



Police, Crime, Sentencing and Courts Act 2022

2022 CHAPTER 32

PART 1

PROTECTION OF THE POLICE ETC

Offences against emergency workers

3 Required life sentence for manslaughter of emergency worker

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

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

- (1) This section applies where—
 - (a) a person aged under 18 is convicted of a relevant offence,
 - (b) the offence was committed—
 - (i) when the person was aged 16 or over, and

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- (ii) on or after the relevant commencement date, and
 - (c) the offence was committed against an emergency worker acting in the exercise of functions as such a worker.
- (2) The court must impose a sentence of detention for life under section 250 unless the court is of the opinion that there are exceptional circumstances which—
 - (a) relate to the offence or the offender, and
 - (b) justify not doing so.
- (3) For the purposes of subsection (1)(c) the circumstances in which an offence is to be taken as committed against a person acting in the exercise of functions as an emergency worker include circumstances where the offence takes place at a time when the person is not at work but is carrying out functions which, if done in work time, would have been in the exercise of functions as an emergency worker.
- (4) In this section “relevant offence” means the offence of manslaughter, but does not include—
 - (a) manslaughter by gross negligence, or
 - (b) manslaughter mentioned in section 2(3) or 4(1) of the Homicide Act 1957 or section 54(7) of the Coroners and Justice Act 2009 (partial defences to murder).
- (5) In this section—
 - “emergency worker” has the meaning given by section 68;
 - “relevant commencement date” means the date on which section 3 of the Police, Crime, Sentencing and Courts Act 2022 (required life sentence for manslaughter of emergency worker) comes into force.
- (6) An offence the sentence for which is imposed under this section is not to be regarded as an offence the sentence for which is fixed by law.
- (7) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of subsection (1)(b) to have been committed on the last of those days.”
- (7) In section 267 (extended sentence of detention in a young offender institution), in subsection (1)(d), for “or 274” substitute “, 274 or 274A”.
- (8) In section 272 (offences other than murder), in subsection (2)(b), for “or 274” substitute “, 274 or 274A”.
- (9) After section 274 insert—

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

- (1) This section applies where—
 - (a) a person aged 18 or over but under 21 is convicted of a relevant offence,
 - (b) the offence was committed—
 - (i) when the person was aged 16 or over, and
 - (ii) on or after the relevant commencement date, and

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- (c) the offence was committed against an emergency worker acting in the exercise of functions as such a worker.
- (2) The court must impose a sentence of custody for life under section 272 unless the court is of the opinion that there are exceptional circumstances which—
 - (a) relate to the offence or the offender, and
 - (b) justify not doing so.
- (3) For the purposes of subsection (1)(c) the circumstances in which an offence is to be taken as committed against a person acting in the exercise of functions as an emergency worker include circumstances where the offence takes place at a time when the person is not at work but is carrying out functions which, if done in work time, would have been in the exercise of functions as an emergency worker.
- (4) In this section “relevant offence” means the offence of manslaughter, but does not include—
 - (a) manslaughter by gross negligence, or
 - (b) manslaughter mentioned in section 2(3) or 4(1) of the Homicide Act 1957 or section 54(7) of the Coroners and Justice Act 2009 (partial defences to murder).
- (5) In this section—
 - “emergency worker” has the meaning given by section 68;
 - “relevant commencement date” means the date on which section 3 of the Police, Crime, Sentencing and Courts Act 2022 (required life sentence for manslaughter of emergency worker) comes into force.
- (6) An offence the sentence for which is imposed under this section is not to be regarded as an offence the sentence for which is fixed by law.
- (7) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of subsection (1)(b) to have been committed on the last of those days.”
- (10) In section 280 (extended sentence of imprisonment), in subsection (1)(d), for “or 285” substitute “, 285 or 285A”.
- (11) After section 285 insert—

“285A Required life sentence for manslaughter of emergency worker

- (1) This section applies where—
 - (a) a person aged 21 or over is convicted of a relevant offence,
 - (b) the offence was committed—
 - (i) when the person was aged 16 or over, and
 - (ii) on or after the relevant commencement date, and
 - (c) the offence was committed against an emergency worker acting in the exercise of functions as such a worker.
- (2) The court must impose a sentence of imprisonment for life unless the court is of the opinion that there are exceptional circumstances which—

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- (a) relate to the offence or the offender, and
 - (b) justify not doing so.
- (3) For the purposes of subsection (1)(c) the circumstances in which an offence is to be taken as committed against a person acting in the exercise of functions as an emergency worker include circumstances where the offence takes place at a time when the person is not at work but is carrying out functions which, if done in work time, would have been in the exercise of functions as an emergency worker.
- (4) In this section “relevant offence” means the offence of manslaughter, but does not include—
- (a) manslaughter by gross negligence, or
 - (b) manslaughter mentioned in section 2(3) or 4(1) of the Homicide Act 1957 or section 54(7) of the Coroners and Justice Act 2009 (partial defences to murder).
- (5) In this section—
- “emergency worker” has the meaning given by section 68;
 - “relevant commencement date” means the date on which section 3 of the Police, Crime, Sentencing and Courts Act 2022 (required life sentence for manslaughter of emergency worker) comes into force.
- (6) An offence the sentence for which is imposed under this section is not to be regarded as an offence the sentence for which is fixed by law.
- (7) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of subsection (1)(b) to have been committed on the last of those days.”
- (12) In section 329 (conversion of sentence of detention to sentence of imprisonment), in subsection (7)(a), after “258” insert “or 258A”.
- (13) In section 399 (mandatory sentences), in paragraph (b)(i)—
- (a) for “258, 274 or 285” substitute “258, 258A, 274, 274A, 285 or 285A”;
 - (b) omit “dangerous”.
- (14) In section 417 (commencement of Schedule 22), in subsection (3)(d), for “and 274” substitute “, 274 and 274A”.
- (15) In Schedule 22 (amendments of the Sentencing Code etc)—
- (a) after paragraph 59 insert—
 - “59A In section 285A (required life sentence for manslaughter of emergency worker), in subsection (1)(a), for “21” substitute “18”.”;
 - (b) in paragraph 73(a)(ii), after “274” insert “, 274A”;
 - (c) in paragraph 101(2), after “274,” insert “274A.”.
- (16) In section 37 of the Mental Health Act 1983 (powers of courts to order hospital admission or guardianship)—
- (a) in subsection (1A)—
 - (i) after “258,” insert “258A.”;

- (ii) after “274,” insert “274A,”;
 - (iii) for “or 285” substitute “, 285 or 285A”;
- (b) in subsection (1B)—
- (i) in paragraph (a), after “258” insert “or 258A”;
 - (ii) in paragraph (b), for “or 274” substitute “, 274 or 274A”;
 - (iii) in paragraph (c), for “or 285” substitute “, 285 or 285A”.