EXPLANATORY MEMORANDUM TO

THE HAMPSHIRE AND ISLE OF WIGHT POLICE AREA (CONSEQUENTIAL AMENDMENTS) REGULATIONS 2022

2022 No. 1053

1. Introduction

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

2. Purpose of the instrument

2.1 This negative procedure instrument will change references in secondary legislation to the Hampshire police area to the "Hampshire and Isle of Wight" police area. These references are in the Compulsory Electronic Monitoring Licence Condition Order 2021 (SI 2021/330) and the Sexual Offences Act 2003 (Prescribed Police Stations) (England and Wales) Regulations 2018 (SI 2018/447). The Police Act 1996 (Amendment and Consequential Amendments) Regulations 2022 (SI 2022/790) amended the name of the Hampshire police area to the Hampshire and Isle of Wight police area.

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 extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.2 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales (in practice, the SI impacts on the counties of Hampshire and Isle of Wight only).

5. European Convention on Human Rights

5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

6.1 The Police Act 1996 (Amendment and Consequential Amendments) Regulations 2022 amended Schedule 1 to the Police Act 1996 (which lists the police areas in England and Wales outside London) to change the name of the Hampshire police area to the Hampshire and Isle of Wight police area and made consequential amendments to the Police and Crime Commissioner Elections Order 2012.

6.2 These regulations make consequential amendments to references to the Hampshire police area in the Compulsory Electronic Monitoring Licence Condition Order 2021 (which requires "qualifying offenders" to reside on licence at an address within a specified police area listed in Schedule 1 of these regulations) and the Sexual

Offences Act 2003 (Prescribed Police Stations) (England and Wales) Regulations 2018 (which imposes notification requirements on offenders convicted of certain sex offences to give these by attending any police station in the relevant offender's local police area which is prescribed in regulations).

6.3 An additional no procedure statutory instrument will be laid to substitute references to Hampshire to Hampshire and Isle of Wight in the Police and Crime Commissioner Elections (Designation of Local Authorities) Order 2020; the Police and Crime Commissioner Elections (Designation of Police Area Returning Officers) Order 2020; and the Police and Crime Commissioner Elections (Local Returning Officers' and Police Area Returning Officers' Charges) Order 2021.

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 Following representations made by the PCC, the change of name of the police area to "Hampshire and Isle of Wight" was made by the Police Act 1996 (Amendment and Consequential Amendments) Regulations 2022. Any change to the name of the Hampshire Police Force to incorporate reference to the 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 which police those areas.

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 makes minor amendments to two other statutory instruments. No consolidation is considered necessary.

10. Consultation outcome

10.1 Local residents in the Hampshire police area were consulted through an online survey conducted by the Office of the Police and Crime Commissioner (OPCC). The OPCC

informed us that 398 respondents to their survey expressed a preference, with 327 (82%) supporting the proposal for Hampshire Constabulary to be named Hampshire and 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.

11. Guidance

11.1 No guidance will be published. The instrument will substitute references in secondary legislation to Hampshire police area to Hampshire and Isle of Wight 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, Deputy Head of Unit for Police Strategy and Reform Unit, 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 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 Fire, Jeremy Quin MP at the Home Office can confirm that this Explanatory Memorandum meets the required standard.