

Draft Regulations laid before Parliament under section 35(3) of The Police, Crime, Sentencing and Courts Act 2022, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2022 No. 000

CRIMINAL LAW, ENGLAND AND WALES

The Police, Crime, Sentencing and Courts Act 2022 (Offensive Weapons Homicide Reviews) Regulations 2022

Made - - - - - ***
Coming into force - - - - - ***

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 24(1)(c), 25(1) to (3) and (5)(c), 31 and 35(2)(a) and (b) of the Police, Crime, Sentencing and Courts Act 2022⁽¹⁾. In accordance with section 35(3) of that Act, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

PART 1

Introduction

Citation and commencement

1.—(1) These Regulations may be cited as the Police, Crime, Sentencing and Courts Act 2022 (Offensive Weapons Homicide Reviews) Regulations 2022.

(2) These Regulations come into force after the expiry of 21 days beginning with the day on which they are made.

Interpretation

2. In these Regulations—

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

“pilot area” means—

(a) the police area⁽²⁾ of South Wales;

(1) 2022 c. 32.

(2) “police area” is defined in paragraph 1 of Schedule 1 of the Interpretation Act 1978 (c. 30).

- (b) the area of the London borough councils of Barnet, Brent, Harrow, Lambeth or Southwark;
 - (c) the area of Birmingham city council or Coventry city council;
- “recorded” means recorded by, or on behalf of, a chief officer of police for a police area in England and Wales on the official computer system of that chief officer.

Extent and application

- 3.—(1) These Regulations extend to England and Wales.
- (2) These Regulations, except regulations 5 to 11, apply to England and Wales.
- (3) Regulations 5 to 11 apply to—
- (a) the chief officers of police⁽³⁾ for the pilot area;
 - (b) the local authorities⁽⁴⁾;
 - (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⁽⁵⁾ covering the area of—
 - (i) the London borough councils of Barnet, Brent, Harrow, Lambeth or Southwark;
 - (ii) Birmingham city council or Coventry city council;
 - (d) the local health boards⁽⁶⁾ covering the police area of South Wales.

PART 2

Duty to arrange an Offensive Weapons Homicide Review

Specified conditions

- 4.—(1) The conditions in paragraph (2) are specified for the purpose of section 24(1)(c) of the Act (other conditions triggering a review obligation).
- (2) The conditions are—
- (a) one of the following has been located—
 - (i) the body of the person who died, or
 - (ii) part of the body of the person who died,
 - (b) the identity of one of the following has been recorded—
 - (i) the person who died, or
 - (ii) at least one person who caused, or is likely to have caused, that person’s death,

(3) Expressions relating to the police have the meaning or effect set out in paragraph 1 of Schedule 1 of the Interpretation Act 1978.

(4) “local authority” is defined in section 36(1) of the Police, Crime, Sentencing and Courts Act 2022.

(5) “integrated care board” is defined in section 36(1) of the Police, Crime, Sentencing and Courts Act 2022 as amended by paragraph 242 of Schedule 4 to the Health and Care Act 2022 (c. 31).

(6) “local health board” is defined in section 36(1) of the Police, Crime, Sentencing and Courts Act 2022.

- (c) one or more review partner(7) has information about, or would reasonably be expected to have information about either,—
 - (i) the person who died, or
 - (ii) at least one person who caused, or is likely to have caused, that person’s death, and
 - (d) the death is not a “death or serious injury matter” within the meaning of section 12(2A) of the Police Reform Act 2002(8).
- (3) In this regulation, “information” means information that there is a risk a person may commit, or be a victim of, antisocial or criminal behaviour, and such information—
- (a) includes information relating to the person’s education, antisocial or criminal behaviour, housing, medical history and mental health;
 - (b) includes safeguarding information about the person;
 - (c) does not include information that only became known to a review partner after the earlier of either—
 - (i) the recorded time of death of the person who died, or
 - (ii) the recorded death of the person who died.

PART 3

Relevant Review Partners

Relevant review partners

5. This Part applies for the purposes of section 25 of the Act to identify which review partners are to be to the relevant review partners(9) in respect of a person’s death, or where more than one person dies in the same incident in respect of all the deaths.

6.—(1) This regulation applies where the location or likely location of the death is known and is in a pilot area.

(2) The relevant review partners are the review partners listed in regulation 9 in whose area the death occurred or is likely to have occurred.

7.—(1) This regulation applies where one person dies, the location or likely location of the death is not known and either—

- (a) the body of the person who died was recorded to be found in a pilot area,
- (b) part of the body of the person who died was recorded to be found in a pilot area, or
- (c) part of the body was recorded as found first in a pilot area, where parts were found in more than one area.

(2) The relevant review partners are the review partners listed in regulation 9 in whose area either—

- (a) the body of the person who died was recorded to be found,
- (b) a part of the body of the person who died was recorded to be found, or

(7) “Review partner” is defined in section 36(1) of the Police, Crime, Sentencing and Courts Act 2022 as amended by paragraph 242 of Schedule 4 to the Health and Care Act 2022.

(8) 2002 c. 30. Section 12(2A) was inserted by the Serious Organised Crime and Police Act 2005 (c. 15), Schedule 12, paragraphs 1 and 3, and amended by the Police (Complaints and Conduct) Act 2012 (c. 22), section 2(1) and (3)(b).

(9) “Relevant review partner” is defined in section 36(1) of the Police, Crime, Sentencing and Courts Act 2022.

(c) part of the body was recorded as found first, where parts were found in more than one area.

8.—(1) This regulation applies where more than one person dies in the same incident, the location of the deaths is not known, or there is more than one location, and either—

- (a) a body of a person who died was recorded as found first in a pilot area; or
- (b) part of a body of a person who died was recorded as found first in a pilot area.

(2) The relevant review partners are the review partners listed in regulation 9 in whose area a body of a person who died, or a part of a body of a person who died, was recorded as found first.

9. The review partners for the purposes of regulations 6 to 8 are—

- (a) the chief officer of police for a police area,
- (b) the local authority, and
- (c) the integrated care board or, in Wales, the local health board.

Power to specify relevant review partner

10.—(1) If regulations 6 to 9 do not apply, the Secretary of State may give a direction specifying which review partners are the relevant review partners in respect of a person’s death.

(2) The Secretary of State may withdraw or amend a direction given under paragraph (1).

PART 4

Delegating functions

Delegation by relevant review partners

11.—(1) The relevant review partners in respect of a person’s death may act jointly to appoint one of themselves, or another person, to carry out on their behalf one or more of the functions listed in paragraph (2).

(2) The functions for the purposes of paragraph (1) are the functions in the following sections of the Act—

- (a) section 28(3) (inform a person that it is appropriate to take action in respect of the lessons learned from a review);
- (b) section 28(4) (prepare and send a report on the review to the Secretary of State);
- (c) section 29(1) (request a person provide specified information) for the purposes of section 28 of the Act (conduct of review);
- (d) section 29(6) (power to enforce the duty to comply with the request for information) in relation to a request made under sub-paragraph (c).

Date

Name
Minister of State
Home Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for an offensive weapons homicide review further to Part 2, Chapter 2 of the Police, Crime, Sentencing and Courts Act 2022 (c. 32) (“the Act”).

Regulation 4 specifies conditions for an offensive weapons homicide review additional to those in section 24(1) of the Act.

Regulations 6 to 9 make provision for identifying which review partners are to be the relevant review partners, in respect of a person’s death or where more than one person dies in the same incident, in respect of all of the deaths.

Regulation 10 empowers the Secretary of State to give a direction specifying the relevant review partners in respect of a person’s death if regulations 6 to 9 do not apply.

Regulation 11 permits relevant review partners to delegate to one of themselves, or another person, certain functions in Part 2, Chapter 2 of the Act (offensive weapons homicide reviews).

An Explanatory Memorandum has been published alongside these Regulations on www.legislation.gov.uk. An impact assessment has been prepared in relation to the Police, Crime, Sentencing and Courts Act 2022 (c. 32). A copy of the impact assessment is available on <https://bills.parliament.uk/publications/42136/documents/489>. A hard copy can be obtained by writing to the Home Office at 2 Marsham Street, London, SW1P 4DF.