
STATUTORY INSTRUMENTS

2023 No. 387

**The Police, Crime, Sentencing and Courts Act
2022 (Commencement No. 6 and Piloting,
Transitional and Saving Provisions) Regulations 2023**

PART 3

SVROs

Provisions coming into force on 19th April 2023: pilot of SVROs

5.—(1) The following subsections of section 165 of the 2022 Act (SVROs) come into force on 19th April 2023, in so far as they are not already in force⁽¹⁾, for the specified purpose and for the specified period only—

- (a) subsection (1), for the purpose of inserting into the Sentencing Code⁽²⁾ sections 342A (power to make SVRO), 342B (meaning of “SVRO”), 342D to 342J (SVROs) and 342L (SVROs: interpretation) only;
 - (b) subsection (2);
 - (c) subsection (3).
- (2) In paragraph (1), the specified purpose is to enable—
- (a) applications for SVROs under section 342A of the Sentencing Code to be made to courts sitting at a place which is within the pilot areas;
 - (b) courts sitting at a place which is within the pilot areas to make, vary, renew and discharge SVROs under sections 342A and 342H of the Sentencing Code;
 - (c) the offences referred to in section 342G of the Sentencing Code to apply in relation to SVROs made within the pilot areas;
 - (d) appeals under section 342I of the Sentencing Code to be made to the Crown Court sitting at a place which is within the pilot areas or to the Court of Appeal;
 - (e) the exercise by constables, chief officers of police and the chief constables of the British Transport Police Force of their functions under Chapter 1A of Part 11 of the Sentencing Code in relation to SVROs made within the pilot areas, and
 - (f) an assessment by the Secretary of State of the impact of SVROs.

Transitional provision: period for which SVROs are to have effect

6.—(1) Where a SVRO is made under section 342A of the Sentencing Code during the specified period and has effect immediately before the end of that period, the order ceases to have effect on whichever is the earliest of—

(1) Section 165 came into force on 28 April 2022 for the purposes of issuing guidance and making regulations, in accordance with section 208(4) of the 2022 Act.
(2) [2020 c. 17](#). Pursuant to section 1 of the Sentencing Act 2020, Parts 2 to 13 of that Act make up the Sentencing Code.

- (a) the end of the period of 6 months after the end of the specified period;
- (b) the end of the period specified in the SVRO as the period for which the SVRO has effect⁽³⁾;
- (c) the day or day and time specified in any order made under section 342H(6) of the Sentencing Code as the day or day and time when the discharge of the order is to take effect⁽⁴⁾.

(2) Where a SVRO is made under section 342A of the Sentencing Code during the specified period but does not take effect before the end of that period, the order is to have no effect after the end of the specified period.

Saving provision: SVROs which have effect immediately before the end of the specified period

7.—(1) Section 165(1) of the 2022 Act continues to have effect, for a further period of 6 months from the end of the specified period—

- (a) in so far as it inserts the provisions mentioned in paragraph (2) into the Sentencing Code, and
- (b) to the extent those provisions relate to SVROs which have effect immediately before the end of the specified period.

(2) The provisions mentioned for the purposes of paragraph (1)(a) are—

- (a) section 342B;
- (b) section 342D;
- (c) section 342E;
- (d) section 342G;
- (e) section 342H, in so far as it applies to applications for orders varying or discharging SVROs;
- (f) section 342I;
- (g) section 342J(5);
- (h) section 342L.

Saving provision: retention and disposal of things seized under section 342E of the Sentencing Code

8. Section 165(1) of the 2022 Act continues to have effect—

- (a) in so far as it inserts section 342F into the Sentencing Code, and
- (b) to the extent that provision applies to anything seized by a constable under section 342E of the Sentencing Code during the specified period or the period of 6 months following the end of the specified period.

(3) Section 342D(2) of the Sentencing Code provides that a SVRO must specify the period for which it has effect. Such order, including the period specified in the order, may be varied by court order under section 342H(6) of the Sentencing Code.

(4) Section 342H(6) of the Sentencing Code makes provision for discharge of a SVRO by court order.