

2022 No. 1304

CRIMINAL LAW, ENGLAND AND WALES

The Prevention and Reduction of Serious Violence (Strategies etc.) Regulations 2022

<i>Made</i>	- - - -	<i>6th December 2022</i>
<i>Laid before Parliament</i>		<i>12th December 2022</i>
<i>Coming into force</i>	- -	<i>31st January 2023</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 6(2) to (4) and (5) to (7) of the Crime and Disorder Act 1998(a) (“the 1998 Act”) and sections 8(10), 9(10), 14(4) and (5) and 22(2)(a) and (b) of the Police, Crime, Sentencing and Courts Act 2022(b) (“the 2022 Act”).

In accordance with section 6(10) of the 1998 Act and section 22(3) of the 2022 Act, the Secretary of State has consulted the Welsh Ministers.

PART 1

Introduction

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Prevention and Reduction of Serious Violence (Strategies etc.) Regulations 2022.

(2) These Regulations come into force on 31st January 2023.

(3) These Regulations extend to England and Wales.

(4) In these Regulations, “the 2022 Act” means the Police, Crime, Sentencing and Courts Act 2022.

(a) 1998 c. 37 (“the 1998 Act”). Section 6 was substituted by section 22 of, and Schedule 9 to, the Police and Justice Act 2006 (c. 48) and amended by section 108(1), (4) and (5) of the Policing and Crime Act 2009 (c. 26), section 88 of, and paragraph 4 of Schedule 11 to, the Police Reform and Social Responsibility Act 2011 (c. 13) and section 20(1) and (3) to (7) of the Police, Crime, Sentencing and Courts Act 2022 (c. 32) (“the 2022 Act”). The Secretary of State is the appropriate national authority by virtue of section 6(9)(a) of the 1998 Act.

(b) 2022 c. 32.

PART 2

Functions relating to serious violence

Interpretation

2. In this Part—

“section 8 strategy” means a strategy under section 8 of the 2022 Act (duties to collaborate and plan to prevent and reduce serious violence), and includes a revised strategy(a);

“section 9 strategy” means a strategy under section 9 of the 2022 Act (powers to collaborate and plan to prevent and reduce serious violence), and includes a revised strategy(b).

Timing of publication of a strategy

3.—(1) The first section 8 strategy must be published as soon as reasonably practicable after it has been prepared and in any event by 31st January 2024.

(2) Each subsequent section 8 strategy and each section 9 strategy, where prepared, must be published as soon as reasonably practicable after it has been prepared.

Manner in which specified authorities must publish and disseminate a section 8 strategy

4.—(1) Each section 8 strategy must be published by the specified authorities for the local government area(c), in the area, by—

- (a) placing the strategy on the website of—
 - (i) at least one of the specified authorities for the area, or
 - (ii) a local policing body for a police area which the local government area coincides with or falls within, and
- (b) publishing the strategy in such other form as the specified authorities consider appropriate, having regard to the need to bring it to the attention of different groups and persons within the area.

(2) The section 8 strategy must be submitted, by one of the specified authorities for the local government area, to the Secretary of State within the period of 7 days commencing on the date of publication.

Manner in which specified authorities must publish and disseminate a section 9 strategy

5.—(1) Where two or more specified authorities prepare a section 9 strategy in relation to a relevant area(d), the specified authorities must publish the strategy in the relevant area by—

- (a) for each local government area which forms part of the relevant area, placing the strategy on the website of—
 - (i) at least one of the specified authorities for the local government area, or
 - (ii) a local policing body for a police area which the local government area coincides with or falls within, and
- (b) publishing the strategy in such other form as the specified authorities consider appropriate, having regard to the need to bring it to the attention of different groups and persons within the relevant area.

(a) See section 8(11) of the 2022 Act.

(b) See section 9(11) of the 2022 Act.

(c) See section 11 of, and Schedule 1 to, the 2022 Act as to the meaning of “specified authorities” and “local government areas”.

(d) See section 9(13) of the 2022 Act as to the meaning of “relevant area”.

(2) Where a section 9 strategy is published in accordance with paragraph (1), the strategy must be submitted by one of the specified authorities to the Secretary of State within the period of 7 days commencing on the date of publication.

Strategies that apply in relation to Wales

6.—(1) Where the specified authorities for a local government area publish a section 8 strategy and all or part of the local government area is in Wales, the section 8 strategy must be —

- (a) published in both English and Welsh, and
- (b) submitted to the Welsh Ministers by one of the specified authorities within the period of 7 days commencing on the date of publication.

(2) Where two or more specified authorities prepare a section 9 strategy in relation to a relevant area and all or part of that relevant area is in Wales, the section 9 strategy must be—

- (a) published in both English and Welsh, and
- (b) submitted to the Welsh Ministers by one of the specified authorities within the period of 7 days commencing on the date of publication.

PART 3

Role of local policing bodies

Functions of a local policing body

7.—(1) A local policing body for a police area has the functions outlined in regulations 8 to 10 conferred upon them for the purposes of assisting a specified authority in the exercise of—

- (a) the authority’s functions under or in accordance with section 8 of the 2022 Act in relation to a local government area which coincides with or falls within the police area, or
- (b) the authority’s functions under or in accordance with section 9 of the 2022 Act in relation to a relevant area which, or any part of which, coincides with or falls within the police area.

(2) In regulations 8 to 10, references to “the authority’s functions” means the specified authority’s functions under or in accordance with section 8 or section 9 of the 2022 Act, as the case may be.

Power to pay grants

8.—(1) The local policing body may pay grants to a specified authority for the purpose of assisting the specified authority with the exercise of the authority’s functions.

(2) A grant under this regulation may be subject to any conditions (including conditions as to repayment) that the local policing body thinks appropriate.

Power to convene meetings

9.—(1) The local policing body may—

- (a) convene and chair meetings for the purpose of assisting the specified authority with the exercise of the authority’s functions;
- (b) require representatives of—
 - (i) a specified authority;
 - (ii) an education authority;
 - (iii) a prison authority, or
 - (iv) a youth custody authority

for the local government area, or relevant area, as the case may be, to attend meetings convened under sub-paragraph (a);

- (c) require other persons, of such descriptions and numbers as the local policing body specifies, to attend meetings convened under sub-paragraph (a).
- (2) The local policing body may exercise the powers in paragraph (1) only—
- (a) after consulting with any authority or person affected, and
 - (b) to the extent that the local policing body, having taken account of the views of any authority or person affected, as the case may be, considers reasonable and proportionate in all the circumstances.

Power to provide support

10. The local policing body may provide such administrative and management support as it considers appropriate to assist the specified authority with the exercise of the authority's functions.

PART 4

Amendments to Crime and Disorder Regulations: Serious Violence

Amendment of the Crime and Disorder (Formulation and Implementation of Strategy) Regulations 2007

11.—(1) The Crime and Disorder (Formulation and Implementation of Strategy) Regulations 2007^(a) are amended as follows.

- (2) In regulation 6(f), after “crime and disorder” insert “, serious violence^(b)”.
- (3) In regulation 7—
 - (a) in paragraph (a), after “crime and disorder” insert “, serious violence”;
 - (b) in paragraph (d), after “crime and disorder” insert “, to prevent and reduce serious violence”;
 - (c) in paragraph (e), after “crime and disorder” insert “, to prevent and reduce serious violence”.
- (4) In regulation 9(3)(b), after “crime and disorder” insert “, prevent and reduce serious violence”.
- (5) In regulation 11(1)(a), after “crime and disorder” insert “, the prevention and reduction of serious violence”.
- (6) In regulation 12—
 - (a) in paragraph (1)(a), after “crime and disorder” insert “, serious violence”;
 - (b) in paragraph (1)(b), after “crime and disorder” insert “, to prevent and reduce serious violence”.
- (7) In regulation 13, after “substance misuse” insert “, and preventing and reducing serious violence,”.

(a) S.I. 2007/1830. Relevant amending instruments are S.I. 2010/647 and 2011/1230. There are other amending instruments not relevant to these Regulations.

(b) See section 18 of the 1998 Act in relation to the expression “serious violence”.

Amendment of the Crime and Disorder (Formulation and Implementation of Strategy) (Wales) Regulations 2007

12.—(1) The Crime and Disorder (Formulation and Implementation of Strategy) (Wales) Regulations 2007(a) are amended as follows.

- (2) In regulation 6(f), after “crime and disorder” insert “and serious violence”.
- (3) In regulation 7—
 - (a) in paragraph (a), after “crime and disorder” insert “and serious violence”;
 - (b) in paragraph (d), after “crime and disorder” insert “and to prevent and reduce serious violence”;
 - (c) in paragraph (e), after “crime and disorder” insert “and to prevent and reduce serious violence”.
- (4) In regulation 9, after paragraph (aa) insert—

“(ab) a strategy for the prevention and reduction of serious violence in the area;”.
- (5) In regulation 10(1)—
 - (a) in paragraph (a), after “crime and disorder” insert “and serious violence”;
 - (b) in paragraph (b) for “, crime and disorder” substitute “and crime and disorder, and to prevent and reduce serious violence, ”.
- (6) In regulation 11 for “, crime and disorder” substitute “and crime and disorder, and preventing and reducing serious violence,”.
- (7) For regulation 13, substitute—

“13. In exercising their functions under these Regulations the responsible authorities must have regard to any guidance given by—

- (a) the Secretary of State and the Welsh Ministers acting jointly, in relation to strategies for reducing crime and disorder or re-offending in areas in Wales;
- (b) the Secretary of State in relation to strategies for preventing and reducing serious violence in areas in Wales.”

6th December 2022

Chris Philp
Minister of State
Home Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision relating to the duty on certain public authorities to collaborate to prevent and reduce serious violence, provided for by Chapter 1 of Part 2 of the Police, Crime, Sentencing and Courts Act 2022 (c. 32) (“the 2022 Act”), and to formulate and implement strategies to prevent and reduce serious violence, provided for by sections 5 to 7 of the Crime and Disorder Act 1998 (c. 37) (“the 1998 Act”), in their local area.

Part 2 of these Regulations provides for the publication and dissemination of a serious violence strategy, under section 8 or 9 of the 2022 Act, including revised strategies. Regulation 3 provides that each strategy must be published as soon as reasonably practicable after it has been prepared, with the first section 8 strategy being published by 31st January 2024. Regulations 4 and 5 provide that each strategy must be placed on the website of a specified authority or a local policing body

(a) S.I. 2007/3076 as amended by S.I. 2010/648. There are other amending instruments not relevant to these Regulations.

for the local government area (or each local government area, as the case may be) to which it relates and published in such other form as the specified authorities consider appropriate. The serious violence strategies must be submitted to the Secretary of State within 7 days (starting with the date of publication). For strategies relating to local government areas in Wales (in all or in part) the strategy must be published in both English and Welsh and submitted to Welsh Ministers as well as the Secretary of State.

Part 3 of these Regulations confers functions on local policing bodies for a police area (the Police and Crime Commissioner, Mayor's Office for Policing and Crime and the Common Council of the City of London, as the case may be) to enable them to assist a specified authority in relation to their functions under the 2022 Act in preventing and reducing serious violence. Regulations 7 to 10 enable the local policing body to, for the purpose of assisting the specified authority in the exercise of its functions under section 8 or 9 of the 2022 Act, make grants to specified authorities, convene and chair meetings, require representatives of the specified authorities, relevant authorities (educational, prison or youth custody authorities) or such other persons as they consider appropriate to attend such meetings, and provide administrative and management support to the specified authority.

Part 4 of these Regulations makes amendments to relevant secondary legislation to take into account the requirement, inserted into the 1998 Act by section 20 of the 2022 Act, for responsible authorities (members of a Community Safety Partnership) to formulate and implement a strategy to prevent and reduce serious violence. Regulation 11 amends the Crime and Disorder (Formulation and Implementation of Strategy) Regulations 2007 (S.I. 2007/1830) which apply to England. Regulation 12 amends the Crime and Disorder (Formulation and Implementation of Strategy) (Wales) Regulations 2007 (S.I. 2007/3076) which apply to Wales.

An impact assessment has been prepared in relation to the 2022 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 Serious Violence Unit of the Home Office at 2 Marsham Street, London, SW1P 4DF.

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