



Police, Crime, Sentencing and Courts Act 2022

CHAPTER 32

POLICE, CRIME, SENTENCING AND COURTS ACT 2022

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Status: Point in time view as at 28/04/2022.

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PART 3 — AUTHORISED PERSONS IN RELATION TO THE PREVENTION OF CRIME ETC ONLY

SCHEDULE 4 — Pre-charge bail

PART 1 — GRANT OF PRE-CHARGE BAIL

- 1 Amendments to the Police and Criminal Evidence Act 1984 (c. 60)
- 2 (1) Section 30A (release of a person arrested elsewhere than...
- 3 (1) Section 34 (limitations on police detention) is amended as...
- 4 In section 36 (custody officers at police stations), after subsection...
- 5 (1) Section 37 (duties of custody officer before charge) is...
- 6 (1) Section 37CA (breach of bail following release under section...
- 7 In section 37D(4A) (release on bail under section 37: further...
- 8 In section 41(7) (release following period of detention without charge),...
- 9 In section 42(10) (release following continued detention without charge), for...
- 10 (1) Section 43 (warrants of further detention) is amended as...
- 11 In section 44(7) (release following extension of warrants of further...
- 12 (1) Section 47ZC (applicable bail period: conditions A to D)...
- 13 In section 50A (interpretation of references to pre-conditions for bail),...
- 14 Amendments to the Criminal Justice Act 2003 (c. 44)
- 15 (1) Section 24A (arrest for failure to comply with conditions...
- 6 In section 24B(5) (application of PACE provisions), for “section 24A(2)(c)”...

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...
- 18 (1) Section 50A of the Police and Criminal Evidence Act...

PART 3 — DUTY TO SEEK VIEWS OF ALLEGED VICTIMS

- 19 Amendments to the Bail Act 1976 (c. 63)
- 20 Amendments to the Police and Criminal Evidence Act 1984 (c. 60)
- 21 (1) Section 30CA (bail under section 30A: variation of conditions...
- 22 After section 47 insert— Duty to seek views of alleged...
- 23 Amendments to the Criminal Justice Act 2003 (c. 44)

PART 4 — LIMITS ON PERIOD OF BAIL WITHOUT CHARGE

- 24 The Police and Criminal Evidence Act 1984 is amended as...
- 25 In section 30B(8) (notice of release under section 30A: bail...
- 26 (1) Section 47ZB (applicable bail period: initial limit) is amended...
- 27 In section 47ZC (applicable bail period: conditions A to D...
- 28 (1) Section 47ZD (applicable bail period: extension of initial limit...
- 29 After section 47ZD insert— Applicable bail period: further extension of...
- 30 (1) Section 47ZE (applicable bail period: extension of limit in...
- 31 (1) Section 47ZF (applicable bail period: first extension of limit...
- 32 In section 47ZI (sections 47ZF to 47ZH: proceedings in magistrates’...
- 33 In section 47ZM(2) (applicable bail period: special case of release...

PART 5 — POLICE DETENTION AFTER ARREST FOR BREACH OF PRE-CHARGE BAIL ETC

- 34 The Police and Criminal Evidence Act 1984 is amended as...
- 35 In section 41 (limits on period of detention without charge),...
- 36 In section 47 (bail after arrest), after subsection (6) insert—...

PART 6 — GUIDANCE ON PRE-CHARGE BAIL

- 37 In the Police and Criminal Evidence Act 1984, after section...

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SCHEDULE 5 — Overseas production orders

- 1 The Crime (Overseas Production Orders) Act 2019 is amended as...
- 2 (1) Section 3 (meaning of “electronic data” and “excepted electronic...
- 3 In section 5(3) (content of order: requirements fulfilled by reference...
- 4 (1) Section 9 (restrictions on service of order) is amended...
- 5 (1) Section 14 (means of service) is amended as follows....
- 6 In section 15(3) (modifications of section 9 in the case...
- 7 (1) Section 17 (regulations) is amended as follows.

SCHEDULE 6 — Special procedure for access to material relating to human remains

- 1 Making of orders by judge
- 2 (1) An order under this paragraph is an order that,...
- 3 Where the material consists of information stored in any electronic...
- 4 For the purposes of sections 21 and 22 of the...
- 5 Notices of applications for orders
- 6 (1) Where notice of an application for an order under...
- 7 Failure to comply with order
- 8 Issue of warrants by judge
- 9 If the application is for an all premises warrant, the...
- 10 (1) The warrant may authorise entry to and search of...
- 11 A constable may— (a) seize and retain anything for which...
- 12 Procedural rules
- 13 Costs
- 14 Interpretation

SCHEDULE 7 — Expedited public spaces protection orders

- 1 The Anti-social Behaviour, Crime and Policing Act 2014 is amended...
- 2 In the heading of Chapter 2 of Part 4, at...
- 3 In the italic heading before section 59, at the end...
- 4 In the heading of section 59 (power to make orders),...
- 5 In the heading of section 60 (duration of orders), after...
- 6 (1) Section 61 (variation and discharge of orders) is amended...
- 7 (1) Section 62 (premises etc to which alcohol prohibition does...
- 8 In section 63 (consumption of alcohol in breach of prohibition...
- 9 (1) Section 64 (orders restricting public right of way over...
- 10 In section 65 (categories of highway over which public right...
- 11 (1) Section 66 (challenging validity of orders) is amended as...
- 12 (1) Section 67 (offence of failing to comply with order)...
- 13 (1) Section 68 (fixed penalty notices) is amended as follows....
- 14 In section 70 (byelaws), after “protection order” insert “or an...
- 15 (1) Section 71 (bodies other than local authorities with statutory...
- 16 In the heading of section 72 (Convention rights, consultation, publicity...
- 17 (1) Section 74 (interpretation of Chapter 2 of Part 4)...

SCHEDULE 8 — Road traffic offences: minor and consequential amendments

- 1 Road Traffic Act 1988 (c. 52)
- 2 Road Traffic Offenders Act 1988 (c. 55)
- 3 Crime (International Co-operation) Act 2003 (c. 32)
- 4 Armed Forces Act 2006 (c. 52)

SCHEDULE 9 — Surrender of licences and test certificates by new drivers

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

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- 2 (1) Section 2 (surrender of licences) is amended as follows....
- 3 (1) Section 3 (revocation of licences) is amended as follows....
- 4 After section 3 insert— Surrender of licences (1) Where— (a) the Secretary of State is required under...
- 5 In section 9, for subsection (5) (interpretation: address for sending...
- 6 (1) Schedule 1 (newly qualified drivers holding test certificates) is...

SCHEDULE 10 — 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....
- 2 (1) Section 2 (requirement of warning etc: supplementary) is amended...
- 3 (1) Section 26 (interim disqualification) is amended as follows.
- 4 (1) Section 27 (production of licence) is amended as follows....
- 5 (1) Section 47 (supplementary provisions as to disqualifications and endorsements)...
- 6 Omit section 56 (licence receipts).
- 7 (1) Section 57A (endorsement of driving records without hearings) is...
- 8 (1) Section 61A (fixed penalty notice mistakenly given: exclusion of...
- 9 (1) Section 69 (payment of penalty) is amended as follows....
- 10 (1) Section 70 (registration certificates) is amended as follows.
- 11 (1) Section 79 (statements by constables) is amended as follows....
- 12 In section 80 (certificates about payment)— (a) in the heading,...
- 13 (1) In section 84(a) (regulations), omit “54(5), 56.”.
- 14 (1) Section 89 (interpretation) is amended as follows.
- 15 (1) Section 90 (index to Part 3) is amended as...
- 16 In section 91ZA(1) (application to Northern Ireland licence holders), after...
- 17 In section 91A(1) (application to Community licence holders)—
- 18 (1) Schedule 1 (offences to which sections 1, 6, 11...
- 19 In Part 1 of Schedule 2 (prosecution and punishment of...

PART 2 — AMENDMENTS TO OTHER ACTS

- 20 Road Traffic Act 1988 (c. 52)
- 21 In section 93 (revocation of licence because of disability or...
- 22 In section 99 (duration of licences), omit subsection (6).
- 23 (1) Section 164 (power of constables to require production of...
- 24 In section 166 (powers of certain officers as respects goods...
- 25 Crime (International Co-operation) Act 2003 (c. 32)
- 26 PART 3 — CONSEQUENTIAL REPEALS OF AMENDING ENACTMENTS
- 26 Road Traffic (New Drivers) Act 1995 (c. 13)
- 27 Access to Justice Act 1999 (c. 22)
- 28 Police Reform Act 2002 (c. 30)
- 29 Courts Act 2003 (c. 39)
- 30 Road Safety Act 2006 (c. 49)
- 31 In section 10, omit— (a) subsections (5) and (6) (which...
- 32 In Schedule 1, omit— (a) paragraph 3(8) (which amends section...
- 33 In Schedule 2, omit paragraph 25(2)(b) (which amends section 76...
- 34 In Schedule 3, omit— (a) paragraph 5(3) and (4) (which...
- 35 Criminal Justice and Courts Act 2015 (c. 2)

SCHEDULE 11 — Cautions: consequential amendments

- 1 Rehabilitation of Offenders Act 1974 (c. 53)
- 2 In section 8A (protection afforded to spent cautions), in subsection...
- 3 (1) Schedule 2 (protection for spent cautions) is amended as...

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- 4 Bail Act 1976 (c. 63)
- 5 In section 3A (conditions of bail in case of police...
- 6 In section 5A (supplementary provision in case of police bail),...
- 7 Paragraphs 5 and 6 do not affect the operation of...
- 8 Matrimonial and Family Proceedings Act 1984 (c. 42)
- 9 Police Act 1997 (c. 50)
- 10 (1) Section 112 (criminal conviction certificates) is amended as follows....
- 11 (1) Section 116A (up-dating certificates) is amended as follows.
- 12 Police and Criminal Evidence Act 1984 (c. 60)
- 13 In section 34 (limitation on police detention), in subsection (5E)—...
- 14 In section 37B (consultation with DPP), in subsection (7), for...
- 15 In section 60B (notification of decision not to prosecute person...
- 16 In section 63B (testing for presence of Class A drugs),...
- 17 Omit section 63L (which relates to persons given a penalty...
- 18 In section 64A (photographing of suspects), in subsection (1B)—
- 19 Paragraphs 13 to 18 do not affect the operation of...
- 20 Crime and Disorder Act 1998 (c. 37)
- 21 In section 66E (failure to comply with conditions), for subsections...
- 22 In section 66G (code of practice), in subsection (2)—
- 23 Police Reform Act 2002 (c. 30)
- 24 In section 43 (railways safety accreditation scheme)—
- 25 In Schedule 5 (powers exercisable by accredited persons), omit the...
- 26 Omit Schedule 5A (powers exercisable by accredited inspectors).
- 27 Licensing Act 2003 (c. 17)
- 28 Courts Act 2003 (c. 39)
- 29 In section 85EA (prohibition of cross-examination in person: victims of...
- 30 In Schedule 5 (collection of fines), in paragraph 3(1)(b), for...
- 31 Criminal Justice Act 2003 (c. 44)
- 32 Offender Management Act 2007 (c. 21)
- 33 Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)
- 34 In section 101 (community remedy document), in subsection (9), in...
- 35 (1) Section 102 (out-of-court disposals) is amended as follows.
- 36 Paragraphs 34 and 35 do not affect the operation of...
- 37 Criminal Justice and Courts Act 2015 (c. 2)
- 38 Other consequential repeals
- 39 (1) Omit the following (which make amendments to Chapter 1...

SCHEDULE 12 — Minimum sentences for particular offences: consequential amendments

- 1 Mental Health Act 1983 (c. 20)
- 2 Armed Forces Act 2006 (c. 52)
- 3 In section 225(2) (third drug trafficking offence)—
- 4 In section 226(2) (third domestic burglary)— (a) for “section 314(2)”...
- 5 (1) Section 227A (offences of threatening with a weapon in...
- 6 In section 237 (duty to have regard to purposes of...
- 7 (1) Section 239 (reduction in sentences for guilty pleas) is...
- 8 In section 260 (discretionary custodial sentences: general restrictions), in subsection...
- 9 In section 273 (review of unduly lenient sentence by Court...

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SCHEDULE 13 — Removal of attendance centre requirements for adults: related amendments

- 1 Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)
- 2 (1) Section 60 (attendance centre orders) is amended as follows...
- 3 In Schedule 5 (further provision about attendance centre orders), in...
- 4 Criminal Justice Act 2003 (c. 44)
- 5 (1) Section 221 (provision of attendance centres) is amended as...
- 6 (1) In section 300(2) (power to impose attendance centre requirement...
- 7 If paragraph 102 of Schedule 32 is not in force...
- 8 Sentencing Code
- 9 (1) Schedule 11 (transfer of community orders to Scotland or...
- 10 (1) Schedule 17 (transfer of suspended sentence orders to Scotland...

SCHEDULE 14 — Community and suspended sentence orders: special procedures relating to review and breach

PART 1 — AMENDMENTS TO THE SENTENCING CODE

- 1 Introductory
- 2 Orders that qualify for special procedures
- 3 Review of community orders
- 4 In section 217 (power to provide for court review of...
- 5 After section 217 insert— Review of community order qualifying for...
- 6 Review of suspended sentence orders
- 7 After section 293 insert— Review of suspended sentence order qualifying...
- 8 (1) Section 294 (review hearings) is amended as follows.
- 9 (1) Section 295 (alteration of review arrangements) is amended as...
- 10 (1) Section 297 (power to direct magistrates' court supervision) is...
- 11 Review of drug rehabilitation requirements
- 12 Breach of community order: power to commit to custody
- 13 Breach of suspended sentence order: power to commit to custody
- 14 Prospective amendments relating to abolition of detention in a young offender institution

SCHEDULE 15 — Community and suspended sentence orders: drug testing requirement

- 1 The Sentencing Code is amended as follows.
- 2 In section 201 (community order: community order requirements table), after...
- 3 In section 207 (community order: availability of particular requirements), after...
- 4 In section 287 (suspended sentence order: community requirements table), after...
- 5 In section 291 (suspended sentence order: availability of particular requirements),...
- 6 In Schedule 9 (community orders and suspended sentence orders: requirements),...

SCHEDULE 16 — Detention and training orders: time to count as served

PART 1 — DETENTION AND TRAINING ORDERS MADE UNDER SENTENCING CODE

- 1 Criminal Justice Act 2003 (c. 44)
- 2 (1) Section 240ZA (time remanded in custody to count as...

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- 3 (1) Section 240A (time remanded on bail to count towards...
4 In section 242 (interpretation), at the end insert—
5 Sentencing Act 2020 (c. 17)
6 Omit sections 239 and 240 (effect on term of detention...
7 In section 244 (offender subject concurrently to detention and training...
8 In section 245 (offender subject concurrently to detention and training...
9 In section 325 (time on bail under certain conditions: declaration...
10 In section 327 (period in custody awaiting extradition: declaration by...
11 In Schedule 27 (transitional provision), omit paragraph 14 (and the...
12 Other enactments
13 In Schedule 7 to the International Criminal Court Act 2001...
PART 2 — DETENTION AND TRAINING ORDERS MADE UNDER ARMED
FORCES ACT 2006
14 The Armed Forces Act 2006 is amended as follows.
15 In section 213 (application of provisions relating to civilian detention...
16 After section 213 insert— Period in service custody: effect on...
- SCHEDULE 17 — Youth rehabilitation orders
PART 1 — ELECTRONIC MONITORING: GENERAL REQUIREMENTS
1 In Part 17 of Schedule 6 to the Sentencing Code...
PART 2 — ELECTRONIC WHEREABOUTS MONITORING REQUIREMENTS
2 Criminal Justice and Immigration Act 2008 (c. 4)
3 Sentencing Code
4 (1) Section 174 (youth rehabilitation requirements table) is amended
as...
5 In section 175(1)(c) (meaning of youth rehabilitation order with
intensive...
6 (1) Section 185 (youth rehabilitation order: availability of particular
requirements)...
7 In section 190 (provision of copies of youth rehabilitation order...
8 After section 198 insert— Electronic monitoring requirement previously
imposed (1) This section applies where an electronic monitoring
requirement was...
9 In section 395 (data from electronic monitoring: code of practice),...
10 In paragraph 19(3) of Schedule 6 (requirements where court imposes...
11 In paragraph 21 of Schedule 6 (requirements where court imposes...
12 (1) Part 17 of Schedule 6 (electronic monitoring) is amended...
13 (1) Schedule 7 (breach, revocation or amendment of youth
rehabilitation...
14 (1) Schedule 8 (transfer of youth rehabilitation orders to Northern...
PART 3 — INTENSIVE SUPERVISION AND SURVEILLANCE
15 The Sentencing Code is amended as follows.
16 In section 175(1) (youth rehabilitation order with intensive supervision
and...
17 (1) Paragraph 2 of Schedule 6 (extended activity requirement) is...
PART 4 — CURFEW REQUIREMENTS AND EDUCATION REQUIREMENTS
18 Introductory
19 Curfew requirement
20 In paragraph 9(1) of Schedule 23 (powers to amend limits...
21 Education requirement
PART 5 — THE RESPONSIBLE OFFICER
22 Criminal Justice and Immigration Act 2008 (c. 4)
23 Sentencing Code

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- SCHEDULE 18 — 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
- 1 Amendments of the Sexual Offences Act 2003 (c. 42)
 - 2 (1) Section 136ZD of the Sexual Offences Act 2003 (variation...)
 - 3 Amendments of the Sentencing Code
- PART 2 — VARIATION OF ORDER BY COURT IN SCOTLAND
- 4 Amendments of the Sexual Offences Act 2003 (c. 42)
 - 5 Amendments of the Sentencing Code
- PART 3 — VARIATION OF ORDER BY COURT IN ENGLAND AND WALES
- 6 After section 136ZF of the Sexual Offences Act 2003 (inserted...)
- SCHEDULE 19 — Management of terrorist offenders: provision consequential on sections 184 to 187
- 1 Police and Criminal Evidence Act 1984 (c. 60)
 - 2 Criminal Justice and Police Act 2001 (c. 16)
 - 3 Counter-Terrorism Act 2008 (c. 28)
 - 4 Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))
 - 5 Criminal Justice (Scotland) Act 2016 (asp 1)
- SCHEDULE 20 — Further provision about video and audio links in criminal proceedings
- 1 Criminal Justice Act 2003
 - 2 Extradition Act 2003
 - 3 Consequential amendments of other enactments
 - 4 (1) The Police and Criminal Evidence Act 1984 is amended...
 - 5 In section 32 of the Criminal Justice Act 1988—
 - 6 (1) The Youth Justice and Criminal Evidence Act 1999 is...
 - 7 (1) In section 29 of the Crime (International Co-operation) Act...
 - 8 In the Sentencing Code, omit section 391.
 - 9 In section 26 of the Domestic Abuse Act 2021 (breach...)
- SCHEDULE 21 — 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.
 - 2 In section 108(4), for “Part” substitute “Chapter”.
 - 3 In the table in section 122(1) (standard scale of fines...
 - 4 In section 166(7), for “paragraph” substitute “entry”.
 - 5 In section 293(2)(d), for (“a progress report”) substitute (“a “progress...
 - 6 In section 414(6), in each of paragraphs (a) and (b),...
 - 7 (1) Schedule 5 is amended as follows.
 - 8 In Schedule 16, in paragraph 11(4)(b), for first “by” substitute...
 - 9 In Schedule 21, in paragraph 4(1)— (a) omit the word...
 - 10 (1) Schedule 22 is amended as follows.
 - 11 In Schedule 24, omit paragraph 154(f).
- PART 2 — AMENDMENTS TO OTHER ENACTMENTS
- 12 Criminal Justice Act 2003 (c. 44)
 - 13 Counter-Terrorism and Sentencing Act 2021 (c. 11)

Status:

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