

DEREGULATION ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 83: “MAPPAs arrangements” to cease to apply to certain offenders

383. Multi-Agency Public Protection Arrangements (“MAPPAs”) are a statutory set of arrangements operated by criminal justice and social care agencies that seek to reduce the serious re-offending behaviour of sexual, violent and other offenders and protect the public from serious harm. They were introduced by the Criminal Justice Act 2003. They are designed to allow criminal justice agencies to share information regarding serious offenders in order to protect the public.
384. The provisions of the Criminal Justice Act 2003 impose a duty on the agencies concerned to make arrangements to co-operate with each other in managing the risks posed by certain offenders. This offender group is largely comprised of those sexual and violent offenders described by section 327 of the Criminal Justice Act 2003.
385. The section is only concerned with the duty as it relates to those offenders who receive, or meet the conditions to receive, a disqualification order (currently covered by section 327(5)). The court’s power to impose disqualification orders was repealed by the Safeguarding Vulnerable Groups Act 2006 but the MAPPAs arrangements currently apply to those who received them in the past. The government does not consider that it is necessary for the arrangements to continue to apply automatically to persons solely because they received a disqualification order. The section therefore amends section 327 (including repealing section 327(5)) to ensure that the arrangements do not apply solely for this reason. In addition, it makes further amendments to ensure that this change does not result in a failure to manage serious offenders. New subsection 327(4A) therefore lists six further offences that, in addition to those offences listed in Schedule 15 to the Criminal Justice Act 2003, will trigger the duty to make arrangements by virtue of section 327(3) and (4). The six new offences are the only offences for which a disqualification order could have been imposed which did not previously fall within another limb of section 327. Under section 327(3) and (4) these new offences trigger the duty only where the sentence imposed was of a certain level of seriousness or in other limited circumstances.
386. The amendments made by the section form part of the law of England and Wales.
387. The amendments made by the section come into force at the end of the period of 2 months beginning with the day on which the Act is passed.