



# Police, Crime, Sentencing and Courts Act 2022

## 2022 CHAPTER 32

### PART 2

#### PREVENTION, INVESTIGATION AND PROSECUTION OF CRIME

#### CHAPTER 1

##### FUNCTIONS RELATING TO SERIOUS VIOLENCE

##### *Amendments to the Crime and Disorder Act 1998 etc*

### **20 Amendments to the Crime and Disorder Act 1998**

- (1) The Crime and Disorder Act 1998 is amended as follows.
- (2) In section 5A (combination agreements: further provision)—
  - (a) in subsection (2), after paragraph (c) insert—
    - “(d) preventing people from becoming involved in serious violence;
    - (e) reducing instances of serious violence.”, and
  - (b) after subsection (9) insert—
    - “(10) References in this section to serious violence and to becoming involved in serious violence are to be construed in accordance with section 18.”
- (3) Section 6 (formulation and implementation of strategies) is amended in accordance with subsections (4) to (7).
- (4) In subsection (1), at the end of paragraph (c) insert “; and
  - (d) a strategy for—

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**Changes to legislation:** *There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Cross Heading: Amendments to the Crime and Disorder Act 1998 etc. (See end of Document for details)*

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(i) preventing people from becoming involved in serious violence in the area, and

(ii) reducing instances of serious violence in the area.”

(5) In subsection (6)—

(a) omit the “or” at the end of paragraph (a), and

(b) after paragraph (b) insert—

“(c) the prevention of people becoming involved in serious violence of a particular description; or

(d) the reduction of instances of serious violence of a particular description.”

(6) In subsection (9), at the end of paragraph (a) insert “and strategies for preventing people from becoming involved in and reducing instances of serious violence in areas in Wales”.

(7) After subsection (9) insert—

“(10) The Secretary of State must consult the Welsh Ministers before making regulations under this section if and to extent that the regulations—

(a) relate to a strategy within subsection (1)(d), and

(b) make provision that applies in relation to a devolved Welsh authority within the meaning of the Government of Wales Act 2006 (see section 157A of that Act).

(11) References in this section to serious violence and to becoming involved in serious violence are to be construed in accordance with section 18.”

(8) Section 17 (duty to consider crime and disorder implications) is amended in accordance with subsections (9) to (11).

(9) In subsection (1), at the end of paragraph (c) insert “; and

(d) serious violence in its area.”

(10) After subsection (1) insert—

“(1A) The duty imposed on an authority by subsection (1) to do all it reasonably can to prevent serious violence in its area is a duty on the authority to do all it reasonably can to—

(a) prevent people from becoming involved in serious violence in its area, and

(b) reduce instances of serious violence in its area.”

(11) After subsection (5) insert—

“(6) References in this section to serious violence and to becoming involved in serious violence are to be construed in accordance with section 18.”

(12) In section 18 (interpretation of Chapter 1)—

(a) in subsection (1), at the appropriate place insert—

““violence”—

(a) includes, in particular—

(i) domestic abuse within the meaning of the Domestic Abuse Act 2021 (see section 1 of that Act),

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- (ii) sexual offences,
  - (iii) violence against property, and
  - (iv) threats of violence;
- (b) does not include terrorism (within the meaning of the Terrorism Act 2000 (see section 1(1) to (4) of that Act)).”, and
- (b) after that subsection insert—
  - “(1A) In the definition of “violence” in subsection (1) “sexual offence” means an offence under the law of England and Wales which is for the time being specified in Schedule 3 to the Sexual Offences Act 2003, other than the offence specified in paragraph 14 of that Schedule (fraudulent evasion of excise duty).
  - (1B) In determining for the purposes of subsection (1A) whether an offence is specified in Schedule 3 to the Sexual Offences Act 2003, any limitation in that Schedule referring to the circumstances of a particular case (including the sentence imposed) is to be disregarded.
  - (1C) References in this Chapter to becoming involved in serious violence include becoming a victim of serious violence.
  - (1D) In considering whether violence in an area amounts to serious violence for the purposes of this Chapter account must be taken in particular of the following factors—
    - (a) the maximum penalty which could be imposed for the offence (if any) involved in the violence,
    - (b) the impact of the violence on any victim,
    - (c) the prevalence of the violence in the area, and
    - (d) the impact of the violence on the community in the area.”

#### Commencement Information

- I1** S. 20 in force at Royal Assent for specified purposes, see [s. 208\(4\)\(f\)](#)
- I2** [S. 20](#) in force at 31.1.2023 in so far as not already in force by [S.I. 2022/1227](#), [reg. 4\(l\)](#)

## 21 Amendment to the Police and Justice Act 2006

In section 19(11) of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters: interpretation), in the definition of “local crime and disorder matter”—

- (a) omit the “or” at the end of paragraph (a), and
- (b) at the end of paragraph (b) insert “or
- (c) serious violence (within the meaning of Chapter 1 of Part 1 of the Crime and Disorder Act 1998).”.

#### Commencement Information

- I3** S. 21 not in force at Royal Assent, see [s. 208\(1\)](#)
- I4** [S. 21](#) in force at 31.1.2023 by [S.I. 2022/1227](#), [reg. 4\(m\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Cross Heading: Amendments to the Crime and Disorder Act 1998 etc.