



Policing and Crime Act 2017

2017 CHAPTER 3

PART 9

MISCELLANEOUS AND GENERAL

CHAPTER 1

MISCELLANEOUS

Pardons for certain abolished offences etc

166 Power to provide for disregards and pardons for additional abolished offences: England and Wales

- (1) The Secretary of State may by regulations made by statutory instrument amend section 92 of the Protection of Freedoms Act 2012 (power of Secretary of State to disregard convictions or cautions) so as to add further offences to the list of offences specified in subsection (1) of that section.
- (2) An offence may be added to that list only if—
 - (a) it was an offence under the law of England and Wales,
 - (b) it has been repealed or, in the case of an offence at common law, abolished, and
 - (c) either—
 - (i) the offence expressly regulated homosexual activity, or
 - (ii) although the offence did not expressly regulate homosexual activity, it appears to the Secretary of State that those responsible for investigating occurrences of the offence targeted occurrences involving, or connected with, homosexual activity.
- (3) Regulations under subsection (1) adding an offence may also amend section 92 so as to provide that, in relation to the offence, condition A is that it appears to the Secretary

Status: This is the original version (as it was originally enacted).

of State that matters specified in the amendment apply (in substitution for the matters specified in subsection (3)(a) and (b) of that section).

- (4) Regulations under subsection (1) may make consequential amendments of Chapter 4 of Part 5 of the 2012 Act.
- (5) Regulations under subsection (1) adding an offence must also provide for any person who has been convicted of, or cautioned for, the offence to be pardoned where—
 - (a) the person has died before the regulations come into force or the person dies during the period of 6 months beginning with the day on which they come into force, and
 - (b) the conditions specified in the regulations are met.
- (6) Those conditions must correspond to the matters that are specified in condition A in section 92 of the 2012 Act as it applies in relation to the offence (that is, the matters which must appear to the Secretary of State to apply in order for condition A to be met).
- (7) Subsection (5)(a) does not apply in relation to a person who dies during the period of 6 months if, before the person's death, the person's conviction of, or caution for, the offence becomes a disregarded conviction or caution under Chapter 4 of Part 5 of the 2012 Act (and, accordingly, the person is pardoned for the offence before death under section 165(3) of this Act).
- (8) The regulations must make provision which has a comparable effect in relation to the pardons provided for by the regulations and the offences to which those pardons relate as section 164(4) to (9) of this Act has in relation to the pardons provided for by section 164(1) to (3) and the offences to which they relate.
- (9) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (10) In this section, “caution”, “conviction”, “disregarded caution” and “disregarded conviction” have the same meaning as in Chapter 4 of Part 5 of the 2012 Act (see section 101 of that Act).