - (a) the defendant;
 - (b) the chief officer of police for the area in which the defendant resides;
 - (c) a chief officer of police who believes that the defendant is in, or is intending to come to, that officer’s police area.
- (5) If a list has been published under section 172 of the Police, Crime, Sentencing and Courts Act 2022 (list of countries where children are at high risk of sexual abuse or sexual exploitation) and has not been withdrawn, a person mentioned in subsection (4)(b) or (c) must have regard to the list in considering—
 - (a) whether to apply for an order varying or renewing the relevant Scottish order for the purpose of protecting children generally, or any particular children, from sexual harm from the defendant outside the United Kingdom, and
 - (b) in particular, whether to apply for an order imposing, varying or renewing a prohibition on foreign travel for that purpose.
- (6) Subject to subsections (7) to (14), on the application the court, after hearing the person making the application and (if they wish to be heard) the other persons mentioned in subsection (4), may make any order varying, renewing or discharging the relevant Scottish order that the court considers appropriate.
- (7) In determining the application the court must have regard to—
 - (a) the time for which the defendant is likely to remain in England and Wales, and
 - (b) whether the defendant is likely to return to, or to visit, Scotland.
- (8) A relevant Scottish order may be renewed, or varied under this section so as to impose additional prohibitions or requirements on the defendant, only if it is necessary to do so for the purpose of—

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- (a) protecting the public in England and Wales, or any particular members of the public in England and Wales, from harm from the defendant, or
 - (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from harm from the defendant outside the United Kingdom.
- (9) A relevant Scottish order as renewed or varied under this section may contain only such prohibitions and requirements as are necessary for the purpose of—
- (a) protecting the public or any particular members of the public from harm from the defendant, or
 - (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from harm from the defendant outside the United Kingdom.
- (10) If a list has been published under section 172 of the Police, Crime, Sentencing and Courts Act 2022 and has not been withdrawn, the court must have regard to the list in considering—
- (a) whether any order varying or renewing the relevant Scottish order is necessary for the purpose of protecting children generally, or any particular children, from sexual harm from the defendant outside the United Kingdom, and
 - (b) in particular, whether an order imposing, varying or renewing a prohibition on foreign travel is necessary for that purpose.
- (11) A relevant Scottish order may be renewed or varied under this section so as to require the defendant to submit to electronic monitoring of the defendant's compliance with the prohibitions and requirements imposed by the order.
- (12) Section 122EA (electronic monitoring requirements) applies in relation to—
- (a) the variation under this section of a relevant Scottish order to require the defendant to submit to electronic monitoring of the defendant's compliance with the prohibitions and requirements imposed by the order, or
 - (b) the renewal of an order to continue such a requirement,
- as it applies in relation to the making of a sexual risk order, subject to subsection (13).
- (13) In its application to the variation or renewal of a relevant Scottish order, section 122EA has effect as if—
- (a) the reference in subsection (4)(b) to a case where it is proposed to include in the order a requirement or provision mentioned in subparagraph (i) or (ii) included a case where the order already includes such a requirement or provision,
 - (b) the reference in subsection (4)(b) to the local justice area in which the place or area proposed to be specified is situated included the local justice area in which the place or area already specified is situated, and
 - (c) the reference in subsection (9) to section 122D were to this section.
- (14) The court must not discharge a relevant Scottish order, or vary such an order so as to remove a prohibition or requirement, unless the order or, as the case

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may be, the prohibition or requirement is no longer necessary for the purpose of—

- (a) protecting the public, or any particular members of the public, from harm from the defendant, or
- (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from harm from the defendant outside the United Kingdom.

(15) In this section—

“adult magistrates’ court” means a magistrates’ court that is not a youth court;

“the appropriate court” means—

- (a) where the defendant is aged 18 or over, an adult magistrates’ court for the area in which the defendant resides or, where the application is made by a chief officer of police, any adult magistrates’ court acting for a local justice area that includes any part of the chief officer’s police area;
- (b) where the defendant is under the age of 18, a youth court for the area in which the defendant resides or, where the application is made by a chief officer of police, any youth court acting for a local justice area that includes any part of the chief officer’s police area;

“child” means a person under 18;

“harm” and “vulnerable adult” have the same meanings as in Chapter 4 of Part 2 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 (see sections 26 and 36 of that Act);

“prohibition on foreign travel” includes a prohibition on foreign travel within the meaning of Chapter 4 of Part 2 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 (see sections 29 and 36 of that Act).

136ZJ Variation, renewal or discharge of risk of sexual harm order by court in England and Wales

- (1) This section applies where a risk of sexual harm order has been made in respect of a person who now—
 - (a) is residing in England and Wales, or
 - (b) is in or is intending to come to England and Wales.
- (2) A person within subsection (3) may by complaint to the appropriate court apply for an order varying, renewing or discharging the order.
- (3) Those persons are—
 - (a) the defendant;
 - (b) the chief officer of police for the area in which the defendant resides;
 - (c) a chief officer of police who believes that the defendant is in, or is intending to come to, that officer’s police area.
- (4) Subject to subsections (5) to (10), on the application the court, after hearing the person making the application and (if they wish to be heard) the other persons mentioned in subsection (3), may make any order varying,

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renewing or discharging the risk of sexual harm order that the court considers appropriate.

- (5) A risk of sexual harm order may be renewed, or varied under this section so as to impose—
- (a) additional prohibitions on the defendant, or
 - (b) requirements of the kind mentioned in subsection (7) on the defendant,
- only if it is necessary to do so for the purpose of protecting children generally or any child from physical or psychological harm, caused by the defendant doing acts within section 123(3).
- (6) A risk of sexual harm order as renewed or varied under this section may contain only—
- (a) such prohibitions as are necessary for the purpose mentioned in subsection (5), and
 - (b) such requirements of the kind mentioned in subsection (7) as are necessary for that purpose.
- (7) A risk of sexual harm order may be renewed or varied under this section so as to require the defendant to submit to electronic monitoring of the defendant's compliance with the prohibitions imposed by the order.
- (8) Section 122EA (electronic monitoring requirements) applies in relation to—
- (a) the variation under this section of a risk of sexual harm order to require the defendant to submit to electronic monitoring of the defendant's compliance with the prohibitions imposed by the order, or
 - (b) the renewal of an order to continue such a requirement,
- as it applies in relation to the making of a sexual harm prevention order, subject to subsection (9).
- (9) In its application to the variation or renewal of a risk of sexual harm order, section 122EA has effect as if—
- (a) subsection (4)(b)(i) were omitted,
 - (b) the reference in subsection (4)(b) to a case where it is proposed to include in the order a provision mentioned in sub-paragraph (ii) included a case where the order already includes such a provision,
 - (c) the reference in subsection (4)(b) to the local justice area in which the place or area proposed to be specified is situated included the local justice area in which the place or area already specified is situated, and
 - (d) the reference in subsection (9) to section 122D were to this section.
- (10) The court must not discharge a risk of sexual harm order before the end of 2 years beginning with the day on which the order was made without the consent of the defendant and—
- (a) where the application under this section is made by a chief officer of police, that chief officer, or
 - (b) in any other case, the chief officer of police for the area in which the defendant resides.
- (11) In this section—

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“adult magistrates’ court” means a magistrates’ court that is not a youth court;

“the appropriate court” means—

- (a) where the defendant is aged 18 or over, an adult magistrates’ court for the area in which the defendant resides or, where the application is made by a chief officer of police, any adult magistrates’ court acting for a local justice area that includes any part of the chief officer’s police area;
- (b) where the defendant is under the age of 18, a youth court for the area in which the defendant resides or, where the application is made by a chief officer of police, any youth court acting for a local justice area that includes any part of the chief officer’s police area;

“child” means a person under 16.”

Commencement Information

I377 Sch. 18 para. 6 not in force at Royal Assent, see [s. 208\(1\)](#)

I378 Sch. 18 para. 6 in force at 31.3.2023 for specified purposes by [S.I. 2023/387](#), [reg. 3\(g\)\(iii\)](#)

SCHEDULE 19

Section 188

MANAGEMENT OF TERRORIST OFFENDERS: PROVISION CONSEQUENTIAL ON SECTIONS 184 TO 187

Police and Criminal Evidence Act 1984 (c. 60)

- 1 (1) The Police and Criminal Evidence Act 1984 is amended as follows.
 - (2) In section 51(b), after “section 41” insert “or 43B”.
 - (3) In section 65(1), in the definition of “the terrorism provisions”, for “section 41” substitute “sections 41 and 43B”.
 - (4) In section 118(2)(a), after “section 41” insert “or 43B”.

Commencement Information

I379 Sch. 19 para. 1 in force at 28.6.2022, see [s. 208\(5\)\(w\)](#)

Criminal Justice and Police Act 2001 (c. 16)

- 2 (1) Schedule 1 to the Criminal Justice and Police Act 2001 is amended as follows.
 - (2) In Part 1, after paragraph 69B insert—

“69C The power of seizure conferred by section 43E(2) of the Terrorism Act 2000 (seizure on the occasion of a search necessary for purposes connected with protecting members of the public from a risk of terrorism).”

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(3) In Part 2, after paragraph 82A insert—

“82B The power of seizure conferred by section 43E(2) of the Terrorism Act 2000 (seizure on the occasion of a search necessary for purposes connected with protecting members of the public from a risk of terrorism).”

Commencement Information

I380 Sch. 19 para. 2 in force at 28.6.2022, see s. 208(5)(w)

Counter-Terrorism Act 2008 (c. 28)

3 In section 1(1) of the Counter-Terrorism Act 2008, after paragraph (bb) insert—

- “(bc) section 43C(1) of that Act (search of terrorist offender released on licence);
- (bd) section 43C(5) of that Act (search of vehicle in connection with search of terrorist offender released on licence);
- (be) section 43D of that Act (search of premises of offender released on licence for purposes connected with protection from risk of terrorism);”.

Commencement Information

I381 Sch. 19 para. 3 in force at 28.6.2022, see s. 208(5)(w)

Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))

4 (1) The Police and Criminal Evidence (Northern Ireland) Order 1989 is amended as follows.

(2) In Article 2—

- (a) in paragraph (2), in the definition of “the terrorism provisions”, for “section 41” substitute “sections 41 and 43B”;
- (b) in paragraph (3)(a), after “section 41” insert “or 43B”.

(3) In Article 51(b), after “section 41” insert “or 43B”.

Commencement Information

I382 Sch. 19 para. 4 in force at 28.6.2022, see s. 208(5)(w)

Criminal Justice (Scotland) Act 2016 (asp 1)

5 In section 59 of the Criminal Justice (Scotland) Act 2016—

- (a) in the heading, for “terrorism offences” substitute “cases involving terrorism”;
- (b) in subsection (1), after “41(1)” insert “or 43B(1)”.

Status: Point in time view as at 01/04/2023.

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Commencement Information

I383 Sch. 19 para. 5 in force at 28.6.2022, see s. 208(5)(w)

SCHEDULE 20

Section 200

FURTHER PROVISION ABOUT VIDEO AND AUDIO LINKS IN CRIMINAL PROCEEDINGS

Criminal Justice Act 2003

- 1 (1) The Criminal Justice Act 2003 is amended as follows.
- (2) For section 52 substitute—

“52 Further provision about the giving, variation and rescission of live-link directions

- (1) The power conferred by section 51 includes power to give—
 - (a) a direction that is applicable to several, or all, of the persons taking part in particular eligible criminal proceedings;
 - (b) a direction that is applicable to a particular person in respect of only some aspects of particular eligible criminal proceedings (such as giving evidence or attending the proceedings when not giving evidence);
 - (c) a direction requiring or permitting a person who is outside England and Wales (whether in the United Kingdom or elsewhere) to take part in eligible criminal proceedings through a live audio link or a live video link.
- (2) The court may vary or rescind a direction under section 51 at any time before or during the eligible criminal proceedings to which it relates (but this does not affect the court’s power to give a further direction under that section in relation to the proceedings).
- (3) A direction under section 51 may not be rescinded unless—
 - (a) the court is satisfied that it is in the interests of justice for the direction to be rescinded,
 - (b) the parties to the proceedings have been given the opportunity to make representations, and
 - (c) if so required by subsection (9), the relevant youth offending team has been given the opportunity to make representations.
- (4) In relation to the variation of a direction given under section 51—
 - (a) so far as the effect of the variation would be to allow a person to take part in eligible criminal proceedings through a live audio link or a live video link, or to alter (without removing) a person’s ability to do so, sections 51(4) and 53(1) to (3) apply as they apply to the giving of a direction;
 - (b) so far as the effect of the variation would be to remove a person’s ability to take part in eligible criminal proceedings through a live

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audio link or a live video link, subsection (3) applies as it applies to the rescission of a direction.

- (5) Section 51(5) and (6) applies in relation to the variation or rescission of a direction given under section 51 as it applies to the giving of a direction under that section.
- (6) A direction under section 51 may be given, varied or rescinded—
 - (a) on an application by a party to the proceedings, or
 - (b) of the court’s own motion.

But a party may not apply for a variation or rescission unless there has been a material change of circumstances since the direction was given or last varied.

- (7) The court must state in open court its reasons for refusing an application for the giving, variation or rescission of a direction under section 51 and, if it is a magistrates’ court, must cause them to be entered in the register of its proceedings.
- (8) If a hearing takes place in relation to the giving, variation or rescission of a direction under section 51, the court may require or permit a person to take part in that hearing through—
 - (a) a live audio link, or
 - (b) a live video link.
- (9) The requirement referred to in section 51(4)(c) and subsection (3)(c) arises in a case where—
 - (a) the defendant is a party to the proceedings, and
 - (b) either—
 - (i) the defendant has not attained the age of 18 years, or
 - (ii) the defendant has attained the age of 18 years but the court is dealing with the case as if the defendant had not attained that age.

52A Further provision about the effect of live-link directions

- (1) A person who takes part in eligible criminal proceedings in accordance with a direction under section 51 is to be treated as complying with any requirement (however imposed or expressed) for that person to attend or appear before court, or to surrender to the custody of the court, for the purposes of that participation in those proceedings.
- (2) A person who takes part in eligible criminal proceedings in accordance with a direction under section 51 is to be treated as present in court for the purposes of those proceedings.
- (3) If eligible criminal proceedings are conducted with one or more persons taking part in accordance with a direction under section 51, the proceedings are to be regarded as taking place—
 - (a) if at least one member of the court is taking part in the proceedings while in a courtroom, in that courtroom (or, if more than one courtroom falls within this paragraph, such of them as the court directs),

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- (b) if no member of the court, but at least one other person, is taking part in the proceedings while in a courtroom, in that courtroom (or, if more than one courtroom falls within this paragraph, such of them as the court directs), or
 - (c) if no person is taking part in the proceedings while in a courtroom, at such place as the court directs (being a place where the court could lawfully sit for the purposes of those proceedings).
 - (4) In subsection (3), “courtroom” includes any place where proceedings of the sort in question might ordinarily be held (if no person were taking part in the proceedings in accordance with a direction under section 51).
 - (5) A statement made on oath by a witness outside the United Kingdom and given in evidence through a live audio link or a live video link in accordance with a direction under section 51 is to be treated for the purposes of section 1 of the Perjury Act 1911 as having been made in the proceedings in which it is given in evidence.”
- (3) In section 53—
 - (a) for the heading substitute “Further provision about live links in magistrates’ courts”;
 - (b) in subsection (1)—
 - (i) in the words before paragraph (a), for “This section applies” substitute “Subsections (2) and (3) apply”;
 - (ii) in paragraph (a), for “for evidence to be given through a live link in proceedings before the court” substitute “requiring or permitting a person to take part in proceedings before the court through a live audio link or a live video link”;
 - (iii) in paragraph (b), for “receiving such evidence” substitute “such participation”;
 - (c) after subsection (3) insert—

“(4) The following functions of a magistrates’ court may be discharged by a single justice—

 - (a) giving a direction under section 51 or varying such a direction under section 52(2);
 - (b) rescinding under section 52(2) a direction given under section 51 before the eligible criminal proceedings concerned begin;
 - (c) requiring or permitting, under section 52(8), a person to take part by live audio link or live video link in a hearing about a matter within paragraph (a) or (b).”
- (4) In section 54(1), for “a live link” substitute “a live audio link or a live video link by a witness (including the defendant)”.
- (5) In section 55—
 - (a) in subsection (2)—
 - (i) in paragraph (a), for “51 or 52” substitute “52(6)”;
 - (ii) in paragraph (b), for “live links” substitute “live audio links and live video links”;
 - (b) in subsection (3)—

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- (i) in paragraph (a), omit “uncontested”;
- (ii) in paragraph (b), for “51” substitute “52(6)”;
- (iii) in paragraph (c), for “51 or 52” substitute “52(6)”.

(6) In section 56—

(a) in subsection (1)—

- (i) omit the definition of “legal representative”;
- (ii) before the definition of “local justice area” insert—

““bail” includes remand to local authority accommodation in accordance with Chapter 3 of Part 3 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012,

“defendant” includes the person accused or convicted of an offence and, in the case of an enforcement hearing, the person liable to pay the sum or financial penalty concerned,

“eligible criminal proceedings” has the meaning given in section 51(3),

“enforcement hearing” means a hearing relating to collection, discharge, satisfaction or enforcement of—

- (a) a sum that has been adjudged to be paid on conviction for an offence by a magistrates’ court or the Crown Court, or
- (b) a financial penalty that is enforceable in accordance with section 85(6) and (7) of the Criminal Justice and Immigration Act 2008 as if it were such a sum (including a hearing to determine whether a financial penalty is so enforceable),

“live audio link”, in relation to a person (P) taking part in proceedings, means a live telephone link or other arrangement which—

- (a) enables P to hear all other persons taking part in the proceedings who are not in the same location as P, and
- (b) enables all other persons taking part in the proceedings who are not in the same location as P to hear P,

“live video link”, in relation to a person (P) taking part in proceedings, means a live television link or other arrangement which—

- (a) enables P to see and hear all other persons taking part in the proceedings who are not in the same location as P, and
- (b) enables all other persons taking part in the proceedings who are not in the same location as P to see and hear P”;

(iii) after the definition of “local justice area” insert—

““preliminary hearing” means a hearing in proceedings for an offence held before the start of the trial (within the meaning of subsection (11A) or (11B) of section 22 of the Prosecution of Offences Act 1985), including, in the case of proceedings in the Crown Court, a preparatory hearing held under—

- (a) section 7 of the Criminal Justice Act 1987 (cases of serious or complex fraud), or

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- (b) section 29 of the Criminal Procedure and Investigations Act 1996 (other serious, complex or lengthy cases),
- “relevant youth offending team” means the youth offending team (established under section 39 of the Crime and Disorder Act 1998) whose functions are exercisable in relation to the defendant concerned,
- “sentencing hearing” means any hearing following conviction for an offence which is held for the purpose of—
- (a) proceedings (in a magistrates’ court) relating to committal to the Crown Court for sentencing,
 - (b) sentencing the offender or determining how the court should deal with the offender in respect of the offence (including reviewing, amending or revoking such a sentence or determination), or
 - (c) determining—
 - (i) how the offender has complied with a sentence given in respect of the offence, or
 - (ii) how the offender should be dealt with in respect of compliance with such a sentence,and here “sentence” includes any way in which a court has determined that the offender should be dealt with in respect of the offence,”;
- (b) after subsection (1) insert—
- “(1A) In this Part, reference to taking part in proceedings means taking part in whatever capacity, including hearing the proceedings as a member of the court.
- (1B) In the application of this Part in relation to a witness, a reference to taking part in proceedings includes attending those proceedings for a purpose preliminary or incidental to the giving of evidence.”;
- (c) omit subsections (2) and (3);
- (d) for subsection (4) substitute—
- “(4) The following matters are to be disregarded for the purposes of the definitions of “live audio link” and “live video link” in subsection (1)—
- (a) the extent (if any) to which a person is unable to see or hear by reason of any impairment of eyesight or hearing;
 - (b) the effect of any direction or order which provides for one person taking part in proceedings to be prevented by means of a screen or other arrangement from seeing another person taking part in the proceedings.”

Commencement Information

I384 Sch. 20 para. 1 in force at 28.6.2022, see s. 208(5)(y)

Status: Point in time view as at 01/04/2023.

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Extradition Act 2003

- 2 (1) The Extradition Act 2003 is amended as follows.
- (2) In section 206A—
- (a) in the heading, omit “certain”;
 - (b) in subsection (1)—
 - (i) in paragraph (a), omit the words from “other” to “56,”;
 - (ii) in paragraph (b), omit the words from “, other” to the end;
 - (c) in subsection (2)—
 - (i) for the words from “the person” to “during the hearing,” substitute “it is in the interests of justice to do so,”;
 - (ii) omit “at any time before the hearing”;
 - (d) for subsection (3) substitute—

“(3) A live link direction is a direction requiring a person to take part in the hearing (in whatever capacity) through a live link.”;
 - (e) omit subsection (5);
 - (f) for subsection (6) substitute—

“(6) A person who takes part in the hearing through a live link is to be treated as present in court for the purposes of the hearing.”
- (3) In section 206C—
- (a) omit subsections (4) and (5);
 - (b) in subsection (6)—
 - (i) in the opening words, for “, while absent from the place where the hearing is being held,” substitute “(P)”;
 - (ii) in paragraph (a), for the words from “the appropriate” to the end substitute “all other persons taking part in the hearing who are not in the same location as P, and”;
 - (iii) in paragraph (b), for the words from “the judge” to the end substitute “all other persons taking part in the hearing who are not in the same location as P.”;
 - (iv) omit the words after paragraph (b);
 - (c) after subsection (6) insert—

“(7) For the purposes of subsection (6) the following matters are to be disregarded—

 - (a) the extent (if any) to which a person is unable to see or hear by reason of any impairment of eyesight or hearing;
 - (b) the effect of any direction or order which provides for one person taking part in a hearing to be prevented by means of a screen or other arrangement from seeing another person taking part in the hearing.”

Commencement Information

I385 Sch. 20 para. 2 in force at 28.6.2022, see s. 208(5)(y)

Status: Point in time view as at 01/04/2023.

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Consequential amendments of other enactments

- 3 (1) The Criminal Appeal Act 1968 is amended as follows.
- (2) In section 22, omit subsections (4) to (6).
- (3) In section 23, omit subsection (5).
- (4) In section 31—
- (a) in subsection (1), after paragraph (a) insert—
- “(aza) the powers under sections 51 and 52 of the Criminal Justice Act 2003 as they are exercisable in relation to appeals to the criminal division of the Court of Appeal and preliminary and incidental proceedings;”;
- (b) in subsection (2), omit paragraph (ca).
- (5) In section 31A—
- (a) in the heading, omit “under Part 1”;
- (b) in subsection (2), omit paragraph (aa);
- (c) after subsection (2) insert—
- “(2A) The registrar may exercise the powers under sections 51 and 52 of the Criminal Justice Act 2003 as they are exercisable in relation to appeals to the criminal division of the Court of Appeal and preliminary and incidental proceedings.”;
- (d) in subsection (4), after “subsection (2)” insert “or (2A)”.

Commencement Information

I386 Sch. 20 para. 3 in force at 28.6.2022, see s. 208(5)(y)

- 4 (1) The Police and Criminal Evidence Act 1984 is amended as follows.
- (2) In section 46ZA(3)—
- (a) in paragraph (b)—
- (i) for the words from “proceedings” to “person” substitute “the proceedings referred to in section 47(3)(b)(i)”;
- (ii) for “that section” substitute “those proceedings”;
- (b) in paragraph (d), for “such a direction” substitute “a direction of the sort referred to in section 47(3)(b)(ii)”.
- (3) In section 46A(1ZA)(b), for the word from “proceedings” to the end substitute “the proceedings referred to in sub-paragraph (i) of that provision”.
- (4) In section 47(3)(b), for sub-paragraphs (i) and (ii) substitute—
- “(i) proceedings held for the purposes of section 51 of the Criminal Justice Act 2003 (directions for live links in criminal proceedings) so far as that section applies to preliminary hearings (within the meaning of that section), and
- (ii) any such hearing in relation to which a direction under that section is given requiring or permitting the person on bail

Status: Point in time view as at 01/04/2023.

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to take part through a live audio link or a live video link (within the meaning of that section);”.

Commencement Information

I387 Sch. 20 para. 4 in force at 28.6.2022, see s. 208(5)(y)

- 5 In section 32 of the Criminal Justice Act 1988—
- (a) in the heading, at the end insert “when witness abroad: service courts”;
 - (b) before subsection (1) insert—

“(A1) This section applies only so far as provided by an order under paragraph 8 of Schedule 13.”

Commencement Information

I388 Sch. 20 para. 5 in force at 28.6.2022, see s. 208(5)(y)

- 6 (1) The Youth Justice and Criminal Evidence Act 1999 is amended as follows.
- (2) In Part 2, in the heading of Chapter 1A, at the end insert “: service courts”.
 - (3) In section 33A (use of live links for evidence of the accused), in subsection (1), for the words from “any” to the end substitute “proceedings in a service court against a person for an offence, if and so far as provided by an order under section 61(1).”

Commencement Information

I389 Sch. 20 para. 6 in force at 28.6.2022, see s. 208(5)(y)

- 7 (1) In section 29 of the Crime (International Co-operation) Act 2003—
- (a) in the heading, for “television” substitute “video or audio”;
 - (b) in subsection (1), for the words from “section 32(1A)” to “apply” substitute “section 51 of the Criminal Justice Act 2003 (live links in criminal proceedings) to apply in relation to witnesses who are outside the United Kingdom”.
- (2) The Evidence Through Television Links (England and Wales) Order 2013 (S.I. 2013/1598) is revoked.

Commencement Information

I390 Sch. 20 para. 7 in force at 28.6.2022, see s. 208(5)(y)

- 8 In the Sentencing Code, omit section 391.

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Commencement Information

I391 Sch. 20 para. 8 in force at 28.6.2022, see s. 208(5)(y)

- 9 In section 26 of the Domestic Abuse Act 2021 (breach of domestic abuse protection notice), for subsection (8) substitute—

“(8) The requirement in subsection (2) to bring a person before the court is satisfied if the person appears before the court through a live video link or live audio link (within the meaning given by section 56 of the Criminal Justice Act 2003).”

Commencement Information

I392 Sch. 20 para. 9 in force at 28.6.2022, see s. 208(5)(y)

SCHEDULE 21

Section 204

MINOR AMENDMENTS IN RELATION TO THE SENTENCING CONSOLIDATION

PART 1

AMENDMENTS TO THE SENTENCING ACT 2020

- 1 The Sentencing Act 2020 is amended as follows.

Commencement Information

I393 Sch. 21 para. 1 in force at 28.6.2022, see s. 208(5)(aa)

- 2 In section 108(4), for “Part” substitute “Chapter”.

Commencement Information

I394 Sch. 21 para. 2 in force at 28.6.2022, see s. 208(5)(aa)

- 3 In the table in section 122(1) (standard scale of fines for summary offences)—
- (a) in the heading of the second column, for “1 October 1992” substitute “1 May 1984”;
 - (b) between the second and third columns, insert—

| |
|--|
| <i>“Offence committed on or after 1 May 1984 and before 1 October 1992</i> |
| £50 |
| £100 |

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| |
|--|
| <i>“Offence committed on or after 1 May 1984 and before 1 October 1992</i> |
| £400 |
| £1,000 |
| £2,000” |

Commencement Information

I395 Sch. 21 para. 3 in force at 28.6.2022, see s. 208(5)(aa)

4 In section 166(7), for “paragraph” substitute “entry”.

Commencement Information

I396 Sch. 21 para. 4 in force at 28.6.2022, see s. 208(5)(aa)

5 In section 293(2)(d), for “(“a progress report”)” substitute “(a “progress report”)”.

Commencement Information

I397 Sch. 21 para. 5 in force at 28.6.2022, see s. 208(5)(aa)

6 In section 414(6), in each of paragraphs (a) and (b), for “by the Armed Forces Act 2006” substitute “by or under the Armed Forces Act 2006”.

Commencement Information

I398 Sch. 21 para. 6 in force at 28.6.2022, see s. 208(5)(aa)

- 7 (1) Schedule 5 is amended as follows.
- (2) In paragraph 7(2)(b), after “before a youth court” insert “or, if the offender is aged 18 or over, a magistrates’ court other than a youth court.”
- (3) In paragraph 9—
- (a) in sub-paragraph (1), after “a youth court” insert “or other magistrates’ court”;
 - (b) in sub-paragraph (6), for “youth court” substitute “magistrates’ court”.

Commencement Information

I399 Sch. 21 para. 7 in force at 28.6.2022, see s. 208(5)(aa)

8 In Schedule 16, in paragraph 11(4)(b), for first “by” substitute “be”.

Commencement Information

I400 Sch. 21 para. 8 in force at 28.6.2022, see s. 208(5)(aa)

9 In Schedule 21, in paragraph 4(1)—

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- (a) omit the word “and” at the end of paragraph (b);
- (b) at the end of paragraph (c) insert “and”.

Commencement Information

I401 Sch. 21 para. 9 in force at 28.6.2022, see s. 208(5)(aa)

- 10 (1) Schedule 22 is amended as follows.
- (2) In paragraph 27—
- (a) in sub-paragraph (1)(b), in the inserted paragraph (aa), after “Schedule 22” insert “to the Sentencing Act 2020”.
 - (b) in sub-paragraph (3), after “Schedule 22” insert “to the Sentencing Act 2020”.
- (3) In paragraph 34, in the opening words, for “omit” substitute “in”.
- (4) In paragraph 43—
- (a) the words from “, in subsection (2)” to the end become sub-paragraph (a);
 - (b) after that sub-paragraph insert—
 - “(b) in subsection (3), at the beginning insert “If the offender was aged 21 or over when convicted,”.

Commencement Information

I402 Sch. 21 para. 10 in force at 28.6.2022, see s. 208(5)(aa)

- 11 In Schedule 24, omit paragraph 154(f).

Commencement Information

I403 Sch. 21 para. 11 in force at 28.6.2022, see s. 208(5)(aa)

PART 2

AMENDMENTS TO OTHER ENACTMENTS

Criminal Justice Act 2003 (c. 44)

- 12 In section 237(1B) of the Criminal Justice Act 2003, after paragraph (a) insert—
- “(aa) references to a sentence of detention under section 262 of the Sentencing Code include a sentence of detention in a young offender institution under section 210B of the Armed Forces Act 2006;”.

Commencement Information

I404 Sch. 21 para. 12 in force at 28.6.2022, see s. 208(5)(aa)

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Counter-Terrorism and Sentencing Act 2021 (c. 11)

13 In Schedule 13 to the Counter-Terrorism and Sentencing Act 2021, omit paragraph 44.

Commencement Information

I405 Sch. 21 para. 13 in force at 28.6.2022, see s. 208(5)(aa)

Status:

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Changes to legislation:

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