



# Police, Crime, Sentencing and Courts Act 2022

## 2022 CHAPTER 32

### PART 2

#### PREVENTION, INVESTIGATION AND PROSECUTION OF CRIME

### CHAPTER 2

#### OFFENSIVE WEAPONS HOMICIDE REVIEWS

#### 24 Duty to arrange a review

- (1) Where a review partner considers that—
- (a) the death of a person was, or is likely to have been, a qualifying homicide,
  - (b) the death occurred, or is likely to have occurred, in England or Wales,
  - (c) such other conditions as the Secretary of State may specify by regulations are satisfied, including, for example, conditions relating to—
    - (i) the circumstances of or relating to the death,
    - (ii) the circumstances or history of the person who died, or
    - (iii) the circumstances or history of other persons with a connection to the death, and
  - (d) the review partner is one of the relevant review partners in respect of the death (see section 25),
- the review partner must join with the other relevant review partners in respect of the death in arranging for there to be a review under this section of the person's death.
- (2) Subsection (1) is subject to subsections (3) to (5) and section 26.
- (3) If the review partner considers, on further information, that any of the conditions mentioned in subsection (1)(a) to (c) is not satisfied in the case of the person's death,

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the review partner ceases to be under a duty to arrange for there to be a review under this section of the death (and a review may accordingly be discontinued).

- (4) If the review partner considers, on further information, that the condition mentioned in subsection (1)(d) is not satisfied in the case of the person’s death, the review partner ceases to be under a duty to arrange for there to be a review under this section of the death, except where such a review of the death has already started to take place under arrangements made by the review partner and other review partners.
- (5) Subsection (1) does not require a review partner to arrange for there to be a review under this section of a person’s death if such a review of the death has already taken place, or started to take place, under arrangements made by other review partners.
- (6) For the purposes of this section, the homicide of a person is a qualifying homicide if—
  - (a) the person was aged 18 or over, and
  - (b) the death, or the events surrounding it, involved the use of an offensive weapon.
- (7) The Secretary of State may by regulations—
  - (a) amend this section so as to alter the meaning of “qualifying homicide”, and
  - (b) make such consequential amendments of this Chapter as appear to the Secretary of State to be appropriate.
- (8) In this section “offensive weapon” has the same meaning as in section 1 of the Prevention of Crime Act 1953.

## **25 Relevant review partners**

- (1) The Secretary of State may by regulations make provision for identifying which review partners are to be the relevant review partners in respect of a person’s death.
- (2) The regulations may provide that the relevant review partners in respect of a person’s death are—
  - (a) a chief officer of police for a police area in England or Wales of a description specified in the regulations,
  - (b) a local authority of a description specified in the regulations or, in a case of a description specified in the regulations, a county council and a district council of a description specified in the regulations, and
  - (c) a clinical commissioning group or a local health board of a description specified in the regulations.
- (3) The regulations may, in particular, provide that, in a case of a description specified in the regulations, the relevant review partners in respect of a person’s death are—
  - (a) the chief officer of police for the police area in England or Wales in which the death occurred or is likely to have occurred,
  - (b) the local authority in whose area the death occurred or is likely to have occurred or, if the death occurred or is likely to have occurred within the area of a district council whose area is within the area of a county council, both of those local authorities, and
  - (c) the clinical commissioning group or the local health board in whose area the death occurred or is likely to have occurred.
- (4) The regulations may include provision for identifying the relevant review partners in respect of a person’s death by reference to other matters, including—

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- (a) the last known place of residence of the person who died;
  - (b) an earlier place of residence of the person who died;
  - (c) the place of residence of the person who caused or is likely to have caused, or of any of the persons who caused or are likely to have caused, the person's death;
  - (d) the police area in England or Wales of the police force that is investigating or has investigated the person's death.
- (5) The regulations may—
- (a) provide for a group of review partners to agree with another group of review partners to be the relevant review partners in respect of a person's death instead of that other group;
  - (b) provide for review partners of a description specified in the regulations to agree between them which of them is a relevant review partner in respect of a person's death;
  - (c) provide for the Secretary of State to give a direction specifying which review partners are the relevant review partners in respect of a person's death.

## **26 Relationship with other review requirements**

- (1) The duty in section 24(1) does not apply in relation to a death if—
- (a) a child death review must or may be arranged in relation to the death (see section 16M(1) and (2) of the Children Act 2004),
  - (b) the death may be the subject of a domestic homicide review (see section 9 of the Domestic Violence, Crime and Victims Act 2004), or
  - (c) a safeguarding adults review must or may be established in relation to the death (see section 44(1) and (4) of the Care Act 2014).
- (2) The Secretary of State may by regulations make provision about the duty in section 24(1) not applying in the case of a death which may or must be investigated under arrangements made by NHS bodies with respect to deaths caused by persons who are receiving or have received any health services relating to mental health.
- (3) The duty in section 24(1) does not apply in relation to a death if regulations under section 135(4)(a) of the [Social Services and Well-being \(Wales\) Act 2014 \(anaw 4\)](#) require a Safeguarding Board to undertake a review of the death.
- (4) The Secretary of State may by regulations make provision about the duty in section 24(1) not applying in the case of a death, caused by a person who is receiving or has received any health services relating to mental health, where there may be a review of, or investigation into, the provision of that health care under section 70 of the Health and Social Care (Community Health and Standards) Act 2003.

## **27 Notification of Secretary of State**

- (1) If a review partner becomes aware of qualifying circumstances in relation to a person's death, the review partner must notify the Secretary of State before the end of the notification period of one of the following—
- (a) that the review partner is under a duty to arrange for there to be a review under section 24 of the person's death,
  - (b) that the review partner is not under that duty in respect of the death, or
  - (c) that the review partner has not been able to take a decision on the matter.

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- (2) Subsection (1) does not apply if, when the review partner becomes aware of qualifying circumstances in relation to a person’s death, the review partner is also aware that no duty in section 24(1) arises in respect of the death because of section 24(5) or 26.
- (3) If a review partner gives a notification under subsection (1)(c), the review partner must notify the Secretary of State of the review partner’s decision on the matter once it has been taken.
- (4) Where a review partner—
  - (a) notifies the Secretary of State that the review partner is under a duty to arrange a review under section 24 of a death, but
  - (b) before the review starts to take place, decides that the review partner is not under that duty in respect of that death (see section 24(3) and (4)),
 the review partner must notify the Secretary of State of that decision.
- (5) Where a review under section 24 of a death is discontinued because the review partner considers that a condition mentioned in section 24(1)(a) to (c) is not satisfied in relation to the death (see section 24(3)), the review partner must notify the Secretary of State.
- (6) Where a review partner—
  - (a) notifies the Secretary of State that the review partner is not under a duty to arrange a review under section 24 of a death, but
  - (b) afterwards decides that the review partner is under that duty in respect of that death,
 the review partner must notify the Secretary of State of that decision.
- (7) For the purposes of this section, a review partner becomes aware of qualifying circumstances in relation to a person’s death if the review partner becomes aware of such facts as make it likely that—
  - (a) the conditions mentioned in section 24(1)(a) and (b) are satisfied in relation to the death, and
  - (b) the review partner is one of the relevant review partners in respect of the death.
- (8) In this section “the notification period”, in relation to notification by a review partner, means the period of one month beginning with the day on which the review partner becomes aware of qualifying circumstances in relation to the death in question.

## **28 Conduct of review**

- (1) Where a review under section 24 of a person’s death takes place, the review partners that arranged it must co-operate in and contribute to the carrying out of the review.
- (2) The purposes of a review under section 24 are—
  - (a) to identify the lessons to be learnt from the death, and
  - (b) to consider whether it would be appropriate for anyone to take action in respect of those lessons learned.
- (3) Where the review partners consider that it would be appropriate for a person to take action as mentioned in subsection (2)(b), they must inform that person.
- (4) The review partners must prepare a report on the review and send it to the Secretary of State.

- (5) The report must include—
  - (a) the findings of the review,
  - (b) any conclusions drawn by the review partners, and
  - (c) recommendations made in light of those findings and conclusions (including those referred to in subsection (3)).
- (6) The review partners must not include in the report sent to the Secretary of State material that they consider—
  - (a) might jeopardise the safety of any person, or
  - (b) might prejudice the investigation or prosecution of an offence.
- (7) The Secretary of State must publish, or make arrangements for the publication of, the report, unless the Secretary of State considers it inappropriate for the report to be published.
- (8) If the Secretary of State considers it inappropriate for the report to be published, the Secretary of State must publish, or make arrangements for the publication of, so much of the contents of the report as the Secretary of State considers appropriate to be published.

## **29 Information**

- (1) A review partner may request a person to provide information specified in the request to the review partner or another review partner.
- (2) A review partner may make a request to a person under this section only if the conditions in subsections (3) and (4) are satisfied.
- (3) The condition in this subsection is that the request is made for the purpose of enabling or assisting the performance of functions conferred on a review partner by sections 24 to 28.
- (4) The condition in this subsection is that the request is made to a person whose functions or activities are considered by the review partner to be such that the person is likely to have information that would enable or assist the performance of functions conferred on a review partner by sections 24 to 28.
- (5) The person to whom a request under this section is made must comply with the request.
- (6) The review partner that made the request may enforce the duty under subsection (5) against the person by making an application to the High Court or the county court for an injunction.
- (7) A review partner may provide information to another review partner for the purpose of enabling or assisting the performance of functions under sections 24 to 28.

## **30 Information: supplementary**

- (1) A person may not be required under section 29 to disclose information that the person could not be compelled to disclose in proceedings before the High Court.
- (2) A disclosure of information required or authorised by sections 27 to 29 does not breach—
  - (a) any obligation of confidence owed by the person making the disclosure, or

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- (b) any other restriction on the disclosure of information (however imposed).
- (3) But sections 27 to 29 do not require or authorise a disclosure of information that—
  - (a) would contravene the data protection legislation (but in determining whether a disclosure would do so, the duty imposed or power conferred by the section in question is to be taken into account), or
  - (b) is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.
- (4) Sections 27 to 29 do not affect any duty or power to disclose information apart from those sections.
- (5) In this section “data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3(9) of that Act).

### **31 Delegating functions**

- (1) The Secretary of State may by regulations make provision enabling the relevant review partners in respect of a person’s death to act jointly to appoint—
  - (a) one of themselves, or
  - (b) another person,to carry out on their behalf, in relation to the person’s death, one or more of the functions specified in the regulations.
- (2) Regulations under subsection (1) may specify some or all of the functions of a review partner under section 28 or 29 relating to a review under section 24 or a report on the review.
- (3) The Secretary of State may by regulations make provision enabling—
  - (a) a county council, and
  - (b) a district council for an area that is within the area of the county council,to agree that one of them carry out on behalf of the other one or more of the functions specified in the regulations.
- (4) Regulations under subsection (3) may specify some or all of the functions of a review partner under sections 24 to 29.

### **32 Guidance**

- (1) Review partners must have regard to any guidance issued by the Secretary of State in connection with functions conferred on them under sections 24 to 31.
- (2) Before issuing guidance under this section, the Secretary of State must consult—
  - (a) persons appearing to the Secretary of State to represent review partners,
  - (b) the Welsh Ministers, so far as the proposed guidance relates to a devolved Welsh authority, and
  - (c) such other persons as the Secretary of State considers appropriate.
- (3) After issuing guidance under this section, the Secretary of State must lay a copy of the guidance before Parliament.

### **33 Power to pay grant: local health boards**

Section 31(2) to (5) of the Local Government Act 2003 (power of the Secretary of State to pay grant to local authorities in Wales) applies in relation to local health boards in Wales and expenditure incurred or to be incurred by those local health boards in the exercise of their functions under this Chapter as it applies in relation to local authorities in Wales and expenditure incurred or to be incurred by those local authorities.

### **34 Piloting**

- (1) The Secretary of State may exercise the power in section 208(1) so as to bring sections 24 to 30, 32 and 33 into force—
  - (a) for all purposes, and
  - (b) in relation to the whole of England and Wales, only if the conditions in subsections (2) and (3) are met.
- (2) The condition in this subsection is that regulations under section 208(1) have brought some or all of sections 24 to 30, 32 and 33 into force only—
  - (a) for one or more specified purposes, or
  - (b) in relation to one or more specified areas.
- (3) The condition in this subsection is that the Secretary of State has laid before Parliament a report on the operation of some or all of the provisions of sections 24 to 31—
  - (a) for one or more of those purposes, or
  - (b) in relation to one or more of those areas.
- (4) Regulations under section 208(1) which bring any provision of sections 24 to 30, 32 and 33 into force only for a specified purpose or in relation to a specified area may—
  - (a) provide for that provision to be in force for that purpose or in relation to that area for a specified period;
  - (b) make transitional or saving provision in connection with that provision ceasing to be in force at the end of the specified period.
- (5) Regulations containing provision by virtue of subsection (4)(a) may be amended by subsequent regulations under section 208(1) so as to continue any provision of sections 24 to 30, 32 and 33 in force—
  - (a) for the specified purpose, or
  - (b) in relation to the specified area, for a further specified period.
- (6) In this section “specified” means specified in regulations under section 208(1).

### **35 Regulations**

- (1) Regulations under this Chapter are to be made by statutory instrument.
- (2) Regulations under this Chapter—
  - (a) may make different provision for different purposes and different provision for different areas;
  - (b) may make consequential, supplementary, incidental, transitional, transitory or saving provision.

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- (3) A statutory instrument containing regulations under this Chapter may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (4) Subsection (3) does not apply to a statutory instrument containing only regulations under section 26(2) or (4).
- (5) A statutory instrument within subsection (4) is subject to annulment in pursuance of a resolution of either House of Parliament.

### 36 Interpretation

- (1) In this Chapter—

“clinical commissioning group” means a clinical commissioning group established under section 14D of the National Health Service Act 2006;

“devolved Welsh authority” has the meaning given in section 157A of the Government of Wales Act 2006;

“local authority” means—

- (a) in relation to England—

- (i) a county council,
- (ii) a district council,
- (iii) a London borough council,
- (iv) the Common Council of the City of London in its capacity as a local authority, or
- (v) the Council of the Isles of Scilly;

- (b) in relation to Wales—

- (i) a county council, or
- (ii) a county borough council;

“local health board” means a local health board established under section 11 of the National Health Service (Wales) Act 2006;

“NHS body” has the same meaning as in the National Health Service Act 2006 (see section 275 of that Act);

“review partner” means—

- (a) a chief officer of police for a police area in England or Wales,
- (b) a local authority,
- (c) a clinical commissioning group, or
- (d) a local health board;

“relevant review partner” has the meaning given by section 25.

- (2) The Secretary of State may by regulations—

- (a) amend the definition of “review partner”, and
- (b) make such consequential amendments of this Chapter as appear to the Secretary of State to be appropriate.

- (3) Before making regulations under subsection (2), the Secretary of State must consult—

- (a) such persons as appear to the Secretary of State to represent review partners,
- (b) the Welsh Ministers, so far as the proposed regulations relate to a devolved Welsh authority, and
- (c) such other persons as the Secretary of State considers appropriate.