



Police, Crime, Sentencing and Courts Act 2022

2022 CHAPTER 32

PART 2

PREVENTION, INVESTIGATION AND PROSECUTION OF CRIME

CHAPTER 4

OTHER PROVISIONS

Pre-charge bail

45 Pre-charge bail

- (1) Schedule 4 contains amendments relating to pre-charge bail.
- (2) In that Schedule—
 - (a) Part 1 makes provision relating to the grant of pre-charge bail,
 - (b) Part 2 makes provision about the factors to be taken into account in determining whether to grant pre-charge bail,
 - (c) Part 3 makes provision requiring the views of alleged victims to be sought in relation to the grant or variation of pre-charge bail subject to conditions,
 - (d) Part 4 makes provision relating to limits on periods of pre-charge bail,
 - (e) Part 5 makes provision about the determination of a period of police detention following a person's arrest for breach of pre-charge bail, and
 - (f) Part 6 makes provision for guidance about pre-charge bail.
- (3) An amendment made by Schedule 4—
 - (a) applies in relation to a person arrested for an offence only if the person was arrested for the offence after the coming into force of that amendment,

Status: This is the original version (as it was originally enacted).

- (b) applies in relation to a person arrested under section 46A of the Police and Criminal Evidence Act 1984 (failure to answer to police bail etc) only if the person was arrested after the coming into force of that amendment for the offence for which the person was originally released on bail, and
- (c) applies in relation to a person arrested under section 24A of the Criminal Justice Act 2003 (failure to comply with conditional caution) only if the person was arrested after the coming into force of that amendment for the offence in respect of which the caution was given.

Sexual offences

46 Arranging or facilitating commission of a child sex offence

- (1) Section 14 of the Sexual Offences Act 2003 (arranging or facilitating commission of a child sex offence) is amended in accordance with subsections (2) and (3).
- (2) In subsection (1), in paragraph (b), for “9” substitute “5”.
- (3) In subsection (4), for paragraphs (a) and (b) substitute “to the penalty to which the person would be liable on conviction of the offence within subsection (1)(b)”.

47 Positions of trust

- (1) The Sexual Offences Act 2003 is amended as follows.
- (2) After section 22 insert—

“22A Further positions of trust

- (1) For the purposes of sections 16 to 19, a person (A) is in a position of trust in relation to another person (B) if—
 - (a) A coaches, teaches, trains, supervises or instructs B, on a regular basis, in a sport or a religion, and
 - (b) A knows that they coach, teach, train, supervise or instruct B, on a regular basis, in that sport or religion.
- (2) In subsection (1)—
 - “sport” includes—
 - (a) any game in which physical skill is the predominant factor, and
 - (b) any form of physical recreation which is also engaged in for purposes of competition or display;
 - “religion” includes—
 - (a) a religion which involves belief in more than one god, and
 - (b) a religion which does not involve belief in a god.
- (3) This section does not apply where a person (A) is in a position of trust in relation to another person (B) by virtue of circumstances within section 21.
- (4) The Secretary of State may by regulations amend subsections (1) and (2) to add or remove an activity in which a person may be coached, taught, trained, supervised or instructed.”

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

(3) In section 138(2) (orders and regulations) after “section 21,” insert “22A,”.

48 Voyeurism: breast-feeding

(1) Section 67A of the Sexual Offences Act 2003 (voyeurism: additional offences) is amended as follows.

(2) After subsection (2) insert—

“(2A) A person (A) commits an offence if—

- (a) A operates equipment,
- (b) A does so with the intention of enabling A or another person (C), for a purpose mentioned in subsection (3), to observe another (B) while B is breast-feeding a child, and
- (c) A does so—
 - (i) without B’s consent, and
 - (ii) without reasonably believing that B consents.

(2B) A person (A) commits an offence if—

- (a) A records an image of another (B) while B is breast-feeding a child,
- (b) A does so with the intention that A or another person (C) will look at the image for a purpose mentioned in subsection (3), and
- (c) A does so—
 - (i) without B’s consent, and
 - (ii) without reasonably believing that B consents.”

(3) In subsection (3), for “and (2)” substitute “to (2B)”.

(4) After subsection (3) insert—

“(3A) In this section a reference to B breast-feeding a child includes B re-arranging B’s clothing—

- (a) in the course of preparing to breast-feed the child, or
- (b) having just finished breast-feeding the child.

(3B) It is irrelevant for the purposes of subsections (2A) and (2B)—

- (a) whether or not B is in a public place while B is breast-feeding the child,
- (b) whether or not B’s breasts are exposed while B is breast-feeding the child, and
- (c) what part of B’s body—
 - (i) is, or is intended by A to be, visible in the recorded image, or
 - (ii) is intended by A to be observed.”

Domestic abuse

49 Time limit for prosecution of common assault or battery in domestic abuse cases

After section 39 of the Criminal Justice Act 1988 insert—

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

“39A Time limit for prosecution of common assault or battery in domestic abuse cases

- (1) This section applies to proceedings for an offence of common assault or battery where—
 - (a) the alleged behaviour of the accused amounts to domestic abuse, and
 - (b) the condition in subsection (2) or (3) is met.
- (2) The condition in this subsection is that—
 - (a) the complainant has made a witness statement with a view to its possible admission as evidence in the proceedings, and
 - (b) the complainant has provided the statement to—
 - (i) a constable of a police force, or
 - (ii) a person authorised by a constable of a police force to receive the statement.
- (3) The condition in this subsection is that—
 - (a) the complainant has been interviewed by—
 - (i) a constable of a police force, or
 - (ii) a person authorised by a constable of a police force to interview the complainant, and
 - (b) a video recording of the interview has been made with a view to its possible admission as the complainant’s evidence in chief in the proceedings.
- (4) Proceedings to which this section applies may be commenced at any time which is both—
 - (a) within two years from the date of the offence to which the proceedings relate, and
 - (b) within six months from the first date on which either of the conditions in subsection (2) or (3) was met.
- (5) This section has effect despite section 127(1) of the Magistrates’ Court Act 1980 (limitation of time).
- (6) In this section—

“domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2021;

“police force” has the meaning given by section 3(3) of the Prosecution of Offences Act 1985;

“video recording” has the meaning given by section 63(1) of the Youth Justice and Criminal Evidence Act 1999;

“witness statement” means a written statement that satisfies the conditions in section 9(2)(a) and (b) of the Criminal Justice Act 1967.
- (7) This section does not apply in relation to an offence committed before the coming into force of section 49 of the Police, Crime, Sentencing and Courts Act 2022.”

Criminal damage to memorials

50 Criminal damage to memorials: mode of trial

- (1) In Schedule 2 to the Magistrates' Courts Act 1980 (offences for which the value involved is relevant to the mode of trial), in paragraph 1 (offences under section 1 of the Criminal Damage Act 1971), in the first column, for the words from “any offence” to the end substitute

“—

- (a) any offence committed by destroying or damaging property by fire, and
(b) any offence committed by destroying or damaging a memorial (see section 22(11A) to (11D)).”
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- (2) In section 22 of that Act, after subsection (11) insert—

“(11A) In paragraph 1 of Schedule 2 “memorial” means—

- (a) a building or other structure, or any other thing, erected or installed on land (or in or on any building or other structure on land), or
(b) a garden or any other thing planted or grown on land,
which has a commemorative purpose.

(11B) For the purposes of that paragraph, any moveable thing (such as a bunch of flowers) which—

- (a) is left in, on or at a memorial within the meaning of subsection (11A), and
(b) has (or can reasonably be assumed to have) a commemorative purpose,

is also to be regarded as a memorial.

(11C) For the purposes of subsections (11A) and (11B)—

- (a) references to a building or a structure include a reference to part of a building or part of a structure (as the case may be), and
(b) something has a commemorative purpose if at least one of its purposes is to commemorate—
(i) one or more individuals or animals (or a particular description of individuals or animals), or
(ii) an event or a series of events (such as an armed conflict).

(11D) It is immaterial for the purposes of subsection (11C)(b)(i) whether or not any individuals or animals concerned are or were (at any material time)—

- (a) living or deceased, or
(b) capable of being identified.”

- (3) The amendments made by this section do not apply in relation to offences committed before it comes into force.

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

Overseas production orders

51 Overseas production orders

Schedule 5 contains amendments to the Crime (Overseas Production Orders) Act 2019.

Amendments to the Police and Criminal Evidence Act 1984 etc

52 Power to photograph certain persons at a police station

(1) The Police and Criminal Evidence Act 1984 is amended as follows.

(2) In section 64A (photographing of suspects etc.), after subsection (1B) insert—

“(1C) A person to whom subsection (1) or (1A) does not apply may be photographed at a police station without the appropriate consent if that person falls within subsection (1D), (1F) or (1H).

(1D) A person falls within this subsection if (before or after the coming into force of this subsection) that person has been—

- (a) arrested for a recordable offence and released,
- (b) charged with a recordable offence, or
- (c) informed that they will be reported for such an offence,

and either of the conditions in subsection (1E) is met in relation to that person.

(1E) The conditions referred to in subsection (1D) are—

- (a) that the person has not been photographed in the course of the investigation of the offence by the police, or
- (b) that the person has been so photographed but—
 - (i) any photograph taken on such a previous occasion is unavailable or inadequate, and
 - (ii) a constable considers that taking a further photograph is necessary to assist in the prevention or detection of crime.

(1F) A person falls within this subsection if (before or after the coming into force of this subsection) that person has been—

- (a) convicted of a recordable offence, or
- (b) given a caution in respect of a recordable offence which, at the time of the caution they have admitted,

and either of the conditions in subsection (1G) is met in relation to that person.

(1G) The conditions referred to in subsection (1F) are—

- (a) that the person has not been photographed since being convicted or cautioned, or
- (b) that the person has been so photographed but—
 - (i) any photograph taken on such a previous occasion is unavailable or inadequate, and
 - (ii) a constable considers that taking a further photograph is necessary to assist in the prevention or detection of crime.

(1H) A person falls within this subsection if—

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

- (a) under the law in force in a country or territory outside England and Wales the person has been convicted of an offence under that law (whether before or after the coming into force of this subsection and whether or not they have been punished for it),
 - (b) the act constituting the offence would constitute a qualifying offence if done in England and Wales (whether or not it constituted such an offence when the person was convicted), and
 - (c) either of the conditions in subsection (1I) is met in relation to that person.
- (1I) The conditions referred to in subsection (1H) are—
 - (a) that the person has not been photographed on a previous occasion by virtue of being a person falling within subsection (1H), or
 - (b) that the person has been so photographed but—
 - (i) any photograph taken on such a previous occasion is unavailable or inadequate, and
 - (ii) a constable considers that taking a further photograph is necessary to assist in the prevention or detection of crime.
- (1J) A person who falls within subsection (1F) or (1H) may be photographed under subsection (1C) only with the authorisation of an officer of at least the rank of inspector.
- (1K) An officer may only give an authorisation under subsection (1J) if the officer is satisfied that taking the photograph is necessary to assist in the prevention or detection of crime.
- (1L) In subsections (1E), (1G) and (1I)—
 - (a) references to a photograph being unavailable include references to a photograph being lost or destroyed, and
 - (b) references to a photograph being inadequate include references to a photograph being—
 - (i) unclear,
 - (ii) an incomplete photograph of the subject, or
 - (iii) no longer an accurate representation of the subject's appearance.
- (1M) In subsections (1E), (1G), (1I) and (1K) references to crime include references to any conduct which—
 - (a) constitutes one or more criminal offences (whether under the law of a part of the United Kingdom or of a country or territory outside the United Kingdom), or
 - (b) is, or corresponds to, any conduct which, if it all took place in any one part of the United Kingdom, would constitute one or more criminal offences.”
- (3) Schedule 2A (fingerprinting and samples: power to require attendance at police station) is amended in accordance with subsections (4) to (8).
- (4) In the heading of the Schedule, for “and samples” substitute “, samples and photographs”.
- (5) After Part 3 insert—

“PART 3A

PHOTOGRAPHS

Persons arrested and released

- 14A (1) A constable may require a person who falls within section 64A(1D)(a) to attend a police station to be photographed under section 64A(1C).
- (2) The power under sub-paragraph (1) may not be exercised in a case where section 64A(1E)(b) applies (photograph taken on a previous occasion unavailable or inadequate) after the end of the period of six months beginning with the day on which the appropriate officer was informed that section 64(1E)(b)(i) applied.
- (3) In sub-paragraph (2) the “appropriate officer” means the officer investigating the offence for which the person was arrested.

Persons charged etc.

- 14B (1) A constable may require a person who falls within section 64A(1D)(b) or (c) to attend a police station to be photographed under section 64A(1C).
- (2) The power under sub-paragraph (1) may not be exercised after the end of the period of six months beginning with—
- (a) in a case where section 64A(1E)(a) applies (photograph not previously taken), the day on which the person was charged or informed that they would be reported, or
 - (b) in a case where section 64A(1E)(b) applies (photograph taken on a previous occasion unavailable or inadequate), the day on which the appropriate officer was informed that section 64A(1E)(b)(i) applied.
- (3) In sub-paragraph (2)(b) the “appropriate officer” means the officer investigating the offence for which the person was charged or informed that they would be reported.

Persons convicted of an offence etc. in England and Wales

- 14C (1) A constable may require a person who falls within section 64A(1F) to attend a police station to be photographed under section 64A(1C).
- (2) Where section 64A(1G)(a) applies (photographs not previously taken), the power under sub-paragraph (1) may not be exercised after the end of the period of two years beginning with—
- (a) the day on which the person was convicted or cautioned, or
 - (b) if later, the day on which this Part comes into force.
- (3) Where section 64A(1G)(b) applies (photograph taken on previous occasion unavailable or inadequate), the power under sub-paragraph (1) may not be exercised after the end of the period of two years beginning with—

- (a) the day on which an appropriate officer was informed that section 64A(1G)(b)(i) applied, or
 - (b) if later, the day on which this Part comes into force.
- (4) In sub-paragraph (3)(a), “appropriate officer” means an officer of the police force which investigated the offence in question.
- (5) Sub-paragraphs (2) and (3) do not apply where the offence is a qualifying offence (whether or not it was such an offence at the time of the conviction or caution).

Persons convicted of an offence etc. outside England and Wales

- 14D A constable may require a person falling within section 64A(1H) to attend at a police station to be photographed under section 64A(1C).

Multiple exercise of power

- 14E (1) Where a photograph is taken of a person under section 64A on two occasions in relation to any offence, the person may not under this Schedule be required to attend a police station to be photographed under that section in relation to that offence on a subsequent occasion without the authorisation of an officer of at least the rank of inspector.
- (2) Where an authorisation is given under sub-paragraph (1)—
- (a) the fact of the authorisation, and
 - (b) the reasons for giving it,
- must be recorded as soon as practicable after it has been given.”
- (6) In the italic heading before paragraph 15 (requirement to have power to take fingerprints or sample), for “or sample” substitute “, sample or photograph”.
- (7) In paragraph 15—
- (a) for “or a sample” substitute “, a sample or a photograph”, and
 - (b) for “or sample”, in both places it occurs, substitute “, sample or photograph”.
- (8) In paragraph 16(2) (date and time of attendance), for “or sample” substitute “, sample or photograph”.

53 Power to specify date of attendance at police station for fingerprinting etc

- (1) Paragraph 16 of Schedule 2A to the Police and Criminal Evidence Act 1984 (attendance at police station for fingerprinting and taking of samples: date and time of attendance) is amended as follows.
- (2) For sub-paragraph (1) substitute—
- “(1) A requirement under this Schedule—
- (a) must direct the person to attend the police station on a specified date, and
 - (b) may either direct the person to attend the police station at a specified time on that date or direct the person to attend the police station between specified times on that date.”

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

- (3) In sub-paragraph (2), for “period or time or times of day” substitute “date, time or times”.
- (4) Omit sub-paragraphs (3) and (4).
- (5) In sub-paragraph (5), for “any period within which, or date or time at which,” substitute “any date, time at which or times between which”.
- (6) The amendments made by this section apply only in relation to a requirement to attend a police station given under Schedule 2A to the Police and Criminal Evidence Act 1984 after the coming into force of this section.

54 PACE etc powers for food crime officers

- (1) In the Police and Criminal Evidence Act 1984, after section 114B insert—

“114C Power to apply Act to food crime officers

- (1) The Secretary of State may by regulations apply any provision of this Act which relates to investigations of offences conducted by police officers to investigations of offences conducted by food crime officers.
- (2) The regulations may apply provisions of this Act with any modifications specified in the regulations.
- (3) In this section “food crime officer” means an officer of the Food Standards Agency who—
 - (a) is acting for the purposes of the performance by the Food Standards Agency of its functions under the Food Standards Act 1999 or any other enactment (including functions relating to the investigation of offences), and
 - (b) is authorised (whether generally or specifically) by the Secretary of State for the purposes of this section.
- (4) The investigations for the purposes of which provisions of this Act may be applied by regulations under this section include investigations of offences committed, or suspected of having been committed, before the coming into force of the regulations or of this section.
- (5) Regulations under this section are to be made by statutory instrument.
- (6) Regulations under this section may make—
 - (a) different provision for different purposes;
 - (b) provision which applies generally or for particular purposes;
 - (c) incidental, supplementary, consequential, transitional or transitory provision or savings.
- (7) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) In this section “enactment” includes—
 - (a) an enactment comprised in subordinate legislation within the meaning of the Interpretation Act 1978, and

- (b) an enactment comprised in, or in an instrument made under, a Measure or Act of Senedd Cymru.”

(2) In the Criminal Justice and Public Order Act 1994, after section 39 insert—

“39A Power to apply sections 36 and 37 in relation to food crime officers

- (1) The Secretary of State may by regulations provide for any provision of section 36 or 37 that applies in relation to a constable to apply in relation to a food crime officer.
- (2) Regulations under subsection (1) may apply any provision of section 36 or 37 with any modifications specified in the regulations.
- (3) Regulations under subsection (1) may not apply a provision of section 36 or 37 in relation to a failure or refusal which occurred before the regulations come into force.
- (4) Regulations under subsection (1) are to be made by statutory instrument.
- (5) Regulations under subsection (1) may make—
 - (a) different provision for different purposes;
 - (b) provision which applies generally or for particular purposes;
 - (c) incidental, supplementary, consequential, transitional or transitory provision or savings.
- (6) A statutory instrument containing regulations under subsection (1) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section “food crime officer” has the meaning given by section 114C of the Police and Criminal Evidence Act 1984 (PACE powers for food crime officers).”

(3) In the Food Standards Act 1999, after section 25 insert—

“25A Obstruction of food crime officers

- (1) A person commits an offence if the person—
 - (a) intentionally obstructs a food crime officer who is acting in the exercise of functions conferred on the officer by virtue of section 114C of the Police and Criminal Evidence Act 1984 (PACE powers for food crime officers),
 - (b) fails without reasonable excuse to comply with any requirement made of the person by such a food crime officer who is so acting, or
 - (c) in purported compliance with such a requirement provides information which the person knows to be false or misleading in any material particular or recklessly provides information which is false or misleading in any material particular.
- (2) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine, or to both.

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

- (3) In this section “food crime officer” has the meaning given by section 114C of the Police and Criminal Evidence Act 1984 (PACE powers for food crime officers).”
- (4) In the Police Reform Act 2002—
- (a) in section 10 (general functions of the Director General)—
- (i) in subsection (1), at the end of paragraph (ga) insert “; and
- (gb) to carry out such corresponding functions in relation to officers of the Food Standards Agency acting in the exercise of functions conferred on them by virtue of—
- (i) section 114C of the Police and Criminal Evidence Act 1984 (PACE powers for food crime officers), or
- (ii) section 39A of the Criminal Justice and Public Order Act 1994 (powers for food crime officers: inferences from silence).”, and
- (ii) in subsection (3), after paragraph (bd) insert—
- “(be) any regulations under section 26E of this Act (food crime officers);”, and
- (b) after section 26D insert—

“26E Food crime officers

- (1) The Secretary of State may make regulations conferring functions on the Director General in relation to officers of the Food Standards Agency (the “Agency”) acting in the exercise of functions conferred on them by virtue of—
- (a) section 114C of the Police and Criminal Evidence Act 1984 (PACE powers for food crime officers), or
- (b) section 39A of the Criminal Justice and Public Order Act 1994 (powers for food crime officers: inferences from silence).
- (2) Regulations under this section may, in particular—
- (a) apply (with or without modifications), or make provision similar to, any provision of or made under this Part;
- (b) make provision for payment by the Agency to, or in respect of, the Office or in respect of the Director General.
- (3) The Director General and the Parliamentary Commissioner for Administration may jointly investigate a matter in relation to which—
- (a) the Director General has functions by virtue of this section, and
- (b) the Parliamentary Commissioner for Administration has functions by virtue of the Parliamentary Commissioner Act 1967.
- (4) An officer of the Agency may disclose information to the Director General or to a person acting on the Director General’s behalf, for

the purposes of the exercise by the Director General or by any person acting on the Director General's behalf, of an Agency complaints function.

- (5) The Director General and the Parliamentary Commissioner for Administration may disclose information to each other for the purposes of the exercise of a function—
 - (a) by virtue of this section, or
 - (b) under the Parliamentary Commissioner Act 1967.
 - (6) Regulations under this section may, in particular, make—
 - (a) further provision about the disclosure of information under subsection (4) or (5);
 - (b) provision about the further disclosure of information that has been so disclosed.
 - (7) A disclosure of information authorised by this section does not breach—
 - (a) any obligation of confidence owed by the person making the disclosure, or
 - (b) any other restriction on the disclosure of information (however imposed).
 - (8) But this section does not authorise a disclosure of information that—
 - (a) would contravene the data protection legislation (but in determining whether a disclosure would do so, the power conferred by this section 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.
 - (9) In this section—

“Agency complaints function” means a function in relation to the exercise of functions by officers of the Agency;

“data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”
- (5) The amendments made by subsections (1) to (3) and any regulations made under provision inserted by subsections (1) and (2) bind the Crown.
 - (6) No contravention by the Crown of section 25A of the Food Standards Act 1999 (as inserted by subsection (3)) makes the Crown criminally liable; but the High Court may declare unlawful any act or omission of the Crown which constitutes such a contravention.
 - (7) That section applies to persons in the public service of the Crown as it applies to other persons.
 - (8) If the Secretary of State certifies that it appears requisite or expedient in the interests of national security that any powers of entry conferred by regulations made under provision inserted by subsection (1) should not be exercisable in relation to any Crown premises specified in the certificate, those powers shall not be exercisable in relation to those premises.

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

- (9) In this section “Crown premises” means premises held or used by or on behalf of the Crown.
- (10) Nothing in this section affects Her Majesty in her private capacity; and this subsection is to be interpreted as if section 38(3) of the Crown Proceedings Act 1947 (references to Her Majesty in her private capacity) were contained in this Act.

Search for material relating to human remains

55 Entry and search of premises for human remains or material relating to human remains

- (1) On an application made by a constable, a justice of the peace may issue a warrant authorising a constable to enter and search premises if the justice of the peace is satisfied that the following conditions are met.
- (2) The first condition is that there are reasonable grounds for believing that there is material on the premises mentioned in subsection (5) that consists of, or may relate to the location of, relevant human remains.
- (3) The second condition is that there are reasonable grounds for believing that the material does not consist of or include—
- (a) items subject to legal privilege,
 - (b) excluded material, or
 - (c) special procedure material.
- (4) The third condition is that there are reasonable grounds for believing, in relation to each set of premises specified in the application—
- (a) that it is not practicable to communicate with any person entitled to grant entry to the premises,
 - (b) that it is practicable to communicate with a person entitled to grant entry to the premises but it is not practicable to communicate with any person entitled to grant access to the material,
 - (c) that entry to the premises will not be granted unless a warrant is produced, or
 - (d) that the purpose of a search may be frustrated or seriously prejudiced unless a constable arriving at the premises can secure immediate entry to them.
- (5) The premises referred to in subsection (2) are—
- (a) one or more sets of premises specified in the application (in which case the application is for a “specific premises warrant”), or
 - (b) any premises occupied or controlled by a person specified in the application, including such sets of premises as are so specified (in which case the application is for an “all premises warrant”).
- (6) If the application is for an all premises warrant, the justice of the peace must also be satisfied—
- (a) that there are reasonable grounds for believing that it is necessary to search premises occupied or controlled by the person in question which are not specified in the application in order to find the material referred to in subsection (2), and

- (b) that it is not reasonably practicable to specify in the application all the premises which the person occupies or controls and which might need to be searched.
- (7) The warrant may authorise entry to and search of premises on more than one occasion if, on the application, the justice of the peace is satisfied that it is necessary to authorise multiple entries in order to achieve the purpose for which the justice of the peace issues the warrant.
- (8) If the warrant authorises multiple entries, the number of entries authorised may be unlimited, or limited to a maximum.
- (9) A constable may—
- (a) seize and retain anything for which a search has been authorised under subsection (1), and
 - (b) if necessary, use reasonable force in the exercise of a power conferred by a warrant issued under this section.
- (10) The power to issue a warrant conferred by this section is in addition to any such power otherwise conferred.
- (11) In this section, section 56 and Schedule 6 “relevant human remains” means the body or any other human remains of—
- (a) a person who the constable making the application reasonably believes to have died in England and Wales but whose death has not been registered under section 15 of the Births and Deaths Registration Act 1953,
 - (b) a person whose death has been registered under that Act following an investigation under section 1(5) of the Coroners and Justice Act 2009, or
 - (c) a person in respect of whom a declaration has been made under section 2 of the Presumption of Death Act 2013.
- (12) In this section, section 56 and Schedule 6 the following expressions have the same meaning as in the Police and Criminal Evidence Act 1984—
- (a) “items subject to legal privilege” (see section 10 of that Act);
 - (b) “excluded material” (see section 11 of that Act);
 - (c) “special procedure material” (see section 14 of that Act);
 - (d) “premises” (see section 23 of that Act).

56 Special procedure for access to material relating to human remains

- (1) Schedule 6 makes provision for a constable to obtain access to excluded material or special procedure material that consists of, or relates to the location of, relevant human remains.
- (2) Section 4 of the Summary Jurisdiction (Process) Act 1881 (which includes provision for the execution of process of English and Welsh courts in Scotland) and section 29 of the Petty Sessions (Ireland) Act 1851 (which makes equivalent provision for execution in Northern Ireland) apply to any process issued by a judge under Schedule 6 to this Act as they apply to process issued by a magistrates’ court under the Magistrates’ Courts Act 1980.

57 Additional seizure powers

In Part 1 of Schedule 1 to the Criminal Justice and Police Act 2001 (powers of seizure to which section 50 of that Act applies), at the end insert—

“Police, Crime, Sentencing and Courts Act 2022

73U Each of the powers of seizure conferred by section 55(9)(a) of, and paragraph 11(a) of Schedule 6 to, the Police, Crime, Sentencing and Courts Act 2022 (seizure in connection with human remains or material relating to human remains).”

Prisoner custody officers

58 Functions of prisoner custody officers in relation to live link hearings

- (1) The Criminal Justice Act 1991 is amended as follows.
- (2) Section 80 (arrangements for the provision of prisoner escorts) is amended in accordance with subsections (3) to (5).
- (3) In subsection (1), after paragraph (b) insert—
 - “(ba) the custody of prisoners at a police station for any purpose connected with their participation in a preliminary, sentencing or enforcement hearing through a live audio link or live video link;”.
- (4) After subsection (1A) insert—

“(1B) Subsection (1)(ba) applies in relation to prisoners whether the hearing is yet to take place, is taking place or has taken place.”
- (5) In subsection (4), at the appropriate place insert—

““enforcement hearing”, “live audio link”, “live video link”, “preliminary hearing” and “sentencing hearing” each has the meaning given in section 56(1) of the Criminal Justice Act 2003;”.
- (6) Section 82 (powers and duties of prisoner custody officers) is amended in accordance with subsections (7) and (8).
- (7) After subsection (4) insert—

“(4A) Subsections (4B) and (4C) apply if a prisoner custody officer acting in pursuance of prisoner escort arrangements is at a police station for the purposes of exercising functions under section 80(1)(ba) (custody of prisoners in relation to live link proceedings) in relation to a prisoner.

 - (4B) It is the prisoner custody officer’s duty to give effect to—
 - (a) any order of the Crown Court under section 142 of the Powers of Criminal Courts (Sentencing) Act 2000 in relation to the prisoner, or
 - (b) any order of a magistrates’ court under section 80 of the 1980 Act in relation to the prisoner.
 - (4C) The fact that the prisoner custody officer is exercising, or may exercise, functions under section 80(1)(ba) in relation to the prisoner does not prevent

a constable from exercising any powers in relation to the prisoner that are otherwise available to the constable.”

- (8) In subsection (5) for “and (4)” substitute “, (4) and (4B)”.

Proceeds of crime

59 Proceeds of crime: account freezing orders

- (1) In section 303Z1 of the Proceeds of Crime Act 2002 (application for account freezing order)—
- (a) omit subsections (5A) and (5B), and
 - (b) in subsection (6), at the appropriate place insert—
 - ““relevant financial institution” means—
 - (a) a bank,
 - (b) a building society,
 - (c) an electronic money institution, or
 - (d) a payment institution.”
- (2) In section 316(1) of that Act (general interpretation), in the definition of “relevant financial institution”, after “303Z1” insert “(6)”.
- (3) In section 48 of the Financial Services Act 2021 (extent)—
- (a) in subsection (1), for “subsections (2) and (3)” substitute “subsection (2)”, and
 - (b) omit subsection (3).
- (4) In paragraph 14 of Schedule 12 to that Act (forfeiture of money: electronic money institutions and payment institutions) omit sub-paragraphs (3) and (4).

Non-criminal hate incidents

60 Code of practice relating to non-criminal hate incidents

- (1) The Secretary of State may issue a code of practice about the processing by a relevant person of personal data relating to a hate incident.
- (2) In this section “hate incident” means an incident or alleged incident which involves or is alleged to involve an act by a person (“the alleged perpetrator”) which is perceived by a person other than the alleged perpetrator to be motivated (wholly or partly) by hostility or prejudice towards persons with a particular characteristic.
- (3) The provision that may be made by a code of practice under this section includes, in particular, provision about—
- (a) whether and how personal data relating to a hate incident should be recorded;
 - (b) the persons who are to process such personal data;
 - (c) the circumstances in which a data subject should be notified of the processing of such personal data;
 - (d) the retention of such personal data, including the period for which it should be retained and the circumstances in which and the procedures by which that period might be changed;

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- (e) the consideration by a relevant person of requests by the data subject relating to such personal data.
- (4) But a code of practice under this section must not make provision about—
- (a) the processing of personal data for the purposes of a criminal investigation, or
 - (b) the processing of personal data relating to the alleged perpetrator of a hate incident at any time after they have been charged with an offence relating to the hate incident.
- (5) A code of practice under this section may make different provision for different purposes.
- (6) A relevant person must have regard to the code of practice that is for the time being in force under this section in processing personal data relating to a hate incident.
- (7) In this section—
- “data subject” has the meaning given by section 3(5) of the Data Protection Act 2018;
 - “personal data” has the meaning given by section 3(2) of that Act;
 - “processing” has the meaning given by section 3(4) of that Act.
- (8) In this section “relevant person” means—
- (a) a member of a police force in England and Wales,
 - (b) a special constable appointed under section 27 of the Police Act 1996,
 - (c) a member of staff appointed by the chief officer of police of a police force in England and Wales,
 - (d) a person designated as a community support volunteer or a policing support volunteer under section 38 of the Police Reform Act 2002,
 - (e) an employee of the Common Council of the City of London who is under the direction and control of a chief officer of police,
 - (f) a constable of the British Transport Police Force,
 - (g) a special constable of the British Transport Police Force appointed under section 25 of the Railways and Transport Safety Act 2003,
 - (h) an employee of the British Transport Police Authority appointed under section 27 of that Act,
 - (i) a person designated as a community support volunteer or a policing support volunteer under section 38 of the Police Reform Act 2002 as applied by section 28 of the Railways and Transport Safety Act 2003, or
 - (j) a National Crime Agency officer.

61 Further provision about a code of practice under section 60

- (1) The Secretary of State may not issue a code of practice under section 60 unless a draft of the code has been laid before and approved by a resolution of each House of Parliament.
- (2) The Secretary of State may from time to time revise and reissue a code of practice under section 60.
- (3) Before reissuing a code of practice the Secretary of State must lay a draft of the code as proposed to be reissued before Parliament.

- (4) If, within the 40-day period, either House of Parliament resolves not to approve the code of practice laid under subsection (3)—
 - (a) the code is not to be reissued, and
 - (b) the Secretary of State may prepare another code.
- (5) If no such resolution is passed within the 40-day period, the Secretary of State may reissue the code of practice.
- (6) In this section “the 40-day period” means—
 - (a) the period of 40 days beginning with the day on which the draft is laid before Parliament, or
 - (b) if the draft is not laid before each House on the same day, the period of 40 days beginning with the later of the days on which it is laid before Parliament.
- (7) In calculating the 40-day period no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses of Parliament are adjourned for more than 4 days.

Offences relating to hares etc

62 Increase in penalty for offences related to game etc

- (1) Section 1 of the Night Poaching Act 1828 (taking or destroying game or rabbits by night or entering land for that purpose) is amended in accordance with subsections (2) to (4).
- (2) The existing text becomes subsection (1).
- (3) In that subsection—
 - (a) after “conviction” insert “to imprisonment for a term not exceeding 51 weeks,”, and
 - (b) for “not exceeding level 3 on the standard scale” substitute “or to both”.
- (4) After that subsection insert—

“(2) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales), the reference in subsection (1) to 51 weeks is to be read as a reference to 6 months.”
- (5) Section 30 of the Game Act 1831 (trespass in daytime in search of game etc) is amended in accordance with subsections (6) to (8).
- (6) The existing text becomes subsection (1).
- (7) In that subsection—
 - (a) for the words from “conviction”, in the first place it occurs, to “seem meet”, in the second place it occurs, substitute “summary conviction, be liable to imprisonment for a term not exceeding 51 weeks, to a fine or to both”, and
 - (b) for “each of the two offences” substitute “the offence”.
- (8) After that subsection insert—

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“(2) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales), the reference in subsection (1) to 51 weeks is to be read as a reference to 6 months.”

- (9) In section 4A of the Game Laws (Amendment) Act 1960 (forfeiture of vehicles), in subsection (1), omit “as one of five or more persons liable under that section”.
- (10) The amendments made by this section have effect only in relation to offences committed on or after the day on which this section comes into force.

63 Trespass with intent to search for or to pursue hares with dogs etc

- (1) A person commits an offence if they trespass on land with the intention of—
- using a dog to search for or to pursue a hare,
 - facilitating or encouraging the use of a dog to search for or to pursue a hare, or
 - enabling another person to observe the use of a dog to search for or to pursue a hare.
- (2) It is a defence for a person charged with an offence under subsection (1) to prove that they had a reasonable excuse for the trespass mentioned in that subsection.
- (3) A person guilty of an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding 51 weeks, to a fine or to both.
- (4) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales), the reference in subsection (3) to 51 weeks is to be read as a reference to 6 months.

64 Being equipped for searching for or pursuing hares with dogs etc

- (1) A person commits an offence if they have an article with them in a place other than a dwelling with the intention that it will be used in the course of or in connection with the commission by any person of an offence under section 63 (trespass with intent to search for or to pursue hares with dogs etc).
- (2) Where a person is charged with an offence under subsection (1), proof that the person had with them any article made or adapted for use in committing an offence under section 63 is evidence that the person had it with them with the intention that it would be used in the course of or in connection with the commission by any person of an offence under that section.
- (3) A person guilty of an offence under subsection (1) is liable on summary conviction to imprisonment for a term not exceeding 51 weeks, to a fine or to both.
- (4) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales), the reference in subsection (3) to 51 weeks is to be read as a reference to 6 months.
- (5) In this section—
- “article” includes a vehicle and, except in subsection (2), an animal;
 - “dwelling” means—

- (a) a building or structure which is used as a dwelling, or
 - (b) a part of a building or structure, if the part is used as a dwelling,
- and includes any yard, garden, garage or outhouse belonging to and used with a dwelling.

65 Recovery order on conviction for certain offences involving dogs

- (1) This section applies where—
 - (a) a person is convicted of an offence within subsection (5) which was committed on or after the day on which this section comes into force,
 - (b) a dog was used in or was present at the commission of the offence, and
 - (c) the dog was lawfully seized and detained in connection with the offence.
- (2) The court may make an order (a “recovery order”) requiring the offender to pay all the expenses incurred by reason of the dog’s seizure and detention.
- (3) Any sum required to be paid under subsection (2) is to be treated for the purposes of enforcement as if it were a fine imposed on conviction.
- (4) Where a recovery order is available for an offence, the court may make such an order whether or not it deals with the offender in any other way for the offence.
- (5) The following offences are within this subsection—
 - (a) an offence under section 1 of the Night Poaching Act 1828 (taking or destroying game or rabbits by night or entering land for that purpose);
 - (b) an offence under section 30 of the Game Act 1831 (trespass in daytime in search of game etc);
 - (c) an offence under section 63 (trespass with intent to search for or to pursue hares with dogs etc);
 - (d) an offence under section 64 (being equipped for searching for or pursuing hares with dogs etc).

66 Disqualification order on conviction for certain offences involving dogs

- (1) This section applies where—
 - (a) a person is convicted of an offence within subsection (9) which was committed on or after the day on which this section comes into force, and
 - (b) a dog was used in or was present at the commission of the offence.
- (2) The court may make an order (a “disqualification order”) disqualifying the offender, for such period as the court thinks fit, from—
 - (a) owning dogs,
 - (b) keeping dogs, or
 - (c) both.
- (3) The disqualification order may specify a period during which the offender may not make an application under section 68 to terminate the order.
- (4) The court may, where it appears to the court that the offender owns or keeps a dog, suspend the operation of the disqualification order for such period as it thinks necessary for enabling alternative arrangements to be made in respect of the dog.
- (5) Where a court makes a disqualification order, it must—

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- (a) give its reasons for making the order in open court, and
 - (b) cause them to be entered in the register of its proceedings.
- (6) A person who breaches a disqualification order commits an offence.
- (7) A person guilty of an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (8) Where a disqualification order is available for an offence, the court may make such an order whether or not it deals with the offender in any other way for the offence.
- (9) The following offences are within this subsection—
- (a) an offence under section 1 of the Night Poaching Act 1828 (taking or destroying game or rabbits by night or entering land for that purpose);
 - (b) an offence under section 30 of the Game Act 1831 (trespass in daytime in search of game etc);
 - (c) an offence under section 63 (trespass with intent to search for or to pursue hares with dogs etc);
 - (d) an offence under section 64 (being equipped for searching for or pursuing hares with dogs etc).
- (10) In section 171 of the Sentencing Code (offences relating to animals), after subsection (2) insert—
- “(3) See section 66 of the Police, Crime, Sentencing and Courts Act 2022 (disqualification order on conviction for certain offences involving dogs) for orders relating to disqualification in the case of offences involving dogs under that Act, the Night Poaching Act 1828 and the Game Act 1831.”

67 Seizure and disposal of dogs in connection with disqualification order

- (1) Where, on a court making a disqualification order, it appears to the court that the person to whom the order applies owns or keeps a dog contrary to the order, the court may order that the dog be taken into possession.
- (2) Where a person is convicted of an offence under section 66(6) by reason of owning or keeping a dog in breach of a disqualification order, the court by which the person is convicted may order that all dogs owned or kept in breach of the order be taken into possession.
- (3) An order under subsection (1) or (2), so far as relating to any dog owned by the person to whom the disqualification order applies, must make provision for disposal of the dog.
- (4) Any dog taken into possession in pursuance of an order under subsection (1) or (2) that is not owned by the person subject to the disqualification order is to be dealt with in such manner as an appropriate court may order.
- (5) But an order under subsection (4) may not provide for the dog to be—
 - (a) destroyed, or
 - (b) disposed of for the purposes of vivisection.
- (6) A court may not make an order for disposal of the dog under subsection (4) unless—
 - (a) it has given the owner of the dog an opportunity to be heard, or

- (b) it is satisfied that it is not reasonably practicable to communicate with the owner.
- (7) Where a court makes an order under subsection (4) for the disposal of the dog, the owner of the dog may appeal against the order to the Crown Court.
- (8) In this section—
 - “appropriate court” means—
 - (a) the magistrates’ court which made the order under subsection (1) or (2), or
 - (b) another magistrates’ court acting for the same local justice area as that court;
 - “disqualification order” has the same meaning as in section 66.
- (9) In this section references to disposing of a dog do not include—
 - (a) destroying it, or
 - (b) disposing of it for the purposes of vivisection.

68 Termination of disqualification order

- (1) A person who is subject to a disqualification order may apply to an appropriate court for the order to be terminated.
- (2) No application under subsection (1) may be made—
 - (a) before the end of the period of one year beginning with the date on which the disqualification order was made,
 - (b) where a previous application under that subsection has been made in relation to the same order, before the end of the period of one year beginning with the date on which the previous application was determined, or
 - (c) before the end of any period specified under section 66(3), or subsection (5), in relation to the order.
- (3) On an application under subsection (1), the court may—
 - (a) terminate the disqualification order,
 - (b) vary the order so as to make it less onerous, or
 - (c) refuse the application.
- (4) When determining an application under subsection (1), the court is to have regard to—
 - (a) the character of the applicant,
 - (b) the applicant’s conduct since the disqualification order was made, and
 - (c) any other relevant circumstances.
- (5) Where the court refuses an application under subsection (1) or varies a disqualification order on such an application, it may specify a period during which the applicant may not make a further application under that subsection in relation to the order concerned.
- (6) The court may order an applicant to pay all or part of the costs of an application.
- (7) In this section—
 - “appropriate court” means—
 - (a) the magistrates’ court which made the disqualification order, or

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(b) another magistrates' court acting for the same local justice area as that court;

“disqualification order” has the same meaning as in section 66.

69 Section 67: supplementary

- (1) The court by which an order under section 67 is made may—
 - (a) appoint a person to carry out, or arrange for the carrying out of, the order;
 - (b) require any person who has possession of a dog to which the order applies to deliver it up to enable the order to be carried out;
 - (c) give directions with respect to the carrying out of the order;
 - (d) confer additional powers (including power to enter premises where a dog to which the order applies is being kept) for the purpose of, or in connection with, the carrying out of the order;
 - (e) order the person who committed the offence in relation to which the order was made, or another person, to reimburse the expenses of carrying out the order.
- (2) A person who fails to comply with a requirement imposed under subsection (1)(b) commits an offence.
- (3) A person guilty of an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) Directions under subsection (1)(c) may—
 - (a) specify the manner in which a dog is to be disposed of, or
 - (b) delegate the decision about the manner in which a dog is to be disposed of to a person appointed under subsection (1)(a).
- (5) In determining how to exercise its powers under section 67 and this section the court is to have regard (amongst other things) to—
 - (a) the desirability of protecting the value of any dog to which the order under section 67 applies, and
 - (b) the desirability of avoiding increasing any expenses which a person may be ordered to reimburse.
- (6) In determining how to exercise a power delegated under subsection (4)(b), a person is to have regard, amongst other things, to the things mentioned in subsection (5)(a) and (b).
- (7) If the owner of a dog ordered to be disposed of under section 67 is subject to a liability by virtue of subsection (1)(e), any amount to which the owner is entitled as a result of sale of the dog may be reduced by an amount equal to that liability.
- (8) Any sum ordered to be paid under subsection (1)(e) is to be treated for the purposes of enforcement as if it were a fine imposed on conviction.
- (9) In this section references to disposing of a dog do not include—
 - (a) destroying it, or
 - (b) disposing of it for the purposes of vivisection.

70 Disqualification orders: appeals

- (1) Nothing may be done under an order under section 66 or 67 with respect to a dog unless—
 - (a) the period for giving notice of appeal against the order has expired,
 - (b) the period for giving notice of appeal against the conviction on which the order was made has expired, and
 - (c) if the order or conviction is the subject of an appeal, the appeal has been determined or withdrawn.
- (2) Where the effect of an order is suspended under subsection (1)—
 - (a) no requirement imposed or directions given in connection with the order have effect, but
 - (b) the court may give directions about how any dog to which the order applies is to be dealt with during the suspension.
- (3) Directions under subsection (2)(b) may, in particular—
 - (a) authorise the dog to be taken into possession;
 - (b) authorise the dog to be cared for either on the premises where it was being kept when it was taken into possession or at some other place;
 - (c) appoint a person to carry out, or arrange for the carrying out of, the directions;
 - (d) require any person who has possession of the dog to deliver it up for the purposes of the directions;
 - (e) confer additional powers (including power to enter premises where the dog is being kept) for the purpose of, or in connection with, the carrying out of the directions;
 - (f) provide for the recovery of any expenses in relation to the removal or care of the dog which are incurred in carrying out the directions.
- (4) A person who fails to comply with a requirement imposed under subsection (3)(d) commits an offence.
- (5) A person guilty an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) Any sum directed to be paid under subsection (3)(f) is to be treated for the purposes of enforcement as if it were a fine imposed on conviction.

Administering a substance with intent to cause harm

71 Administering a substance with intent to cause harm

- (1) The Secretary of State must, before the end of the relevant period—
 - (a) prepare and publish a report—
 - (i) about the nature and prevalence of the conduct described in subsection (2), and
 - (ii) setting out any steps Her Majesty’s Government has taken or intends to take in relation to the matters referred to in sub-paragraph (i), and
 - (b) lay the report before Parliament.
- (2) The conduct referred to in subsection (1)(a)(i) is a person intentionally administering a substance to, or causing a substance to be taken by, another person—

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- (a) without the consent of that other person, and
 - (b) with the intention of causing harm (whether or not amounting to an offence) to that other person.
- (3) In subsection (1), the “relevant period” means the period of 12 months beginning with the day on which this Act is passed.

Offences motivated by hostility based on sex or gender

72 Response to Law Commission report on hate crime laws

- (1) The Secretary of State must, before the end of the period of 12 months beginning with the day on which this Act is passed—
- (a) prepare and publish a response to Recommendation 8 of the Law Commission report on hate crime (adding sex or gender as a protected characteristic for the purposes of aggravated offences and enhanced sentencing), and
 - (b) lay the response before Parliament.
- (2) In this section “the Law Commission report on hate crime” means the Law Commission report “Hate Crime Laws” that was published on 7 December 2021.