

EXPLANATORY MEMORANDUM TO
THE POLICE ACT 1996 (AMENDMENT AND CONSEQUENTIAL AMENDMENTS)
REGULATIONS 2022

2022 No. 790

1. Introduction

1.1 This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 Under the provisions contained in Section 31A of the 1996 Police Act, the Secretary of State may by regulations amend any name of a police area specified in the first column of Schedule 1 (police areas).

2.2 This instrument will change the name of the Hampshire police area to “Hampshire and Isle of Wight” following the request of the Police and Crime Commissioner.

2.3 The instrument also substitutes references to “Hampshire” with “Hampshire and Isle of Wight” in articles 34 and 35 of the Police and Crime Commissioner Elections Order 2012.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is England and Wales.

4.2 The territorial application of this instrument is England and Wales.

5. European Convention on Human Rights

5.1 The Minister of State for Crime, Policing and Probation has made the following statement regarding Human Rights:

“In my view the provisions of the Police Act 1996 (Amendment and Consequential Amendments) Regulations 2022 are compatible with the Convention rights.”

6. Legislative Context

6.1 The names of police areas, and the power to amend those names, are set out in the Police Act 1996. Schedule 1 to the Act sets out the names of all police areas in England and Wales, with the exception of the metropolitan police district and the City of London police area. Section 31A of the Act contains provisions which allow for the Secretary of State to amend the names of police areas listed in Schedule 1 to the Act by regulations using the draft affirmative procedure.

6.2 Articles 34 and 35 of the Police and Crime Commissioner Elections Order 2012 makes provision in relation to election expenses in police areas. These Articles

include references to “Hampshire” which through these regulations will be substituted with “Hampshire and Isle of Wight”.

7. Policy background

What is being done and why?

- 7.1 The Police and Crime Commissioner (PCC) for Hampshire police area requested that the name of that police area be changed to include reference to the Isle of Wight. This is because the police area covers both counties but this is not currently reflected in the police area’s name.
- 7.2 The Hampshire PCC consulted local communities and reported that 82% of respondents supported the change. The Leader of the Isle of Wight Council and the MP for the Isle of Wight are both in support of incorporating the Isle of Wight into the police area name. The Chief Constable and the District Commander who is based on the island also support the proposed change.
- 7.3 In 1957, the force’s name changed to Hampshire and Isle of Wight Constabulary. In 1967, it then changed to Hampshire Constabulary upon absorbing the city forces of Portsmouth and Southampton.
- 7.4 In 2021, the island and mainland fire services merged and consequently rebranded as “Hampshire and the Isle of Wight Fire and Rescue”.
- 7.5 This change to the police area name is being made in response to those representations. Any change to the name of the Hampshire Police Force to incorporate reference to Isle of Wight would need to be taken forward locally. This is because the legislation sets out the individual police areas but there is no statutory provision for the naming of individual police forces.

8. European Union Withdrawal and Future Relationship

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

- 9.1 This instrument does not amend other secondary legislation than those covered by the purpose of this Instrument.
- 9.2 Other references to ‘Hampshire’ police area will be amended to refer to ‘Hampshire and Isle of Wight’ police area. This will be completed through a second Statutory Instrument with the negative parliamentary procedure. The expectation is that all of these changes will come into force on the same day so the legislation is consistent.

10. Consultation outcome

- 10.1 Local residents in the Hampshire police area were consulted through an online survey conducted by the OPCC. The OPCC informed us that there were 419 respondents to that survey, with 327 people (81.1%) supporting the proposal for Hampshire Constabulary to be named Hampshire and the Isle of Wight Constabulary. Local people see the name change as crucial to connecting local communities with local policing services in a similar way that has been taken with the fire service.
- 10.2 The Secretary of State has consulted the Electoral Commission in accordance with section 7(2)(hc) of the Political Parties, Elections and Referendums Act 2000.

11. Guidance

- 11.1 No guidance will be published. The Police Act 1996 (Amendment and Consequential Amendments) Regulations 2022 will change the name of the Hampshire police area only and should have no effect on local police practice.

12. Impact

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.
- 12.3 An Impact Assessment has not been prepared for this instrument because the costs will be minimal. Branding changes will be brought in over time at the cost and discretion of the PCC.

13. Regulating small business

- 13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

- 14.1 The Government will review this legislation one calendar year after the legislation comes into force by consulting the Hampshire PCC and seeking their views on the effectiveness of the instrument.

15. Contact

- 15.1 Lauren Diffey at the Home Office Telephone: 0207 0353011 or email: lauren.diffey@homeoffice.gov.uk can be contacted with any queries regarding the instrument.
- 15.2 Kayleigh Chapman, Deputy Director for the Police Strategy and Reform Unit, at the Home Office can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 The Minister of State for Crime, Policing and Probation, Rt Hon Kit Malthouse MP at the Home Office can confirm that this Explanatory Memorandum meets the required standard.