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STATUTORY INSTRUMENTS

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**2023 No. 227 (C. 12)**

**CRIMINAL LAW, ENGLAND AND WALES**

**The Police, Crime, Sentencing and Courts Act 2022  
(Commencement No. 1) (England and Wales) Regulations 2023**

*Made - - - - 28th February 2023*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 34(4) (a) and (b) and 208(1) and (2) of the Police, Crime, Sentencing and Courts Act 2022<sup>(1)</sup>.

**Citation, interpretation and extent**

**1.—(1)** These Regulations may be cited as the Police, Crime, Sentencing and Courts Act 2022 (Commencement No. 1) (England and Wales) Regulations 2023.

**(2)** In these Regulations—

“the Act” means the Police, Crime, Sentencing and Courts Act 2022;

“Offensive Weapons Homicide Review” means a review of a person’s death under section 24 of the Act;

“pilot partners” means—

**(a)** the chief officers of police for the police areas—

**(i)** of South Wales;

**(ii)** covering the areas of the London borough councils of Barnet, Brent, Harrow, Lambeth and Southwark;

**(iii)** covering the areas of Birmingham city council and Coventry city council;

**(b)** the local authorities<sup>(2)</sup>—

**(i)** covering the police area of South Wales;

**(ii)** that are the London borough councils of Barnet, Brent, Harrow, Lambeth and Southwark;

**(iii)** that are Birmingham city council and Coventry city council;

**(c)** the integrated care boards<sup>(3)</sup> covering the areas of—

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<sup>(1)</sup> 2022 c. 32 (“the 2022 Act”).

<sup>(2)</sup> “local authority” is defined in section 36(1) of the 2022 Act.

<sup>(3)</sup> “integrated care board” is defined in section 36(1) of the 2022 Act as amended by paragraph 242 of Schedule 4 to the Health and Care Act 2022 (c. 31).

- (i) the London borough councils of—
    - (aa) Barnet;
    - (bb) Brent;
    - (cc) Harrow;
    - (dd) Lambeth;
    - (ee) Southwark;
  - (ii) Birmingham city council;
  - (iii) Coventry city council;
  - (d) the local health boards<sup>(4)</sup> covering the police area of South Wales;
- “the pilot period” means the period of 9 months beginning with 1st April 2023;
- “relevant death” means the death of a person which occurred, or is likely to have occurred, in the pilot period.
- (3) These Regulations extend to England and Wales.

**Provisions coming into force on 7th March 2023: Non-criminal hate incidents**

2. The following provisions of the Act come into force on 7th March 2023—
- (a) section 60 (code of practice relating to non-criminal hate incidents);
  - (b) section 61 (further provision about a code of practice under section 60).

**Provisions coming into force on 1st April 2023: Offensive Weapons Homicide Review Pilot**

- 3.—(1) The following provisions of the Act come into force on 1st April 2023, in relation to relevant deaths and for the purposes of the pilot partners, for the pilot period—
- (a) section 24 (duty to arrange a review) to the extent not already in force;
  - (b) section 26 (relationship with other review requirements) to the extent not already in force;
  - (c) section 27 (notification of Secretary of State);
  - (d) section 28(1) to (6) (conduct of review);
  - (e) section 29(1) to (4) and (7) (information);
  - (f) section 32 (guidance) to the extent not already in force.
- (2) The following provisions of the Act come into force on 1st April 2023 in relation to England and Wales for the pilot period—
- (a) section 28(7) and (8);
  - (b) section 29(5) and (6);
  - (c) section 30 (information: supplementary);
  - (d) section 33 (power to pay grant: local health boards).

**Savings: Offensive Weapons Homicide Reviews**

- 4.—(1) The provisions of the Act specified in regulation 3 continue in effect in relation to the death of a person where, before the end of the pilot period—

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(4) “local health board” is defined in section 36(1) of the 2022 Act.

- (a) an Offensive Weapons Homicide Review in respect of the person's death started and was not discontinued<sup>(5)</sup>, or
  - (b) notwithstanding that an Offensive Weapons Homicide Review had not started, a review partner was aware of qualifying circumstances in relation to the person's death<sup>(6)</sup> and the circumstances specified in paragraph (2) were not met.
- (2) The circumstances are that the review partner—
- (a) was also aware that no duty to arrange a review under section 24 of the Act in respect of the person's death arose because of section 26 of the Act, or
  - (b) gave notification to the Secretary of State that they were not under a duty to arrange a review under section 24 of the Act in respect of the person's death and did not give subsequent notification that they were under that duty<sup>(7)</sup>.

28th February 2023

*Chris Philp*  
Minister of State  
Home Office

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<sup>(5)</sup> See section 24(3) of the 2022 Act in relation to discontinuation of reviews.

<sup>(6)</sup> See section 27(7) of the 2022 Act in relation to the expression "aware of qualifying circumstances" in relation to a person's death.

<sup>(7)</sup> See section 24(3) to (5) of the 2022 Act in relation to circumstances where a review partner is not under a duty to arrange for there to be a review, and section 27(1), (3), (4) and (6) of that Act in relation to notification of the Secretary of State.

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

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

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

Regulation 2 brings into force on 7th March 2023 sections 60 and 61 of the Act (non-criminal hate incidents), which make provision for the Secretary of State to issue a code of practice about the processing of personal data by a member of a police force, or other relevant persons, relating to non-criminal hate incidents.

Section 34 of the Act requires the provisions of Chapter 2 of Part 2 (Offensive Weapons Homicide Reviews) to be brought into force for the purposes of a pilot (for one or more specified purposes or in relation to one or more specified areas in England and Wales), and for the Secretary of State to lay a report before Parliament on the operation of those provisions, before the relevant provisions may be brought fully into force in England and Wales.

Regulation 3 establishes a pilot of Offensive Weapons Homicide Reviews (“OWHR”) by bringing into force, on 1st April 2023, relevant provisions of Chapter 2 of Part 2 of the Act in relation to relevant deaths (occurring during the pilot period) and for the purposes of the pilot partners only (being the review partners for the pilot areas) for the pilot period (being 9 months, beginning with 1st April 2023). The provisions apply to pilot partners for the police area of South Wales, the areas of the London borough councils of Barnet, Brent, Harrow, Lambeth and Southwark and the areas of Birmingham city council and Coventry city council (the pilot areas). Limited provisions are brought into force on 1st April 2023 across England and Wales for the pilot period to enable OWHRs to be carried out effectively, such as to enable information to be requested from persons for the purpose of reviews and for the Secretary of State to publish OWHR reports.

Regulation 4 provides that, where, before the end of the pilot period, a review partner starts an OWHR or is aware of qualifying circumstances in relation to a person’s death (and is not aware that the duty to arrange a review does not apply or has not notified the Secretary of State that they are not under a duty to arrange a review), the relevant provisions of Chapter 2 of Part 2 of the Act continue in effect in relation to that person’s death. This ensures that such OWHRs are completed.

An impact assessment has been prepared in relation to the OWHR measures in the Act. A copy of the impact assessment is available on: <https://bills.parliament.uk/publications/42136/documents/489>. A hard copy can be obtained by writing to the Firearms Policy Unit of the Home Office at 2 Marsham Street, London, SW1P 4DF.

## NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

*(This note is not part of the Regulations)*

The following provisions of the Act have been brought into force in England and Wales by commencement regulations made before these Regulations.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
section 1	28th June 2022	2022/520
section 4 (remainder)	28th June 2022	2022/520
section 5 to 7	26th October 2022	2022/1075

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
sections 8 to 12 (remainder)	31st January 2023	<a href="#">2022/1227</a>
section 14 (remainder)	31st January 2023	<a href="#">2022/1227</a>
sections 15 to 18	31st January 2023	<a href="#">2022/1227</a>
sections 19 and 20 (remainder)	31st January 2023	<a href="#">2022/1227</a>
section 21	31st January 2023	<a href="#">2022/1227</a>
section 37 to 41	8th November 2022	<a href="#">2022/1075</a>
section 42(1) to (7)	12th May 2022	<a href="#">2022/520</a>
section 42(8) to (12)	8th November 2022	<a href="#">2022/1075</a>
sections 43 and 44	8th November 2022	<a href="#">2022/1075</a>
section 45 (partially)	26th October 2022	<a href="#">2022/1075</a>
section 45 (remainder)	28th October 2022	<a href="#">2022/1075</a>
section 46	28th June 2022	<a href="#">2022/520</a>
sections 48 and 49	28th June 2022	<a href="#">2022/520</a>
sections 55 to 57	28th June 2022	<a href="#">2022/520</a>
sections 62 to 70	1st August 2022	<a href="#">2022/520</a>
sections 73 to 79	28th June 2022	<a href="#">2022/520(8)</a>
section 80	12th May 2022	<a href="#">2022/520</a>
section 82 (remainder)	28th June 2022	<a href="#">2022/520</a>
section 89(1) and (3) to (7)	26th October 2022	<a href="#">2022/1075</a>
section 90 (remainder)	28th June 2022	<a href="#">2022/520</a>
sections 91 to 96	30th November 2022	<a href="#">2022/1187</a>
section 129	28th June 2022	<a href="#">2022/520</a>
sections 133 and 134	28th June 2022	<a href="#">2022/520</a>
sections 136 and 137	28th June 2022	<a href="#">2022/520</a>
section 139	28th June 2022	<a href="#">2022/520</a>
section 152	28th June 2022	<a href="#">2022/520</a>
sections 155 and 156	28th June 2022	<a href="#">2022/520</a>
section 167 (remainder)	28th June 2022	<a href="#">2022/520</a>
sections 168 and 169	29th November 2022	<a href="#">2022/1227</a>
section 171	29th November 2022	<a href="#">2022/1227</a>
section 172(1) to (4)	28th June 2022	<a href="#">2022/520</a>
section 172(5)(a) to (h)	29th November 2022	<a href="#">2022/1227</a>

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

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
section 172(6) to (10)	29th November 2022	<a href="#">2022/1227</a>
section 172(11)	28th June 2022	<a href="#">2022/520</a>
section 173 to 176	29th November 2022	<a href="#">2022/1227</a>
section 177(1) to (2) and (4) to (6)	29th November 2022	<a href="#">2022/1227</a>
section 179	29th November 2022	<a href="#">2022/1227</a>
section 190 (remainder)	29th June 2022	<a href="#">2022/520</a>
section 192	29th June 2022	<a href="#">2022/520</a>
section 201(2) (partially)	28th June 2022	<a href="#">2022/704</a>
Schedule 1 (remainder)	31st January 2023	<a href="#">2022/1227</a>
Schedule 2 (remainder)	31st January 2023	<a href="#">2022/1227</a>
Schedule 3	8th November 2022	<a href="#">2022/1075</a>
Schedule 4 (partially)	26th October 2022	<a href="#">2022/1075</a>
Schedule 4 (remainder)	28th October 2022	<a href="#">2022/1075</a>
Schedules 6 and 7	28th June 2022	<a href="#">2022/520</a>
Schedules 9 and 10	30th November 2022	<a href="#">2022/1187</a>
Schedule 13	28th June 2022	<a href="#">2022/520</a>