



# Sentencing Act 2020

## 2020 CHAPTER 17

### FOURTH GROUP OF PARTS Further powers relating to sentencing

#### PART 11

##### BEHAVIOUR ORDERS

##### [<sup>F1</sup>CHAPTER 1A

##### SERIOUS VIOLENCE REDUCTION ORDERS

#### Textual Amendments

- F1** Pt. 11 Ch. 1A inserted (28.4.2022 for specified purposes, 19.4.2023 for the specified purpose and for the specified period of 24 months beginning with that date) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. [165\(1\)](#), [166](#), [208\(4\)\(u\)](#); S.I. [2023/387](#), regs. [1](#), [5\(1\)\(a\)\(2\)](#) (with regs. [6-8](#))

#### **342A Power to make serious violence reduction order**

- (1) This section applies where—
  - (a) a person aged 18 or over (“the offender”) is convicted of an offence which was committed on or after the first appointed day, and
  - (b) the prosecution makes an application to the court for a serious violence reduction order to be made in respect of the offender.
- (2) Subject to subsection (6), the court may make a serious violence reduction order in respect of the offender if—
  - (a) the condition in subsection (3) or (4) is met, and
  - (b) the condition in subsection (5) is met.
- (3) The condition in this subsection is that the court is satisfied on the balance of probabilities that—

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- (a) a bladed article or offensive weapon was used by the offender in the commission of the offence, or
  - (b) the offender had a bladed article or offensive weapon with them when the offence was committed.
- (4) The condition in this subsection is that the court is satisfied on the balance of probabilities that—
- (a) a bladed article or offensive weapon was used by another person in the commission of the offence and the offender knew or ought to have known that this would be the case, or
  - (b) another person who committed the offence had a bladed article or offensive weapon with them when the offence was committed and the offender knew or ought to have known that this would be the case.
- (5) The condition in this subsection is that the court considers it necessary to make a serious violence reduction order in respect of the offender to—
- (a) protect the public in England and Wales from the risk of harm involving a bladed article or offensive weapon,
  - (b) protect any particular members of the public in England and Wales (including the offender) from such risk, or
  - (c) prevent the offender from committing an offence involving a bladed article or offensive weapon.
- (6) The court may make a serious violence reduction order in respect of the offender only if it—
- (a) does so in addition to dealing with the offender for the offence, and
  - (b) does not make an order for absolute discharge under section 79 in respect of the offence.
- (7) For the purpose of deciding whether to make a serious violence reduction order the court may consider evidence led by the prosecution and evidence led by the offender.
- (8) It does not matter whether the evidence would have been admissible in the proceedings in which the offender was convicted.
- (9) The court may adjourn any proceedings on an application for a serious violence reduction order even after sentencing the offender.
- (10) If the offender does not appear for any adjourned proceedings the court may—
- (a) further adjourn the proceedings,
  - (b) issue a warrant for the offender’s arrest, or
  - (c) hear the proceedings in the offender’s absence.
- (11) The court may not act under subsection (10)(b) unless it is satisfied that the offender has had adequate notice of the time and place of the adjourned proceedings.
- (12) The court may not act under subsection (10)(c) unless it is satisfied that the offender—
- (a) has had adequate notice of the time and place of the adjourned proceedings, and
  - (b) has been informed that if the offender does not appear for those proceedings the court may hear the proceedings in the offender’s absence.
- (13) On making a serious violence reduction order the court must in ordinary language explain to the offender—

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- (a) the effects of the order, and
  - (b) the powers that a constable has in respect of the offender under section 342E while the order is in effect.
- (14) In subsection (1)(a) “the first appointed day” means the first day appointed by regulations under section 208(1) of the Police, Crime, Sentencing and Courts Act 2022 for the coming into force to any extent of section 165 of that Act.
- (15) In subsection (4) the references to the offence include references to any offence arising out of the same facts as the offence.

### **342B Meaning of “serious violence reduction order”**

- (1) In this Chapter, “serious violence reduction order” means an order made in respect of an offender that imposes on the offender—
- (a) the requirements specified in subsections (2) and (4), and
  - (b) the requirements and prohibitions, if any, specified in regulations made by the Secretary of State for the purposes of this section.
- (2) The offender must be required to notify the information in subsection (3) to the police within the period of 3 days beginning with the day on which the order takes effect.
- (3) That information is—
- (a) the offender’s name on the day that the notification is given and, where the offender uses one or more other names on that day, each of those names,
  - (b) the offender’s home address on that day, and
  - (c) the address of any other premises at which, on that day, the offender regularly resides or stays.
- (4) The offender must be required to notify the information mentioned in subsection (5) to the police within the period of 3 days beginning with the day on which the offender—
- (a) uses a name which has not been previously notified to the police in accordance with the order,
  - (b) changes their home address, or
  - (c) decides to live for a period of one month or more at any premises the address of which has not been previously notified to the police in accordance with the order.
- (5) That information is—
- (a) in a case within subsection (4)(a), the name which has not previously been notified,
  - (b) in a case within subsection (4)(b), the new home address, and
  - (c) in a case within subsection (4)(c), the address of the premises at which the offender has decided to live.
- (6) A serious violence reduction order must provide that the offender gives a notification of the kind mentioned in subsection (2) or (4) by—
- (a) attending at a police station in a police area in which the offender lives, and
  - (b) giving an oral notification to a police officer, or to any person authorised for the purpose by the officer in charge of the station.
- (7) The Secretary of State may make regulations under subsection (1)(b) only if—

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- (a) the Secretary of State has laid a report before Parliament under section 166(3) of the Police, Crime, Sentencing and Courts Act 2022 (report to be laid after piloting of serious violence reduction orders), and
  - (b) the Secretary of State considers that it is appropriate to make the regulations for the purpose of assisting constables to exercise the powers conferred by section 342E.
- (8) Regulations under subsection (1)(b) are subject to the affirmative resolution procedure.
- (9) In this section, “home address”, in relation to the offender, means—
- (a) the address of the offender’s sole or main residence, or
  - (b) if the offender has no such residence, the address or location of a place where the offender can regularly be found and, if there is more than one such place, such one of those places as the offender may select.

### **342C Serious violence reduction orders: additional requirements etc**

- (1) A serious violence reduction order may impose on the offender any requirement or prohibition specified in regulations made by the Secretary of State for the purposes of this section if the condition in subsection (2) is met.
- (2) The condition in this subsection is that the court considers it appropriate for the order to impose the requirement or prohibition on the offender for the purpose of assisting constables to exercise the powers conferred by section 342E in respect of the offender.
- (3) Regulations under this section may be made only after the Secretary of State has laid a report before Parliament under section 166(3) of the Police, Crime, Sentencing and Courts Act 2022 (report to be laid after piloting of serious violence reduction orders).
- (4) Regulations under this section are subject to the affirmative resolution procedure.

### **342D Duration of serious violence reduction orders**

- (1) A serious violence reduction order takes effect on the day it is made, subject to subsections (3) and (4).
- (2) A serious violence reduction order must specify the period for which it has effect, which must be a fixed period of not less than 6 months and not more than 2 years.
- (3) Subsection (4) applies in relation to a serious violence reduction order if—
  - (a) the offender has been remanded in or committed to custody by an order of a court, or
  - (b) a custodial sentence has been imposed on the offender or the offender is serving or otherwise subject to a such a sentence.
- (4) The order may provide that it does not take effect until the offender is released from custody or ceases to be subject to a custodial sentence.
- (5) Where a court makes a serious violence reduction order and the offender is already subject to such an order, the earlier order ceases to have effect.

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### **342E Serious violence reduction orders: powers of constables**

- (1) This section applies where a serious violence reduction order is in effect.
- (2) A constable may search the offender for the purpose of ascertaining whether the offender has a bladed article or an offensive weapon with them.
- (3) A constable may detain the offender for the purpose of carrying out the search.
- (4) A constable may seize anything that the constable finds in the course of the search if the constable reasonably suspects it to be a bladed article or an offensive weapon.
- (5) The powers in this section may be exercised only while the offender is in a public place.
- (6) A constable may use reasonable force, if necessary, for the purpose of exercising a power conferred by this section.
- (7) The powers conferred on a constable by this section are additional to powers which the constable has at common law or by virtue of any other enactment and does not affect those powers.

### **342F Retention and disposal of things seized under section 342E**

- (1) Any thing seized by a constable under section 342E may be retained in accordance with regulations made by the Secretary of State under this section.
- (2) The Secretary of State may by regulations make provision—
  - (a) regulating the retention and safekeeping of things seized by a constable under section 342E, and
  - (b) regulating the disposal and destruction of such things in such circumstances as the regulations may prescribe.
- (3) Regulations under this section are subject to the negative resolution procedure.

### **342G Offences relating to a serious violence reduction order**

- (1) Where a serious violence reduction order is in effect, the offender commits an offence if the offender—
  - (a) fails without reasonable excuse to do anything the offender is required to do by the order,
  - (b) without reasonable excuse does anything the offender is prohibited from doing by the order,
  - (c) notifies to the police, in purported compliance with the order, any information which the offender knows to be false,
  - (d) tells a constable that they are not subject to a serious violence reduction order, or
  - (e) intentionally obstructs a constable in the exercise of any power conferred by section 342E.
- (2) A person guilty of an offence under this section is liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding [<sup>F2</sup>the general limit in a magistrates' court], or a fine, or both;

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- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.
- (3) In relation to an offence committed before the coming into force of paragraph 24(2) of Schedule 22 (maximum sentence that may be imposed on summary conviction of offence triable either way) the reference in subsection (2)(a) to [F3 the general limit in a magistrates' court] is to be read as a reference to 6 months.
- (4) If a person is convicted of an offence under this section, an order for conditional discharge under section 80 is not available to the court by or before which the person is convicted.

#### Textual Amendments

- F2** Words in s. 342G(2)(a) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), **Sch. Pt. 1** table
- F3** Words in s. 342G(3) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), **Sch. Pt. 1** table

### 342H Variation, renewal or discharge of serious violence reduction order

- (1) A person within subsection (2) may apply to the appropriate court for an order varying, renewing or discharging a serious violence reduction order.
- (2) Those persons are—
  - (a) the offender;
  - (b) the chief officer of police for the police area in which the offender lives;
  - (c) the chief officer of police for the police area in which the offender committed the offence on the basis of which the order was made;
  - (d) a chief officer of police who believes that the offender is in, or is intending to come to, the chief officer's police area;
  - (e) where the offence on the basis of which the order was made is an offence to which this paragraph applies, the chief constable of the British Transport Police Force.
- (3) Paragraph (e) of subsection (2) applies to an offence which—
  - (a) was committed at, or in relation to, a place within section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003 (jurisdiction of British Transport Police Force), or
  - (b) otherwise related to a railway within the meaning given by section 67 of the Transport and Works Act 1992 or a tramway within the meaning given by that section.
- (4) An application under this section must be made in accordance with rules of court.
- (5) Before making a decision on an application under this section, the court must hear—
  - (a) the person making the application, and
  - (b) any other person within subsection (2) who wishes to be heard.

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- (6) Subject to subsection (7), on an application under this section the court may make such order varying, renewing or discharging the serious violence reduction order as it thinks appropriate.
- (7) The court may renew a serious violence reduction order, or vary such an order so as to lengthen its duration, only if it considers that to do so is necessary—
- (a) to protect the public in England and Wales from the risk of harm involving a bladed article or offensive weapon,
  - (b) to protect any particular members of the public in England and Wales (including the offender) from such risk, or
  - (c) to prevent the offender from committing an offence involving a bladed article or offensive weapon.
- (8) On making an order under this section varying or renewing a serious violence reduction order, the court must in ordinary language explain to the offender—
- (a) the effects of the serious violence reduction order (as varied or renewed), and
  - (b) the powers that a constable has in respect of the offender under section 342E while the serious violence reduction order is in effect.
- (9) In this section the “appropriate court” means—
- (a) where the Crown Court or the Court of Appeal made the serious violence reduction order, the Crown Court;
  - (b) where a magistrates’ court made the serious violence reduction order and the application is made by the offender or the chief constable of the British Transport Police Force—
    - (i) that magistrates’ court, or
    - (ii) a magistrates’ court for the area in which the offender lives;
  - (c) where a magistrates’ court made the serious violence reduction order and the application is made by a chief officer of police—
    - (i) that magistrates’ court,
    - (ii) a magistrates’ court for the area in which the offender lives, or
    - (iii) a magistrates’ court acting for a local justice area that includes any part of the chief officer’s police area.

### **342I Appeal against serious violence reduction order etc**

- (1) An appeal against the making of a serious violence reduction order may be brought by the offender as if the order were a sentence passed on the offender for an offence.
- (2) Where an application is made under section [342H](#) for an order varying, renewing or discharging a serious violence reduction order—
- (a) the person who made the application may appeal against a refusal to make an order under that section;
  - (b) the offender may appeal against the making of an order under that section which was made on the application of a chief officer of police or the chief constable of the British Transport Police Force;
  - (c) a chief officer of police within subsection (2) of that section may appeal against the making of an order under that section which was made on the application of the offender;



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- (d) where the offence on the basis of which the serious violence reduction order was made is an offence to which this paragraph applies, the chief constable of the British Transport Police Force may appeal against the making of an order under that section which was made on the application of the offender.
- (3) Paragraph (d) of subsection (2) applies to an offence which—
- (a) was committed at, or in relation to, a place within section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003 (jurisdiction of British Transport Police Force), or
  - (b) otherwise related to a railway within the meaning given by section 67 of the Transport and Works Act 1992 or a tramway within the meaning given by that section.
- (4) An appeal under subsection (2)—
- (a) is to be made to the Court of Appeal if the application under section 342H was made to the Crown Court;
  - (b) is to be made to the Crown Court in any other case.
- (5) On an appeal under subsection (2) to the Crown Court, the court may make—
- (a) such orders as may be necessary to give effect to its determination of the appeal, and
  - (b) such incidental and consequential orders as appear to it to be appropriate.

### **342J Guidance**

- (1) The Secretary of State may issue guidance to—
- (a) constables,
  - (b) chief officers of police, and
  - (c) the chief constable of the British Transport Police Force,
- in relation to serious violence reduction orders.
- (2) The guidance may in particular include—
- (a) guidance about the exercise by constables, chief officers of police and the chief constable of the British Transport Police Force of their functions under this Chapter,
  - (b) guidance about identifying offenders in respect of whom it may be appropriate for applications for serious violence reduction orders to be made, and
  - (c) guidance about providing assistance to prosecutors in connection with applications for serious violence reduction orders.
- (3) The Secretary of State may revise any guidance issued under this section.
- (4) The Secretary of State must arrange for any guidance issued under this section to be published.
- (5) A constable, chief officer of police or the chief constable of the British Transport Police Force must have regard to any guidance issued under this section.

### **342K Guidance: Parliamentary procedure**

- (1) Before issuing guidance under section 342J, the Secretary of State must lay a draft of the guidance before Parliament.



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- (2) If, within the 40-day period, either House of Parliament resolves not to approve the draft guidance, the guidance may not be issued.
- (3) If no such resolution is made within that period, the Secretary of State may issue the guidance.
- (4) In this section “the 40-day period”, in relation to draft guidance, means the period of 40 days beginning with the day on which the draft is laid before Parliament (or, if it is not laid before each House on the same day, the later of the days on which it is laid).
- (5) In calculating the 40-day period, no account is to be taken of any period during which—
  - (a) Parliament is dissolved or prorogued, or
  - (b) both Houses are adjourned for more than 4 days.

### **342L Serious violence reduction orders: interpretation**

In this Chapter—

“bladed article” means an article to which section 139 of the Criminal Justice Act 1988 applies;

“custodial sentence” includes a pre-Code custodial sentence (see section 222(4));

“harm” includes physical and psychological harm;

“offensive weapon” has the same meaning as in section 1(4) of the Prevention of Crime Act 1953;

“public place” means—

- (a) any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, or
- (b) any other place to which people have ready access but which is not a dwelling;

“the offender”, in relation to a serious violence reduction order, means the offender in respect of whom the order or the application for the order has been made.]

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 34A and cross-heading inserted by [2020 c. 17 Sch. 22 para. 1](#)
- s. 80(3)(f) inserted by [2021 c. 17 s. 54\(2\)](#)
- s. 179(4A) inserted by [2020 c. 17 Sch. 22 para. 11\(1\)](#)
- s. 179A inserted by [2020 c. 17 Sch. 22 para. 12\(2\)](#)
- s. 179A(1)(b)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 16\(2\)](#)
- s. 180(5) inserted by [2020 c. 17 Sch. 22 para. 11\(2\)](#)
- s. 186(8A) inserted by [2020 c. 17 Sch. 22 para. 11\(3\)](#)
- s. 202(1A)(1B) inserted by [2020 c. 17 Sch. 22 para. 13\(b\)](#)
- s. 202(1A)(b)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 17\(2\)](#)
- s. 204A inserted by [2020 c. 17 Sch. 22 para. 14\(2\)](#)
- s. 204A(3)(c)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 18\(2\)](#)
- s. 215(1A)(1B) inserted by [2022 c. 32 s. 149\(2\)\(a\)](#)
- s. 215(2A) inserted by [2022 c. 32 s. 149\(2\)\(c\)](#)
- s. 226(2)(ba) and word substituted for s. 226(2)(c)(d) by [2020 c. 17 Sch. 22 para. 43](#)
- s. 230(3A) and words inserted by [2020 c. 17 Sch. 22 para. 2](#)
- s. 234(1)(aa) inserted by [2020 c. 17 Sch. 22 para. 27\(1\)\(b\)](#)
- s. 234(1)(aa) omitted by [2020 c. 17 Sch. 22 para. 28\(1\)](#)
- s. 235(3A) inserted by [2020 c. 17 Sch. 22 para. 27\(2\)](#)
- s. 236(2A) inserted by [2020 c. 17 Sch. 22 para. 29\(3\)](#)
- s. 236(2A)(b) word substituted by [2020 c. 17 Sch. 22 para. 47\(b\)](#)
- s. 301(1A)(1B) inserted by [2022 c. 32 s. 149\(3\)\(a\)](#)
- s. 301(2A) inserted by [2022 c. 32 s. 149\(3\)\(c\)](#)
- s. 323(2A)–(2C) inserted by [2020 c. 17 Sch. 22 para. 85\(3\)](#)
- s. 343(4) inserted by [2022 c. 32 s. 178\(2\)](#)
- s. 348A348B inserted by [2022 c. 32 s. 178\(4\)](#)
- s. 350(6C)(6D) inserted by [2022 c. 32 s. 178\(5\)](#)
- s. 387A inserted by [2021 c. 17 s. 54\(3\)](#)
- s. 397A inserted by [2020 c. 17 Sch. 22 para. 15](#)
- s. 397A(4)(a)(ia) inserted by [2020 c. 17 Sch. 22 para. 19\(2\)\(b\)](#)
- s. 397A(4)(a)(i) words omitted by [2020 c. 17 Sch. 22 para. 19\(2\)\(a\)](#)
- s. 397A(5) words inserted by [2020 c. 17 Sch. 22 para. 19\(3\)](#)
- s. 397A(6)(7) inserted by [2020 c. 17 Sch. 22 para. 19\(4\)](#)
- s. 418(2A) inserted by [2021 c. 11 Sch. 13 para. 43\(5\)](#)
- Sch. 1 para. 13A inserted by [2020 c. 17 Sch. 22 para. 4\(a\)](#)
- Sch. 10 para. 10(5)(d) inserted by [2020 c. 17 Sch. 22 para. 21\(2\)\(a\)](#)
- Sch. 10 para. 10(9A) inserted by [2020 c. 17 Sch. 22 para. 21\(2\)\(c\)](#)
- Sch. 10 para. 11(2)(d) inserted by [2020 c. 17 Sch. 22 para. 21\(3\)\(a\)](#)
- Sch. 10 para. 11(6A) inserted by [2020 c. 17 Sch. 22 para. 21\(3\)\(c\)](#)
- Sch. 10 para. 10(9A) omitted by [2020 c. 17 Sch. 22 para. 74\(1\)\(b\)](#)
- Sch. 10 para. 11(6A) omitted by [2020 c. 17 Sch. 22 para. 75\(1\)\(b\)](#)
- Sch. 10 para. 10(5)(d) words substituted by [2020 c. 17 Sch. 22 para. 25\(a\)](#)
- Sch. 10 para. 10(5)(d) words substituted by [2020 c. 17 Sch. 22 para. 74\(1\)\(a\)](#)
- Sch. 10 para. 11(2)(d) words substituted by [2020 c. 17 Sch. 22 para. 26\(a\)](#)
- Sch. 10 para. 11(2)(d) words substituted by [2020 c. 17 Sch. 22 para. 75\(1\)\(a\)](#)
- Sch. 17A para. 24A inserted by [2020 c. 17, Sch. 22 para. 79A \(as inserted\) by 2021 c. 11 Sch. 13 para. 11\(20\)\(m\)](#)
- Sch. 18 para. 26A and cross-heading inserted by [2020 c. 17 Sch. 22 para. 80](#)
- Sch. 19 para. 22A and cross-heading inserted by [2020 c. 17 Sch. 22 para. 84](#)

- Sch. 26 para. 13A inserted by 2021 c. 11 Sch. 13 para. 43(7)(a)
- Sch. 26 para. 15(a)(iii) inserted by 2021 c. 11 Sch. 13 para. 43(7)(c)
- Sch. 26 para. 19(a)(ia) inserted by 2021 c. 11 Sch. 13 para. 43(7)(e)(i)
- Sch. 26 para. 20(c) inserted by 2021 c. 11 Sch. 13 para. 43(7)(f)
- Sch. 26 para. 20A inserted by 2021 c. 11 Sch. 13 para. 43(7)(g)
- Sch. 26 para. 24A inserted by 2021 c. 11 Sch. 13 para. 43(7)(i)
- Sch. 26 para. 20A(za) inserted by 2022 c. 32 s. 129(3)(d)
- Sch. 27 para. 16(2)(a)(b) substituted for words by 2021 c. 11 Sch. 13 para. 43(8)