
STATUTORY INSTRUMENTS

2023 No. 250

CRIMINAL LAW, ENGLAND AND WALES

The Police, Crime, Sentencing and Courts
Act 2022 (Consequential Provision)
(England and Wales) Regulations 2023

<i>Made</i>	- - - -	<i>2nd March 2023</i>
<i>Laid before Parliament</i>		<i>6th March 2023</i>
<i>Coming into force</i>	- -	<i>28th March 2023</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 205(1) and (2) of the Police, Crime, Sentencing and Courts Act 2022(1).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Police, Crime, Sentencing and Courts Act 2022 (Consequential Provision) (England and Wales) Regulations 2023 and come into force on 28th March 2023.

(2) These Regulations extend to England and Wales.

Amendment of the Nationality, Immigration and Asylum Act 2002 (Specification of Particularly Serious Crimes) Order 2004

2. In Schedule 2 (Offences Under the Common Law of England and Wales and Statutory Offences that Apply Only in England and Wales) to the Nationality, Immigration and Asylum Act 2002 (Specification of Particularly Serious Crimes) Order 2004(2) under the heading “Sexual Offences Act 2003”, in the entry relating to section 14(1) of that Act, for “9” substitute “5”.

Amendment of the Criminal Justice Act 2003 (Categories of Offences) Order 2004

3. In Part 2 (Sexual Offences (Persons under the age of 16) Category) of the Schedule to the Criminal Justice Act 2003 (Categories of Offences) Order 2004(3), in paragraph 25 for “sections 9 and 10” substitute “any of sections 5 to 10”.

(1) [2022 c. 32](#).

(2) [S.I. 2004/1910](#), to which there are amendments not relevant to these Regulations.

(3) [S.I. 2004/3346](#), to which there are amendments not relevant to these Regulations.

Status: This is the original version (as it was originally made).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

2nd March 2023

Sarah Dines
Parliamentary Under Secretary of State
Home Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provisions that are consequential on section 46 of the Police, Crime, Sentencing and Courts Act 2022 (“the 2022 Act”). Section 46 amends section 14 of the Sexual Offences Act 2003 (“the 2003 Act”) so that section 14 also covers acts relating to arranging or facilitating an offence under section 5 to 8 of the 2003 Act, in addition to offences under sections 9 to 13 of that Act.

Regulation 2 amends Schedule 2 to the Nationality, Immigration and Asylum Act 2002 (Specification of Particularly Serious Crimes) Order 2004 to amend the references to the sections of the 2003 Act to which the offence under section 14 of that Act now applies. This enables a person who is convicted of an offence under section 14 in respect of acts preparatory to the offences under sections 5 to 8 of the 2003 Act to be presumed to have been convicted by a final judgment of a particularly serious crime so constituting a danger to the community of the United Kingdom. This amendment enables that person to be considered for removal from the United Kingdom even though the person is a refugee under the United Nations 1951 Convention on the Status of Refugees.

Regulation 3 amends paragraph 25 of the Schedule to the Criminal Justice Act 2003 (Categories of Offences) Order 2004 so that its reference to section 14 of the 2003 Act reflects the amendments made by section 46 of the 2022 Act. Section 103(2)(b) of the Criminal Justice Act 2003 provides that a defendant’s propensity to commit offences of the kind with which the defendant is charged may be established by evidence that the defendant has been convicted of an offence of the same category as the one with which the defendant is charged. Section 103(4)(b) provides that two offences are of the same category as each other if they belong to the same category of offences prescribed for the purposes of that section by an order made by the Secretary of State.

A full impact assessment has not been produced for these Regulations as no, or no significant, impact on the private, voluntary or public sector is foreseen.