

EXPLANATORY NOTES

Crime and Policing Act 2026

Chapter 20

£48.50

EXPLANATORY NOTES—CRIME AND POLICING ACT 2026

williams lea | tso
An RRD Company

Published by TSO (The Stationery Office), part of Williams Lea, and available from:

Online
www.tsoshop.co.uk

Mail, Telephone & E-mail
TSO
PO Box 29, Norwich, NR3 1GN
Telephone orders/General enquiries: 0333 202 5070
E-mail: customer.services@tso.co.uk
Textphone: 0333 202 5077

ISBN 978-0-10-561120-2

9 780105 611202

CRIME AND POLICING ACT 2026

EXPLANATORY NOTES

What these notes do

These Explanatory Notes relate to the Crime and Policing Act 2026 which received Royal Assent on 29 April 2026 (c. 20).

- These Explanatory Notes have been drafted by the Home Office, Ministry of Justice, Ministry of Defence, Department of Transport, Department for Environment, Food and Rural Affairs and the Department of Science, Innovation and Technology in order to assist the reader in understanding the Act. They do not form part of the Act and have not been endorsed by Parliament.
- These Explanatory Notes explain what each part of the Act will mean in practice; provide background information on the development of policy; and provide additional information on how the Act will affect existing legislation in this area.
- These Explanatory Notes might best be read alongside the Act. They are not, and are not intended to be, a comprehensive description of the Act.

Table of Contents

Subject	Page of these Notes
Overview of the Act	**10**
Policy background	**17**
Anti-social behaviour powers	17
Fly-tipping	19
Begging	19
Knife crime	20
Firearms licensing: sound moderators	22
Retail Crime	22
Child criminal exploitation	23
Cuckooing (controlling another's home for criminal purposes)	24
Internal concealment	24
Child sexual abuse material: offences	25
Sexual offences against children under 16	27
Sexual activity in the presence of a child	27
Grooming aggravating factor	28
Child sexual abuse material: detection of CSAM at the UK Border	28
Duty to report child sex offences	29
Personal injury claims in respect of child sexual abuse	30
Disclosure of information held by the police for the purpose of preventing sex offending	31
Offences relating to semen-defaced images, intimate photographs or films and voyeurism	31
Image deletion orders	32
Regulation of online pornography	32
Exposure	33
Sexual activity with an animal	33
Sexual activity with a corpse	34
Convictions and cautions for loitering or soliciting when under 18	34
Management of sex offenders	34
Stalking	37
Administering etc harmful substances (including by spiking)	38
Encouraging or assisting serious self-harm	38
Child abduction	39
Safeguarding vulnerable groups: regulated activity	39
Dangerous cycling	41
'Honour'-based abuse	41
Aggravated offences	42
Abuse of emergency workers within a private dwelling	42
Electronic devices used in vehicle theft	43
SIM farms	43

Public order 44
Protests outside homes of public-office holders 46
Unauthorised encampments 46
Suspension of internet protocol addresses and internet domain names 46
Powers of entry and seizure to recover electronically tracked stolen goods 48
Law enforcement agencies' access to remotely stored electronic data 49
Expanding the lawful purposes for which the police can access DVLA driver licensing records 50
Non-crime hate incidents 51
Drug Testing on Arrest 52
Extension of foreign national conditional cautions to those with limited leave to remain 53
Confiscation of the proceeds of crime 53
Civil recovery of proceeds of crime: costs protections 55
Extension of polygraph condition to certain offenders 56
Management of offenders serving community or suspended sentences 57
Notification requirements for child cruelty offenders 57
Police accountability 57
Police misconduct and dismissals 59
Power to give directions to critical police undertakings 61
Counter-terrorism and national security powers 62
International law enforcement information sharing agreements 64
Extradition 64
OFCOM's notices to providers of internet services 64
Identification doctrine 65

Legal background 66

Territorial extent and application 70

Commentary on provisions of Act 72

Part 1: Anti-social behaviour 72
Chapter 1: Respect orders, youth injunctions and housing injunctions 72
Section 1: Respect orders 72
Section 2 and Schedule 1: Youth injunctions, housing injunctions and consequential amendments 76
Chapter 2: Other provisions about anti-social behaviour 77
Section 3: Maximum period in certain directions, notices and orders 77
Section 4: Fixed penalty notices 78
Section 5 and Schedule 2: Closure of premises by registers social housing provider 78
Section 6 and Schedule 3: Reviews of responses to complaints about anti-social behaviour 79
Section 7: Provision of information relating to anti-social behaviour to Secretary of State 81
Section 8: Seizure of motor vehicles used in manner causing alarm, distress or annoyance 82
Section 9: Guidance on fly-tipping enforcement in England 82
Section 10: Fly-tipping: penalty points on driving record 82
Section 11: Offence of trespassing with intent to commit criminal offence 83
Section 12: Arranging or facilitating begging for gain 83
Part 2: Offensive weapons 83
Chapter 1: Online advertising etc of unlawful weapons: civil penalties 83
Section 13: "Relevant user-to-user services", "relevant search services" and "service providers" 83
Section 14: Coordinating officer 84

Section 15: Notice requiring appointment of content manager 84
Section 16: Appointment of content manager following change of circumstances 84
Section 17: Replacement of content manager 84
Section 18: Duty to notify changes in required information 84
Section 19: Failure to comply with content manager requirements: civil penalties 85
Schedule 4: Civil penalties for service providers and content managers 85
Section 20: Unlawful weapons content 86
Section 21: Content removal notices 86
Section 22: Content removal notices: review 86
Section 23: Decision notices requiring removal of unlawful weapons content 87
Section 24: Failure to comply with content removal notice or decision notice: civil penalties 87
Section 25: Guidance 87
Section 26: Notices 87
Section 27: Interpretation of Chapter 88
Chapter 2: Other provisions about offensive weapons 88
Section 28: Possession of a weapon with intent to use unlawful violence etc 88
Section 29: Maximum penalty for offences relating to offensive weapons 89
Section 30: Power to seize bladed articles etc 90
Section 31: Power to seize bladed articles etc: armed forces 91
Section 32: Remote sale of knives etc: England and Wales 91
Section 33: Remote sale or letting of knives etc: Scotland 92
Section 34: Remote sale of knives etc: Northern Ireland 93
Section 35: Delivery of knives etc 93
Section 36: Remote sale and letting of crossbows 95
Section 37: Delivery of crossbows 96
Section 38: Sale and delivery of crossbows: supplementary provision 99
Section 39: Remote sale and letting of crossbows: Northern Ireland 99
Section 40: Delivery of crossbows: Northern Ireland 99
Section 41: Sale and delivery of crossbows: Northern Ireland: supplementary provision 102
Section 42: Duty to report remote sale of knives etc in bulk: England and Wales and Scotland 102
Section 43: Duty to report remote sale of knives etc in bulk: Northern Ireland 103
Section 44 and Schedule 5: Application of Firearms Acts to sound moderators etc 103
Firearms Act 1968 104
Firearms (Amendment) Act 1988 104
Part 3: Retail crime 105
Section 45: Assault of retail worker 105
Section 46: Assault of retail worker: duty to make criminal behaviour order 105
Section 47: Theft from shop triable either way irrespective of value of goods 106
Part 4: Criminal exploitation of children and others 106
Chapter 1: Child criminal exploitation 106
Section 48: Child criminal exploitation 106
Section 49: Proving an offence under section 48 107
Section 50: Power to make CCE prevention order 108
Section 51: CCE prevention orders 108
Section 52: Applications for CCE prevention orders 109
Section 53: Applications without notice 109
Section 54: Interim CCE prevention orders 109
Section 55: Procedural powers where no application made 110
Section 56: Notification requirements 110
Section 57: Variation and discharge of CCE prevention orders 111
Section 58: Appeals 111
Section 59: Offence of breaching CCE prevention order 112
Section 60: Offences relating to notifications 112
Section 61: Special measures for witnesses 113

Section 62: Interpretation and supplementary provision 113
Section 63 and Schedule 6: Orders made on conviction 113
Section 64: Child criminal exploitation prevention orders: Scotland and Northern Ireland 116
Schedule 7: CCE prevention orders: Scotland 116
Schedule 8: CCE prevention orders: Northern Ireland 121
Chapter 2: Cuckooing 126
Section 65 and Schedule 9: Controlling another's home for criminal purposes 126
Section 66: Section 65: Interpretation 127
Section 67: Power to amend definition of "relevant offence" 128
Chapter 3: Internal concealment 128
Section 68: Causing internal concealment of item for criminal purpose 128
Chapter 4: Supplementary provision 130
Section 69: Secretary of State guidance 130
Section 70: Department of Justice guidance 131
Section 71: Protections for witnesses, and lifestyle offences 131
Part 5: Sexual offences and offenders 132
Chapter 1: Child sexual abuse 132
Section 72: Child sexual abuse image-generators: England and Wales 132
Section 73: Child sexual abuse image generators: Northern Ireland 133
Section 74: Child sexual abuse image generators: Scotland 133
Section 75: Possession of advice or guidance about creating CSA images: England and Wales and Northern Ireland 133
Section 76: Possession of advice or guidance about child sexual abuse or CSA images: Scotland 134
Section 77 and Schedule 10: Online facilitation of child sexual exploitation and abuse 134
Section 78: Offence under section 77 outside the United Kingdom 134
Section 79: Liability for offence under section 77 committed by a body 135
Section 80: Section 77: supplementary provision 135
Section 81 and Schedule 11: Sexual offences against children under 16 135
Section 82: Sexual activity in the presence of child etc 136
Section 83: Child sex offences: grooming aggravating factor 137
Section 84: Power of scan for child sexual abuse images at the border 138
Chapter 2: Duty to report child sexual abuse 139
Section 85 and Schedule 12: Duty to report suspected child sex offences 139
Section 86: Section 85: meaning of "relevant local authority" and "relevant police force" 140
Section 87: Section 85: reasons to suspect child sex offence may have been committed 140
Section 88: Exception for certain consensual sexual activities between children 141
Section 89: Exception relating to commission of offence under section 14 of the Sexual Offences Act 2003 by a child in certain circumstances 141
Section 90: Exception in respect of certain disclosures by children 142
Section 91: Exception for persons providing specified services 142
Section 92: Preventing or deterring a person from complying with duty to report suspected child sex offence 142
Section 93: Modification of Chapter for constables 142
Section 94: Guidance 142
Section 95: Powers to amend this Chapter, and consequential amendments 143
Chapter 3: Removal of limitation period in child sexual abuse cases 143
Section 96: Removal of limitation period in child sexual abuse cases 143
Chapter 4: Other provision about sexual offences 145
Section 97: Guidance about the disclosure of information by police for the purpose of preventing sex offending 145
Section 98 and Schedule 13: Offences relating to semen-defaced images, intimate photographs or films and voyeurism 145
New section 66AA: Sharing semen-defaced image 145
New section 66AB: Taking or recording an intimate photograph or film 147
New section 66AC: Taking or recording an intimate photograph or film: exemptions 148

New section 66AD: Installing etc. equipment to enable taking or recording of intimate photograph or film 148
New section 66AE: Creating a copy of intimate photography or film shared temporarily 149
New section 66AF: Creating a copy of intimate photograph or film shared temporarily: exemptions 151
Paragraph 4: amendments to section 66B of the Sexual Offences Act 2003 151
Paragraph 5: amendments to section 66C of the Sexual Offences Act 2003 152
Paragraph 6: amendments to section 66D of the Sexual Offences Act 2003 152
Paragraph 7: amendment to section 66G of the Sexual Offences Act 2003 152
Paragraph 8: time limits for summary only intimate image offences 152
Paragraph 9: repeal of the offence at section 67(3) of the Sexual Offences Act 2003 153
Paragraph 10: repeal of the offence at section 67A(2) of the Sexual Offences Act 2003 153
Paragraph 11: amendments to section 77 of the Sexual Offences Act 2003 – relevant acts 153
Paragraph 12: definition of "sexual" 153
Paragraph 13: maximum term for summary offences 153
Paragraph 14: closure orders 153
Paragraph 15: extraterritorial jurisdiction 153
Paragraph 16: notification requirements 153
Part 2: consequential amendments 154
Section 99: Purported intimate image generators 155
Section 100: Taking down intimate image content 156
Section 101: Taking down intimate image content: consequential amendments 157
Section 102: Image deletion orders 157
Section 103 and Schedule 14: intimate image material: reporting and registration 159
Section 104: Pornographic images of strangulation or suffocation: England and Wales and Northern Ireland 160
Section 105: Pornographic images of strangulation or suffocation: Scotland 162
Section 106: Pornographic images of sex between relatives 162
Section 107: Pornographic images of sexual activity with child under 16 164
Section 108: Online pornography (age and consent verification): duty to review and report 166
Section 109: Online pornography (age and consent verification): power to amend Online safety Act 2023 166
Section 110: Online pornography (age and consent verification): power to make regulations 166
Section 111: Obscenity etc offences: technology testing defence 167
Section 112: Technology testing defence: meaning of "relevant offence" 168
Section 113: Exposure 168
Section 114: Sexual activity with an animal 168
Section 115: Sexual activity with a corpse 169
Section 116: Disregarding convictions and cautions for loitering or soliciting when under 18 170
Section 117: Pardons for convictions and cautions for loitering or soliciting when under 18 170
Chapter 5: Management of sex offenders 171
Section 118: Notification of name change 171
Section 119: Notification of absence from sole or main residence 171
Section 120: Child sex offenders: requirement to notify if entering premises where children present 172
Section 121: Police stations at which notifications may be given: Scotland and Northern Ireland 174
Section 122: Alternative method of notification 174
Section 123: Review of indefinite notification requirements: England and Wales 175
Section 124: Review of indefinite notification requirements: Northern Ireland 176
Section 125: Restriction on applying for replacement identity documents in new name 176
Section 126: Power of entry and search 179
Section 127 and Schedule 15: Minor and consequential amendments 179
Part 6: Stalking 179
Section 128: Stalking protection orders on acquittal etc 179
Section 129: Stalking protection orders on conviction 181
Section 130: Stalking protection orders: Northern Ireland 182
Section 131: Guidance about stalking 183
Section 132: Guidance about the disclosure of information by police forces 184
Section 133: Guidance about the disclosure of information by police: Northern Ireland 184
Part 7: Other provision for the protection of persons 184

Section 134: Administering etc harmful substances (including by spiking) 184
Section 135: Encouraging or assisting serious self-harm 185
Section 136: Encouraging or assisting serious self-harm: supplementary 186
Section 137: Child abduction 187
Section 138: Child abduction: Northern Ireland 188
Section 139: Safeguarding vulnerable groups: regulated activity 188
Section 140: Safeguarding vulnerable groups: regulated activity (Northern Ireland) 188
Section 141: Dangerous, careless or inconsiderate cycling 189
Section 142: Domestic abuse protection orders 190
Section 143: Guidance abuse honour-based abuse 191
Section 144: Meaning of "honour-based abuse" 191
Part 8: Offences related to racial and other hostility 192
Section 145: Aggravated offences 192
Section 146: Threatening, abusive or insulting behaviour towards emergency workers 193
Section 147: Threatening or abusive behaviour likely to harass, alarm or distress emergency workers 193
Section 148: Interpretation of sections 146 and 147 194
Part 9: Prevention of theft and fraud 194
Section 149: Electronic devices for use in vehicle offences 194
Section 150: Section 149: evidential burdens and lifestyle offences 195
Section 151: Possession of a SIM farm 196
Section 152: Supply of a SIM farm 196
Section 153: Sections 151 and 152: meaning of "SIM farm" etc 197
Schedule 16: Possession or supply of SIM farms: powers of entry etc 197
Section 154: Possession of specified article 201
Section 155: Supply of specified article 201
Section 156: Sections 154 and 155: specified articles and supplementary provision 201
Part 10: Public order 202
Chapter 1: New offences relating to protests and assemblies 202
Section 157: Offence of concealing identity at protests 202
Section 158: Concealing identity at protests: designating localities and giving notice 202
Section 159: Concealing identity at protests: procedure for designations etc 203
Section 160: Possession of pyrotechnic articles at protests 203
Section 161 and Schedule 17: Climbing on memorials 204
Section 162: Protests outside public office-holder's home 204
Section 163: Interpretation of Chapter 205
Chapter 2: Police powers 205
Section 164: Places of worship: restriction on protest 205
Section 165: Public processions and assemblies: duty to take account of cumulative disruption 205
Section 166: Powers of senior officers to impose conditions on protests 206
Section 167: Amendments relating to British Transport Police and Ministry of Defence Police 207
Section 168: Return to unauthorised encampments: prohibited period 208
Section 169: Harassment of a person in their home 208
Part 11: Powers of police etc 209
Section 170 and Schedule 18: Suspension of internet protocol addresses and internet domain names 209
Section 171: Electronically tracked stolen goods: search without warrant 212
Section 172: Electronically tracked stolen goods: search without warrant (armed forces) 214
Section 173: Extraction of online information following seizure of electronic devices 214
Section 174: Section 173: supplementary 216
Section 175: Section 173: interpretation 217
Section 176: Section 173: confidential information 217
Section 177: Section 173: code of practice 219
Section 178: Extraction of online information: ports and border security 219
Section 179 and Schedule 19: Extraction of online information following agreement etc 221
Section 180: Lawful interception of communications 222

Section 181: Access to driver licencing information 223
Section 182: Code of practice relating to non-crime hate incidents 225
Section 183 and Schedule 20: Testing of persons in police detention for presence of controlled drugs 225
Section 184: Assessment of misuse of controlled drugs 226
Section 185: Power to take additional sample 227
Section 186: Removal of power to continue detention 227
Section 187: Removal of notification conditions 227
Section 188: Cautions given to persons having limited leave to enter or remain in UK 228
Part 12: Proceeds of crime and other property connected with criminal behaviour 228
Section 189 and Schedules 21 to 23: Confiscation 228
Section 190: Proceedings for civil recovery: costs and expenses 237
Part 13: Management of offenders 238
Section 191: Extension of polygraph condition to certain offenders 238
Section 192: Duty of offender to notify details 239
Section 193 and Schedule 24: Notification requirements for child cruelty offenders 240
Section 194: Notification requirements for child cruelty offenders: enforcement 240
Section 195: Notification requirements for child cruelty offenders: power to amend Schedule 24 241
Section 196: Notification requirements for child cruelty offenders: interpretation 241
Part 14: The police 241
Section 197: Accelerated investigation procedure in respect of criminal conduct 241
Section 198: Conditions for notification of Director of Public Prosecutions of investigation report 242
Section 199: Duty of IOPC Director General to give victims right to request review 244
Section 200: Anonymity for authorised firearms officers charged with qualifying offences 244
Section 201: Anonymity for authorised firearms officers appealing convictions for qualifying offences 245
Section 202: Authorised firearms officers: reporting directions 246
Section 203: Authorised firearms officers: anonymity orders 247
Section 204: Appeals to police appeals tribunals 247
Section 205: Law enforcement employers may not employ etc barred persons 250
Section 206: Meaning of “law enforcement employer” 250
Section 207: Application of section 205 to Secretary of State 250
Section 208: Application of section 205 to specified law enforcement employer 250
Section 209: Duty of law enforcement employers to check advisory lists 250
Section 210: Application of section 209 to specified law enforcement employer 251
Section 211: Interpretation of sections 205 to 210 251
Section 212 and Schedule 25: Special police forces: barred persons lists and advisory lists 251
Section 213: Consequential amendments 253
Section 214: Power to give directions to critical police undertakings 253
Part 15: Terrorism and national security 254
Chapter 1: Youth diversion orders 254
Section 215: Power to make youth diversion orders 254
Section 216: Meaning of “serious harm” 255
Section 217: Content of youth diversion orders 255
Section 218: Notification requirements 256
Section 219: Electronic monitoring of compliance with order: England and Wales 256
Section 220: Conditions for imposing electronic monitoring requirements: England and Wales 257
Section 221: Data from electronic monitoring in England and Wales: code of practice 257
Section 222: Duty to consult 257
Section 223: Applications without notice 257
Section 224: Interim youth diversion orders 258
Section 225: Variation and discharge of youth diversion orders 258
Section 226: Appeal against youth diversion orders etc 258
Section 227: Offence of breaching youth diversion order 259
Section 228: Guidance 259
Section 229: Rules of court about anonymity for respondents 260

Section 230: Applications 260
Section 231: Reviews of operation of this Chapter 260
Chapter 2: Other provisions about terrorism and national security 261
Section 232: Prevention of terrorism and state threats: weapons etc 261
Section 233: Offence of wearing or displaying articles in support of proscribed organisation 261
Section 234 and Schedule 26: Management of terrorist offenders 262
Section 235 and Schedule 27: Sentences for offence of breaching foreign travel restriction order 264
Section 236: Length of terrorism sentence with fixed licence period: Northern Ireland 265
Section 237: Terrorism offences excepted from defence for slavery or trafficking victims 265
Section 238: Ports and border security: retention and copying of articles 265
Section 239: Prevention and investigation measures: online information 266
Section 240: Duty to make statement about proscription regime 266
Part 16: Abortion 267
Section 241: Removal of women from the criminal law relating to abortion 267
Section 242: Provision for pardons and criminal records of women prosecuted under abortion law 267
Part 17: Miscellaneous and general 268
Section 243: Implementation of law enforcement information sharing agreements 268
Section 244: Meaning of "appropriate national authority" 268
Section 245: Consultation with devolved authorities about regulations under section 243 268
Section 246: Extradition: cases where a person has been convicted 268
Section 247: OFCOM's notices to providers of internet services 269
Section 248: Power to amend Online Safety Act 2023: AI 269
Section 249: Section 248: duty to make progress report 270
Section 250: Criminal liability of bodies corporate and partnerships where senior management commits an offence 270

Commencement 271

Related documents 273

Annex A – Glossary 276

Annex B - Territorial extent and application in the United Kingdom 279

Minor or consequential effects 284
Subject matter and legislative competence of devolved legislatures 285

Annex C - Hansard References 285

Annex D - Progress of Bill Table 287

Overview of the Act

1. The Crime and Policing Act 2026 supports the delivery of the Government's Safer Streets Mission to halve knife crime and violence against women and girls ("VAWG") in a decade and increase public confidence in policing and the wider criminal justice system. It aims to support neighbourhood policing and give the police the powers they need to tackle anti-social behaviour, crime and terrorism, whilst introducing reforms to ensure that law enforcement agencies perform to the highest standards expected by the public and focus on front-line policing. The Act gives effect to or supports the implementation of the following specific commitments in the Labour Party's 2024 manifesto to:

- "[introduce] new Respect Orders";
- "to get knives off our streets Labour will …..strengthen rules to prevent online sales. Executives of online companies that flout these rules will be personally held to account through tough sanctions.";
- "scrap the effective immunity for some shoplifting ……. and create a new specific offence for assaults on shopworkers that will protect them from threats and violence";
- "introduce a new offence of criminal exploitation of children, to go after the gangs who are luring young people into violence and crime";
- "protect LGBT+ and disabled people by making all existing strands of hate crime an aggravated offence";
- "strengthen the use of Stalking Protection Orders and give women the right to know the identity of online stalkers"; and
- "introduce a new criminal offence for spiking to help police better respond to this crime".

2. The Act is in 17 parts.
3. Chapter 1 of Part 1 (sections 1 and 2 and Schedule 1) make provision for Respect Orders to tackle persistent anti-social behaviour and make amendments to Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014, which makes provision for anti-social behaviour injunctions, consequential on the introduction of Respect Orders.
4. Chapter 2 of Part 1 (sections 3 to 12 and Schedules 2 and 3) amends the powers of the police, local authorities and other agencies to tackle anti-social behaviour. Section 3 extends the duration of dispersal directions and closure notices, and confers power on the Secretary of State to extend the maximum duration of closure orders. Section 4 increases the sum payable under Fixed Penalty Notices ("FPNs") issued for certain breaches of Public Spaces Protection Orders ("PSPOs"), expedited PSPOs and Community Protection Notices, enables persons accredited under the community safety accreditation scheme to issue FPNs and places a duty on the Secretary of State to issue guidance about the issue of FPNs. Section 5 and Schedule 2 enable registered housing providers to issue closure notices. Section 6 and Schedule 3 strengthen the role of local policing bodies in anti-social behaviour case reviews. Section 7 enables the Secretary of State, by regulations, to require relevant authorities to provide information about anti-social behaviour incidents and their response. Section 8 removes the requirement for the police to issue a warning before seizing a vehicle (such as off-road bikes, motorbikes and e-scooters) being driven anti-socially. Section 9 confers power on the Secretary of State to issue guidance to local authorities in England about their enforcement powers in respect of fly-tipping. Section 10 enables the courts to issue between three and nine penalty points on the driving licence of an offender convicted of fly-tipping who was

driving a vehicle used in or for the purposes of the offence. Section 11 recreates the Vagrancy Act 1824 offence of trespassing with intent to commit a criminal offence. Section 12 creates an offence of arranging or directing begging for gain.

5. Chapter 1 of Part 2 (sections 13 to 27 and Schedule 4) provides for civil penalties on service providers and content managers for failure to remove unlawful weapons content on online platforms.

6. Chapter 2 of Part 2 (sections 28 to 44 and Schedule 5) makes other provision about offensive weapons. Section 28 introduces a new offence relating to the possession of a bladed article or offensive weapon with intent to use it to cause unlawful violence (or a person to apprehend such unlawful violence) or serious damage to property; or to enable another person to cause such violence or damage. Section 29 increases the maximum penalty for offences relating to the sale etc. of offensive weapons (under sections 141 and 141A of the Criminal Justice Act 1988, and section 1 of the Restriction of Offensive Weapons Act 1959). Section 30 provides police with a new power to seize bladed articles where they are lawfully on private premises and have reasonable grounds to suspect the article will be used in connection with unlawful violence, and section 31 extends this provision to the service police of the armed forces. Sections 32 to 41 introduce new age verification requirements for the online sale and delivery of knives and crossbows. Sections 42 and 43 impose requirements on sellers of bladed articles to report bulk sales. Section 44 and Schedule 5 remove sound moderators and flash suppressors from the definition of "firearm" in the Firearms Act 1968 and creates an offence of possessing a sound moderator or flash suppressor without having a valid firearm or shotgun certificate, or without an exemption applying.

7. Part 3 (sections 45 to 47) makes provision about retail crime. Section 45 creates a new offence of assaulting a retail worker. This includes those doing both paid and unpaid work, as well as the owner or occupier of retail premises. Section 46 requires a court to impose a Criminal Behaviour Order on those convicted of the offence of assaulting a retail worker. Section 47 repeals section 22A of the Magistrates' Courts Act 1980 (as inserted by section 176 of the Anti-social Behaviour, Crime and Policing Act 2014) which provides that that low-value shop theft is a summary offence unless the defendant elects a jury trial.

8. Part 4 (sections 48 to 71 and Schedules 6 to 9) makes provision in respect of the criminal exploitation of children and vulnerable adults. Sections 48 and 49 provide for an offence of child criminal exploitation ("CCE") and sections 50 to 64 and Schedules 6 to 8 make provision for CCE prevention orders. Sections 65 to 67 and Schedule 9 criminalise the practice of 'cuckooing', whereby criminals take over the home of another person without their consent to perpetrate illegal activity. Section 68 provides for an offence of causing internal concealment of item for criminal purposes. Sections 69 to 71 make supplementary provision relating to the CCE, cuckooing and internal concealment offences and CCE prevention orders, including provision for statutory guidance.

9. Chapter 1 of Part 5 (sections 72 to 84 and Schedules 10 and 11) creates new or amends existing sexual offences in relation to children as well as expanding the powers of border staff in relation to child sexual abuse material. Section 72 creates a new offence, in England and Wales, which criminalises the making, possession, adaptation or supply of digital files or models designed to create child sexual abuse material. Sections 73 and 74 make equivalent provision for Northern Ireland and Scotland respectively. Section 75 extends the so-called "paedophile manuals" offence, which applies to England and Wales and Northern Ireland, to cover AI generated images. Section 76 makes equivalent provision for Scotland. Section 77 and Schedule 10 provide for an offence of administering or moderating of electronic services which facilitate the production or distribution of child sexual abuse material and sections 78 to 80 make ancillary provision in respect of the offence. Section 81 and Schedule 11 create new

offences relating to penetrative sexual activity with children under 16. Section 82 amends the criminal law to capture a broader range of culpable behaviour where a person engages in sexual activity in the presence of a child or person with a mental disorder. Section 83 creates a new statutory aggravating factor for grooming behaviour where the court is considering the seriousness of a child sex offence, including where perpetrated by grooming gangs. Section 84 extends the power of Border Force officers to compel individuals at the border to unlock their electronic devices for search on suspicion of possession of digital child sexual abuse material.

10. Chapter 2 of Part 5 (sections 85 to 95 and Schedule 12) places a duty on persons undertaking regulated activity (such as teachers and health care professionals) to report child sexual abuse, subject to specified exceptions. Sections 85 and 86 sets out the duty and associated definitions and section 87 sets out the reasons to suspect a child sex offence may have been committed. Sections 88 to 91 set out exceptions to the duty. Section 92 creates an offence of preventing a person subject to the duty from complying with it. Section 93 modifies the duty in relation to constables. Section 94 confers power on the Secretary of State to issue guidance in respect of the duty. Section 95 confers upon the Secretary of State a power to amend Chapter 2 of Part 5 by regulations and makes consequential provision.

11. Chapter 3 of Part 5 (section 96) removes the time limit for personal injury claims in section 11 of the Limitation Act 1980 where the case is in respect of child sexual abuse. It also introduces a rebuttable presumption that the claim should proceed, placing the burden on the defendant (rather than the claimant) to prove that a fair trial cannot be held.

12. Chapter 4 of Part 5 (sections 97 to 117 and Schedules 13 and 14) makes other provision about sexual offences. Section 97 confers a power on to the Secretary of State to issue guidance to the police on the disclosure of information for the purpose of preventing child and other sex offences. Section 98 and Schedule 13 introduce new offences to criminalise sharing a semen-defaced image without consent, taking or recording an intimate photograph or film without consent, installing equipment with intent to enable the taking or recording of intimate photographs or films without consent and copying without consent a temporarily-shared intimate image. Section 99 creates offences of making, adapting, supplying or offering to supply a generator of purported intimate images. Sections 100 and 101 amend the Online Safety Act 2023 ("the OSA 2023") to impose new duties about removing content which is reported to providers as intimate image content. Section 102 enables sentencing courts to order the deletion and destruction of images relating to intimate image offences, breastfeeding voyeurism, and the offence of sharing semen-defaced images (and other relevant images of the same victim). Section 103 and Schedule 14 confer powers on the Secretary of State to make provision, by regulations, about a register of non-consensual intimate images to support the removal of such images where they appear online. Section 104 makes it a criminal offence, in England and Wales, to possess or publish a pornographic image that portrays a person strangling or suffocating another person. Section 105 makes equivalent provision for Scotland. Section 106 makes it a criminal offence to possess or publish a pornographic image that portrays penetrative sex between persons who are related or pretending to be related, as certain family members. Section 107 makes it a criminal offence to possess or publish a pornographic image that portrays sexual activity between persons, where at least one person is, or is pretending to be, under 16. Sections 108 to 110 place a duty on the Secretary of State to report to Parliament, within 12 months of Royal Assent, on the role of internet platforms to verify the age and consent of individuals who appear in pornographic content on their service and confer regulation-making powers on the Secretary of State to enable them to give effect to the outcome of the review. Sections 111 and 112 allow the Secretary of State to make regulations which will enable technology, such as AI models, to be tested for prohibited material, without offences being committed in the course of the testing. Section 113 amends the offence of exposure in section 66 of the Sexual Offences Act 2003 ("the 2003 Act").

Section 114 replaces the offence of intercourse with an animal at section 69 of the 2003 Act with a broader offence of sexual activity with an animal. Section 115 creates a broader offence of 'sexual activity with a corpse', replacing the existing offence of necrophilia at section 70 of the 2003 Act. This new offence continues to cover penetration of a corpse (with a maximum penalty of seven years' imprisonment) and additionally covers non-penetrative sexual activity with a corpse (with a maximum penalty of five years' imprisonment). Sections 116 and 117 provide for a conviction or caution for loitering or soliciting for the purpose of prostitution, where the offender was under 18 at the time of the offence, to be disregarded and for the person to be pardoned.

13. Chapter 5 of Part 5 (sections 118 to 127 and Schedule 15) makes further provision about the management of registered sex offenders ("RSOs"). Section 118 requires RSOs to notify any new name to the police seven days before using it. Section 119 requires RSOs to notify the police if they intend to be absent from their home address for five days or more. Section 120 requires certain RSOs to notify the police before entering certain premises at which children are present. Section 121 amends the procedure, in Scotland and Northern Ireland, for specifying the police stations at which a person, who is subject to notification requirements under the 2003 Act, may attend to give notification. Section 122 empowers the police to authorise RSOs to give certain notifications virtually rather than in person at a police station. Sections 123 and 124 enable the police to review whether a RSO who is subject to the notification requirements indefinitely should be discharged from the requirements, without an application. Section 125 empowers the police to prohibit a RSO from changing their name on identity documents without authorisation from the police. Sections 126 reduces the rank of police officer who may authorise an application for a warrant to search a RSO's home address. Section 127 and Schedule 15 make consequential and minor amendments to Part 2 of the 2003 Act.

14. Part 6 (sections 128 to 133) makes provision about stalking. Sections 128 and 129 enable a court, in England and Wales, to make a stalking protection order of their own volition on the conviction or acquittal of a defendant at a criminal trial. Section 130 makes equivalent provision for Northern Ireland. Section 131 confers a power for the Secretary of State to issue guidance to relevant public authorities about stalking. Section 132 confers a power on the Secretary of State to issue guidance to police forces in England and Wales about the disclosure of information about the identity of online stalkers or alleged stalkers. Section 133 confers an equivalent power on the Department of Justice in Northern Ireland.

15. Part 7 (sections 134 to 144) amends the criminal law and makes other provision about offences against the person. Section 134 repeals sections 22, 23 and 25 of the Offences Against the Person Act 1861 ("the 1861 Act") and replaces section 24 with a new offence of administering etc a harmful substance (including by spiking). Sections 135 and 136 introduce a new broader offence of encouraging or assisting serious self-harm, replacing the communications offence in the OSA 2023 to cover all means of encouraging or assisting serious self-harm. Section 137 amends section 1 of the Child Abduction Act 1984, which applies to England and Wales, to make it an offence for a person connected with a child to detain a child outside the UK without the appropriate consent and section 138 amends article 3 of the Child Abduction (Northern Ireland) Order 1985 to make equivalent provision for Northern Ireland. Sections 139 and 140 enable employers in England and Wales, and Northern Ireland, respectively to access enhanced criminal records checks, which include a check of the children's barred list, for those working with children in a supervised capacity. Section 141 creates four new offences of causing death by dangerous cycling, causing serious injury by dangerous cycling, causing death by careless or inconsiderate cycling, and causing serious injury by careless or inconsiderate cycling. Section 142 adds participation in an assessment and programme of activities as examples of requirements that a domestic abuse protection order may include,

and allows the criminal courts to vary domestic abuse protection orders of their own motion. Sections 143 and 144 confer a power on the Secretary of State to issue guidance to public authorities about 'honour'-based abuse.

16. Part 8 (sections 145 to 148) makes further provision for aggravated offences. Section 145 expands the grounds on which offences may be aggravated under sections 28 to 32 of the Crime and Disorder Act 1998 (racial and religious hostility) to include hostility related to disability, sexual orientation, transgender identity or (for certain offences) sex. Sections 146 to 148 provide for two criminal offences in respect of abuse directed toward an emergency worker based on their race, religion, sex, sexual orientation, transgender identity or disability, including within a private dwelling.

17. Part 9 (sections 149 to 156 and Schedule 16) provides for new offences to prevent vehicle theft and fraud. Sections 149 and 150 provide for new offences to criminalise the possession, importation, manufacture, adaptation, supply or offering to supply of electronic devices for use in vehicle theft. Sections 151 to 153 and Schedule 16 introduce new offences relating to the possession or supply of a "SIM farm" with associated powers of entry and search for evidence of those offences. Sections 154 to 156 create offences relating to the possession or supply of other electronic communications technologies that can be used to facilitate fraud via electronic communications network and services (with such technologies specified in regulations made by the Secretary of State).

18. Chapter 1 of Part 10 (sections 157 to 163 and Schedule 17) provides for new offences related to public order. Sections 157 to 159 create a new offence of wearing or otherwise using a face covering in a designated locality. A police designation can only be made where a protest is likely to involve or has involved the commission of offences. Section 160 prohibits the possession of pyrotechnics at protests. Section 161 creates an offence of climbing on a memorial specified in Schedule 17. Section 162 introduces a new criminal offence relating to protests outside the homes of public office holders. Section 163 contains interpretive provision in relation to this Chapter.

19. Chapter 2 of Part 10 (sections 164 to 169) makes further provision about police powers in relation to public order. Section 164 enables the police to place conditions on intimidatory protests within the vicinity of places of worship. Section 165 requires senior police officers, when deciding whether to impose conditions on public processions and assemblies, to take account of the cumulative impact of repeated or concurrent protests in the same area on the life of the community. Section 166 allows the powers to impose conditions on live protests to be exercised by a police officer authorised to do so by a chief officer of police. Section 167 amend certain public order powers to enable them to be exercised by the British Transport Police and Ministry of Defence Police within their jurisdictions. Section 168 changes the period within which a person directed to leave an unauthorised encampment must not return from 12 months to three months. Section 169 expands the scope of section 42 and 42A of the Criminal Justice and Police Act 2001 ("the 2001 Act") to cover protests relating to actions taken in the past, not just those intended to influence future conduct.

20. Part 11 (sections 170 to 188 and Schedules 18 to 20) confers new or modified powers on the police and other law enforcement agencies. Section 170 and Schedule 18 provide investigative agencies with a power to apply to the court for an order that a third-party entity involved in the provision of internet protocol ("IP") addresses and internet domain names should prevent access to an IP address or domain name. Section 171 provides police with a new power to enter and search premises (private or public) without a warrant where stolen goods have been electronically tracked to those premises and they have reasonable grounds to believe the goods are on those premises and it is not reasonably practicable to obtain a warrant, and

section 172 confers these powers on the service police. Sections 173 to 180 and Schedule 19 make provision for law enforcement agencies to extract information accessible by means of an online account in specified circumstances. Section 181 enables the Secretary of State to make regulations about access to driver licence records by the police and other law enforcement agencies. Section 182 repeals sections 60 and 61 of the Police, Crime, Sentencing and Courts Act 2022 which enables the Secretary of State to issue a code of practice about police processing of personal data relating to hate incidents. Sections 183 to 187 and Schedule 20 expand police powers to test persons in police detention on arrest or after charge (for persons aged 14 and over) for specified Class A drugs, to also permit drug testing for specified Class B and Class C drugs and to take an additional sample, where relevant. Section 188 expands the cohort of foreign national offenders who can be given a conditional caution requiring them to leave the country to those who have limited leave to remain in the United Kingdom ("UK").

21. Part 12 (sections 189 and 190 and Schedules 21 to 23) reforms the confiscation regime in England and Wales, Scotland and Northern Ireland in Parts 2, 3 and 4 of the Proceeds of Crime Act 2002 respectively. This Part also introduces costs protections for law enforcement agencies in civil recovery proceedings in the High Court or Court of Session under Part 5 of the Proceeds of Crime Act 2002.

22. Part 13 (sections 191 to 196 and Schedule 24) makes further provision for the management of offenders. Section 191 extends the criteria for polygraph testing to people released on licence, under probation supervision, who have been convicted of murder and are assessed as posing a risk of sexual offending; to the whole envelope of the sentence for those who are sentenced concurrently for a sexual and non-sexual offence; and to offenders sentenced for offending which is considered to be connected to terrorism before the Counter Terrorism Act 2008 ("CTA 2008") was commenced, or following commencement of the CTA 2008 but before the Counter-Terrorism and Sentencing Act 2021 was commenced for offences outside the specified list contained in Schedule 2 to the CTA 2008. Section 192 requires offenders serving community and suspended sentences to notify their probation officer or Youth Offending Team of changes to their names or personal contact information. Sections 193 to 196 and Schedule 24 contain provision enabling the establishment of a dedicated notification regime for child cruelty offenders which mirrors the structure and effect of the sex offender notification framework.

23. Part 14 (sections 197 to 214 and Schedule 25) makes provision about the police. Sections 197 to 199 reform the arrangements for the handling of complaints against the police and the investigation of conduct matters. Sections 200 to 203 introduce a presumption of anonymity for firearms officers who are charged with offences relating to, and committed during, their duties, up to the point of sentence, including the issue of reporting restrictions for a qualifying defendant. Section 204 provides a power for the Secretary of State to make certain provision by secondary legislation about appeals by chief officers of police, local policing bodies and the Independent Office for Police Conduct to the Police Appeals Tribunal. Sections 205 to 213 and Schedule 25 require the National Crime Agency, British Transport Police, Civil Nuclear Constabulary and Ministry of Defence Police to maintain lists of barred persons and advisory lists and prohibits them (and others) from employing or appointing a barred person. Section 214 confers power on the Secretary of State to give directions to critical police undertakings.

24. Chapter 1 of Part 15 (sections 215 to 231) makes provision for youth diversion orders to disrupt young people involved in terrorism-related offending and divert them from the criminal justice system.

25. Chapter 2 of Part 15 (sections 232 to 240 and Schedules 26 and 27) modifies existing powers to counter terrorism and hostile state threats. Section 232 amends the Terrorism Prevention and Investigation Measures and State Threats Prevention and Investigation Measures regimes to

better manage the risk from those involved in terrorism- or hostile state-related activity by limiting their access to bladed articles and other articles capable of being used as a weapon. Section 233 amends section 13 of the Terrorism Act 2000 to apply the offences relating to the wearing of uniform or the publication of images relating to a proscribed organisation to conduct in prisons and other places of detention or relevant premises. This section also amends section 13 of the Terrorism Act 2000 to enable the police to seize any article displayed in a public place if it arouses reasonable suspicion that an individual is a supporter or member of a proscribed group, without the need for the article to be used in criminal proceedings. Section 234 and Schedule 26 extend notification requirements, and other specified counter-terrorism risk management tools, for those convicted of offences deemed to be connected to terrorism. Section 235 and Schedule 27 add an additional offence (breaching a foreign travel restriction order) to be captured by the terrorist offenders sentencing, restricted release, and management on licence regimes. Section 236 ensures that sentences with a fixed licence period available for terrorist offenders in Northern Ireland are handed down consistently with the equivalent sentence in England and Wales. Section 237 excepts listed terrorism offences from the defence in section 45 of the Modern Slavery Act 2015. Section 238 amends Schedule 7 to the Terrorism Act 2000 and Schedule 3 to the Counter-terrorism and Border Security Act 2019 to make changes to the provisions dealing with the retention and copying of articles under those Schedules, including provision for the extension of the period during which articles may be retained by an examining officer for the purpose of examination. Section 239 provides that a measure imposed under Schedule 1 to the Terrorism Prevention and Investigation Measures Act 2011 or Schedule 7 to National Security Act 2023 may include conditions relating to the inspection of an online account accessed by means of an electronic communication device the use of which is restricted under the measure. Section 240 places a duty on the Secretary of State to publish a statement about the proscription regime for terrorist organisations.

26. Part 16 (sections 241 and 242) makes provision about abortion. Section 241 disapplies the existing criminal law relating to abortion in respect of women acting in relation to her own pregnancy at any stage of gestation and makes provision for pardons and the deletion of criminal records of women prosecuted for an abortion offence. Section 242 pardons women acting in relation to her own pregnancy convicted or cautioned for an abortion offence and requires data controllers to delete official records, of a conviction, caution, arrest or investigation.

27. Part 17 (sections 243 to 257) contains miscellaneous and general provisions. Sections 243 to 245 enable the UK and devolved governments to make regulations giving effect to international law enforcement information-sharing agreements. Section 246 amends the questions a judge must decide in order to determine whether to order the extradition of a person alleged to be unlawfully at large following the person's conviction in an overseas jurisdiction. Section 247 requires providers of internet services to retain information about the use of a service by a child who has died and further requires coroners to notify Ofcom of child deaths and makes changes to the notice provisions in the OSA 2023. Section 248 inserts into the OSA 2023 a power for the Secretary of State to make regulations amending that Act in order to minimise or mitigate the risks of harm to individuals presented by illegal AI-generated content. Section 249 places a duty on the Secretary of State to make a progress report about the exercise of the power in section 248. Section 250 provides for a corporate body or partnership to be held criminally liable where a senior manager commits any offence while acting within the actual or apparent authority granted by the organisation, replacing provisions in the Economic Crime and Corporate Transparency Act 2023 which were confined to specified economic crimes. Sections 251 to 257 make general provision, including in respect of the Act's territorial extent and commencement.

Policy background

Anti-social behaviour powers

28. Anti-social behaviour can be defined as 'behaviour which causes, or is likely to cause, harassment, alarm or distress'. There are three main types of anti-social behaviour:

    - Personal anti-social behaviour which is when a person targets a specific individual or group.
    - Nuisance anti-social behaviour which is when a person causes trouble, annoyance or suffering to a community.
    - Environmental anti-social behaviour which is when a person's actions affect the wider environment, such as public spaces or buildings.

29. The Anti-social Behaviour, Crime and Policing Act 2014 ("the 2014 Act") provides the police, local authorities and other local agencies with a range of tools and powers that they can use to respond to anti-social behaviour:

    - **Civil Injunctions** are issued by the courts upon application from specific organisations such as the police and local authorities. Civil Injunctions are intended to target behaviour such as public drunkenness, bullying, being an abusive neighbour and vandalism. An injunction will include relevant prohibitions to get individuals to stop behaving anti-socially. It can also include positive requirements to get the individual to deal with the underlying cause of their behaviour (for example, attending alcohol awareness classes). Though they are a civil rather than a criminal order (in that they are not linked to a criminal offence), breaching an injunction is treated as a contempt of court (punishable with a prison sentence of up to two years, a fine, or both) and the court can include a power of arrest for such breaches.
    - **Criminal Behaviour Orders** ("CBO") are issued after an individual has been convicted for any criminal offence. An order will include prohibitions to stop the anti-social behaviour but can also include positive requirements to get the offender to address the underlying causes of their behaviour. Breach of a CBO is a criminal offence, subject to a maximum penalty of five years' imprisonment, a fine, or both.
    - **Dispersal powers** can be used upon authorisation by a police officer of the rank of inspector or above to require individuals to disperse from a location. These powers can only be authorised when members of the public in the location are being harassed, alarmed or distressed, or when there is localised crime and disorder. An authorisation lasts for 48 hours. Failure to comply with a dispersal direction is criminal offence, subject to a maximum penalty of three months' imprisonment (for persons over 18 years), a level 4 fine (£2,500), or both.
    - **Community Protection Notices** ("CPN") are intended to stop a person aged 16 or over, business or organisation committing anti-social behaviour which spoils a community's quality of life. They can deal with a range of behaviours; for instance, it can deal with noise nuisance and litter on private land. A CPN can include requirements to ensure that problems are rectified and that steps are taken to prevent the anti-social behaviour occurring again. CPNs can be issued by local authority officers, the police or social landlords. Breach of a notice is a criminal offence, punishable by a level 4 fine (£2,500) in the case of an individual or an unlimited fine in the case of a business. As an alternative to a prosecution, breach may be dealt with by means of a £100 fixed penalty notice. A court can also then impose a remedial order to require an individual to carry out work specified in the order.

- **Public Spaces Protection Orders** ("PSPO") are orders which bans taking part in certain acts in designated areas that would not otherwise be a criminal offence, for example, the consumption of alcohol. They are imposed by a local authority. Breach of a PSPO is a criminal offence, punishable by a level 3 fine (£1,000). As an alternative to a prosecution, breach may be dealt with by means of a £100 fixed penalty notice.
- **Closure Notices and Orders** allow the police or a local authority to close premises quickly which are being used, or likely to be used, to commit nuisance or disorder. A closure notice can be issued by a police officer or a local authority and can bar any person who is not a resident accessing the premises for a maximum of 48 hours. A court issued closure order can close premises for up to six months and can restrict all access. Breach of a closure notice or closure order is a criminal offence, punishable by a maximum penalty of three months' imprisonment or six months' imprisonment respectively, a fine, or both.

30. The Labour Party's 2024 General Election manifesto argued that powers to tackle anti-social behaviour had been weakened (for example, breaches of a civil injunction do not attract an automatic power of arrest and are punishable as a contempt of court rather than as a criminal offence) and committed to introduce new "Respect Orders", a new preventative civil order to address persistent and/or highly disruptive anti-social behaviour which can be used to prohibit a wide variety of anti-social behaviours. Chapter 1 of Part 1 provides for Respect Orders.

31. Separately, the then Government launched a consultation in March 2023 on proposals to amend a number of these existing powers to tackle anti-social behaviour (the consultation closed on 22 May 2023).[1] Amongst other things, the consultation sought views on the following proposals:
    - Increasing the length of dispersal orders to 72 hours.
    - Increasing the upper limit of fixed penalty notices for breaches of CPNs and PSPOs to £500.
    - Extending Community Safety Accreditation Scheme (a scheme by which employees of local partners such as local authorities are accredited to use certain powers that are usually only available to the police) powers to include relevant anti-social behaviour powers.

32. The then Government's response to the consultation was published on 14 November 2023.[2]

33. Sections 3 and 4 give effect to the above proposals.

34. Anti-social behaviour involving vehicles, such as off-road bikes, is a concern which communities frequently raise with MPs (see, for example, Westminster Hall debate sponsored by Antonia Bance MP on 5 March 2025) and Police and Crime Commissioners. During the

[1] Community Safety Partnerships Review and Anti-Social Behaviour Powers: Consultation, Home Office, 27 March 2023

[2] Community Safety Partnerships Review and Anti-Social Behaviour Powers: Government Response, 14 November 2023

2024 General Election campaign, the then shadow Home Secretary, the Rt Hon Yvette Cooper MP, made a commitment to take action to prevent re-offending and improve police enforcement against this type of anti-social behaviour (Daily Mail, 9 June 2024). Section 8 gives effect to this commitment by amending existing police powers to seize motor vehicles being used in an anti-social manner (contained in section 59 of the Police Reform Act 2002 ("the 2002 Act")), by removing the requirement to first issue a warning to a person prior to seizing a vehicle which has been used in an anti-social manner.

Fly-tipping

35. Local authorities in England reported 1.26 million fly-tipping incidents to the Department for the Environment, Food and Rural Affairs in 2024/25[3]. According to research by Eunomia, the estimated cost of fly-tipping to England's economy was £392 million in 2018/19[4]. A research report by Research Futures[5] on effective enforcement suggests that 49% of the public think that fly-tipping is a problem in their area.

36. Local authorities have enforcement powers to help them tackle fly-tipping. They carried out 572,000 enforcement actions in 2024/25 which included issuing 69,000 Fixed Penalty Notices and 1,377 prosecutions.

37. The use of enforcement powers varies among local authorities. To support local authorities to consistently and appropriately exercise their existing fly-tipping enforcement powers, section 9 confers a duty on the Secretary of State to issue statutory guidance on local authorities' powers to seize and search vehicles suspected of fly-tipping. It also contains a power for the Secretary of State to issue statutory guidance on fly-tipping enforcement; local authorities will be required to have regard to the guidance.

Begging

38. The Vagrancy Act 1824 ("the 1824 Act") criminalises all begging and many forms of rough sleeping in England and Wales. This Act was later extended in part to Scotland and to Northern Ireland. The 1824 Act was repealed in Scotland by the Civic Government (Scotland) Act 1982 and now applies to England and Wales and Northern Ireland only. Section 81 of the Police, Crime, Sentencing and Courts Act 2022 ("the 2022 Act") provides for the repeal of the 1824 Act in England and Wales; section 81 is not yet in force. The Government intends to commence the repeal of the 1824 Act once replacement provision is in place. Such replacement provision will take two forms. First, the Government intends to update the statutory guidance issued under the 2014 Act as to the use of the powers in that Act to tackle begging where it meets the threshold of anti-social behaviour. Second, sections 11 and 12 provide for replacement offences of arranging or facilitating begging for gain and trespassing with intent to commit a criminal offence.

---

[3] Fly-tipping statistics for England - GOV.UK

[4] Counting the cost of UK waste crime: Report 2021, Environmental Services Association

[5] Effective enforcement of litter, fly-tipping and dog fouling, Defra, August 2023

Knife crime

39. Offences involving knives or sharp instruments recorded by the police rose by 4% (50,973 offences) in year ending June 2024, compared with the previous year (48,409 offences)[6]. The police recorded 562 homicide offences in the year ending June 2024, of which 44 % were committed using a knife or other sharp instrument. This was a slight increase compared with 42% in the previous year. The latest provisional admissions data for NHS hospitals in England and Wales showed no change in the number of admissions for assault by a sharp object in the year ending June 2024. This was similar to the year ending June 2023 and 20% below the pre-pandemic years ending March 2020. In its 2024 General Election manifesto, the Labour Party committed to halving knife crime in a decade as part of its Safer Streets Mission.

40. Under section 141A of the Criminal Justice Act 1988 ("the 1988 Act"), it is illegal to sell a knife to anyone under 18. Carrying a knife and/or an offensive weapon in public without a good reason are criminal offences under section 139 of the 1988 Act and section 1 of the Prevention of Crime Act 1953 respectively. In addition, the importation, manufacture, possession and supply of prohibited offensive weapons is an offence under section 141 of the 1988 Act and the Restriction of Offensive Weapons Act 1959. To get knives off the streets, the Labour Party further committed in its manifesto to "strengthen rules to prevent online sales. Executives of online companies that flout these rules will be personally held to account through tough sanctions". The Government held a consultation "Knives and offensive weapons: Consultation on personal liability measures on senior executive of online platforms or marketplaces"[7] from 13 November 2024 to 20 December 2024. The consultation sought views on proposals to give police the power to issue Content Removal Notices to online platforms and marketplaces and a designated senior executive. The notice would require them to remove specific illegal knife and offensive weapon related content within 48 hours. Failure to comply with a notice would lead to the designated senior executive being liable for a civil sanction of up to £10,000. In its response to the consultation, published on 24 April 2025[8], the Government committed to giving effect to the proposals in the consultation modified so that if a company failed to comply with a Content Removal Notice, the police would be able to issue a Civil Penalty Notice against both to the company and the designated senior executive of that company.

41. On 9 September 2024, the then Home Secretary commissioned the National Police Chiefs' Council's lead for knife crime, Commander Stephen Clayman, to conduct an independent end-to-end review into the sale of knives online[9]. Commander Clayman report was published on 19 February 2025[10]. The review's recommendations included the strengthening of age verification requirements for the online sale and delivery of bladed products and the introduction of a requirement on retailers to report bulk and suspicious sales of bladed articles and offensive weapons.

---

[6] The nature of violent crime in England and Wales - Office for National Statistics (ons.gov.uk)

[7] Sale of knives: executive sanctions - GOV.UK (www.gov.uk)

[8] Knives and offensive weapons: personal liability measures on senior executives of online platforms or marketplaces: government response (accessible) - GOV.UK

[9] Government to launch new coalition to tackle knife crime - GOV.UK

[10] Independent end-to-end review of online knife sales - GOV.UK

42. In response to the review, the Home Secretary announced on 19 February 2025[11] that the Government would bring forward a package of measures to strengthen the law on the online sale of knives. This included giving effect to the manifesto commitment to hold senior managers of online platforms personally liable for failing to remove illegal knife-related content from their platforms, and to Commander Clayman's recommendations on age verification (extended to cover the online sale or hiring on crossbows) and reporting bulk and suspicious sales. Taken together these would be known as "Ronan's Law" in honour of Ronan Kanda who was tragically killed in 2022 in a case of mistaken identity near his home in Wolverhampton aged 16.

43. Sections 13 to 27 and 32 to 43 and Schedule 4 give effect to these proposals.

44. In April 2023, the Home Office ran a public consultation to expand and improve the tools available to the police and wider criminal justice system to limit the availability of knives that may be used in violent offences and disrupt knife possession.[12] These tools aim to help tackle wider knife crime, in particular the use of machetes and large knives. This was in response to significant public and parliamentary concern about increases in knife crime.

45. The consultation sought views on the following proposals requiring primary legislation:

    (a) Whether additional powers should be given to the police to seize, retain and destroy lawfully held bladed articles if these are found by the police when in private property lawfully and they have reasonable grounds to suspect that the article(s) are likely to be used in connection with unlawful violence.

    (b) Whether there is a need to increase the maximum penalty for the offence of importation, manufacture, sale , general supply and possession of prohibited offensive weapons (as provided for in section 141 of the 1988 Act and section 1 of the Restriction of Offensive Weapons Act 1959) and the offence of selling bladed articles to persons under 18 (as provided for in section 141A of the 1988 Act) from six months' imprisonment to two years' imprisonment, to reflect the severity of these offences.

    (c) Whether there is a need for a separate possession offence of bladed articles and weapons with the intention to injure or cause fear of violence with a maximum penalty of four years' imprisonment, bridging the gap between possession in public and on school or further education premises and threatening. This new offence is in addition to the offences of carrying a bladed article with the exception of a safety razor or folding pocketknife with a blade of less than three inches, in a public place or a bladed article or offensive weapon on school or further education premises (as provided for in section 139 and 139A of the 1988 Act); the offence to threaten somebody with an offensive weapon (provided for in section 1A of the Prevention of Crime Act 1953), or with a bladed article in public or a bladed article or offensive weapon on school or further education premises (provided in section 139AA of the 1988 Act); and to threaten somebody in private with a bladed article or offensive weapon (as provided in section 52 of the Offensive Weapons Act 2019).

---

[11] 'Ronan's Law' to see toughest crackdown yet on knife sales online - GOV.UK

[12] Consultation on new knife legislation proposals to tackle the use of machetes and other bladed articles in crime, Home Office, 18 April 2023

46. Following the closure of the consultation in June 2023, the then Government published its response in August 2023.[13] Sections 28 to 31 give effect to these measures which were announced by the Home Secretary on 19 February 2025.

Firearms licensing: sound moderators

47. Sound moderators and flash suppressors are currently regulated as firearms under the Firearms Act 1968 ("the 1968 Act"). Their regulation requires certificate variations, police processing and dealer record keeping. On 21 February 2024 the previous Government launched a public consultation seeking views on proposed changes to the law regulating the possession of these accessories. Having considered all the responses, the current Government concluded in its response published on 17 June 2025 that the continued regulation of sound moderators and flash suppressors under existing firearms licensing controls served no public safety purpose and committed to bring forward legislation to remove them from the statutory definition of firearm set out in section 57 of the 1968 Act.

48. The Government saw merit in making it a requirement for a person to be in possession of a valid firearm or shot gun certificate, issued by the police, in order to lawfully possess a sound moderator or flash suppressor. This will ensure that these accessories are held lawfully only by those with a legitimate purpose and who have been subject to full suitability checks in order to possess a firearm or shot gun. This still removes the need for a firearms owner to apply to the police for a variation of their licence each time they acquire or dispose of a sound moderator or flash suppressor.

49. Section 44 and Schedule 5 give effect to these proposals.

Retail Crime

50. Shop theft offences have been increasing, with the latest police recorded crime data showing 516,971 offences in the year to December 2024, an increase of 20%[14] compared to the previous year. Shop theft is a common offence in sentencing occasions for prolific offenders.[15]

51. Section 39 of the Criminal Justice Act 1998 provides for the offence of common assault and battery, but assaults against retail workers are not separately recorded. The British Retail Consortium Crime Report 2025[16] showed there were around 737,000 incidents of violence and abuse in 2023-24, or just over 2,000 incidents a day, up from 475,000, in the previous survey year. Figures published by Usdaw in March 2025[17] show that 77% workers said they had been verbally abused in the 12 months to December 2024. 53% received threats of violence and 10% were physically assaulted during the year.

---

[13] Consultation on new knife legislation proposals to tackle the use of machetes and other bladed articled in crime – Government response to consultation and summary of public responses, Home Office, 30 August 2023

[14] Crime in England and Wales - Office for National Statistics

[15] Characteristics of Prolific Offenders, 2000-2021 - GOV.UK (www.gov.uk)

[16] crime-survey_2025_final.pdf

[17] USDAW - FFF survey report 2024

52. Shop theft is not a specific offence but constitutes theft under section 1 of the Theft Act 1968. As such it is triable either way, that is in either a magistrates' court or the Crown Court. Section 22A of the Magistrates' Courts Act 1980 (as inserted by section 176 of the Anti-social Behaviour, Crime and Policing Act 2014) provides that low-value shop theft (that is, where the value of the goods stolen is £200 or less) is a summary only offence. Under section 22A of the Magistrates' Courts Act 1980, shoplifters who steal goods equal to or below £200 are tried summarily in a magistrates' court unless they elect trial in the Crown Court. There is a perception in the retail industry that the practical effect of the change made by section 176 of the 2014 Act was to down grade the police response to low-value shop theft.

53. Part 3 delivers on commitments made in the Labour Party's 2024 General Election manifesto to "create a new specific offence for assaults on shopworkers that will protect them from threats and violence" and to "scrap the effective immunity for some shoplifting".

54. The manifesto commitments build on the National Police Chiefs' Council's Retail Crime Action Plan[18], published in October 2023, which committed police forces across England and Wales to prioritise police attendance at the scene where violence has been used towards shop staff, where an offender has been detained by store security, and where evidence needs to be secured and can only be done by police personnel. Additionally, where CCTV or other digital images are secured, police will run this through the Police National Database to further aid efforts to identify prolific offenders or potentially dangerous individuals.

Child criminal exploitation

55. CCE is a form of child abuse where a child is exploited into taking part in criminal activity, often by gangs and organised criminal networks. CCE is typified by an imbalance of power that is unduly exercised by an adult who uses a child to commit crime for their or another adult's benefit. A child victim cannot consent to their own abuse and exploitation, which they often do not recognise themselves.

56. CCE occurs across a variety of crime types. For example, children being exploited to work in cannabis factories, move drugs or money across the country, commit financial fraud, shoplift or pickpocket. Child criminal exploitation through county lines remains a significant risk to children, with 2,888 children recorded as having county lines involvement in 2023/24.[19]

57. Although the Government estimates suggest there are approximately 14,500 children identified by social services in England as being exploited or at risk of CCE,[20] Criminal Justice System data show that only around 120 individuals are charged per year under existing offences, including under the Modern Slavery Act 2015 and inchoate offences under sections 44 to 46 of the Serious Crime Act 2007, and only around 60 are sentenced.[21] This suggests a potential enforcement gap between the scale of offending and cases enforced under existing

[18] National Police Chiefs' Council Retail Crime Action Plan (www.nbcc.police.uk)

[19] https://www.npcc.police.uk/SysSiteAssets/media/downloads/publications/publications-log/national-crime-coordination-committee/2024/county-lines-strategic-threat-risk-assessment.pdf

[20] Statistics: children in need and child protection - GOV.UK (www.gov.uk)

[21] Criminal Justice System statistics quarterly: June 2024 - GOV.UK (www.gov.uk)

legislation. In addition, the Government is of the view that existing offences do not properly encapsulate the specific physical, psychological and emotional harm done to the child through criminal exploitation.

58. The Government was elected with a manifesto commitment to "introduce a new offence of criminal exploitation of children, to go after the gangs who are luring young people into violence and crime". The new offence was announced by the then Home Secretary on 22 February 2025. Sections 48 and 49 provide for a standalone CCE offence which targets the adult as the primary offender in causing harm to the child by exploiting them to commit criminal activity, whether or not the child goes on to commit criminality. The Government intends that this will provide a strong deterrent to gangs from enlisting children by charging them as child exploiters and create greater awareness of CCE to improve identification of victims. In addition, sections 50 to 64 and Schedules 6 to 8 provide for new civil preventative orders, the purpose of which are to prevent CCE conduct before it occurs or to prevent it from reoccurring.

Cuckooing (controlling another's home for criminal purposes)

59. Cuckooing (controlling another's home for criminal purposes) is a highly exploitative practice whereby criminals target and take over the homes of vulnerable people for the purpose of illegal activity. It is often associated with anti-social behaviour and the exploitation of children used by criminal gangs inside properties.

60. Currently a range of offences can be used to prosecute criminal activity commonly associated with cuckooing. For example, the inchoate offences under sections 44 to 46 of the Serious Crime Act 2007 may apply where cuckooing amounts to an act of encouraging or assisting the commission of an offence. Any criminal activity carried out from the cuckooed property would also already be an offence, for example, where a cuckooed property is used to supply illegal drugs, offences under the Misuse of Drugs Act 1971 may apply. It is the Government's view, however, that the existing legal framework does not reflect the harm caused to victims when their home, a place where they should feel safe, is taken over by criminals.

61. As such, Chapter 2 of Part 4 provides for a new bespoke criminal offence of cuckooing, which aims to strengthen the legal framework to tackle this form of offending. Engagement by the Home Office with a variety of stakeholders on the merits and scope of a new offence has helped inform the development of these provisions, which criminalises the control, however obtained, over another person's dwelling without their consent for the purposes of enabling it to be used in connection with specified criminal activity. The specified criminal activity includes the types of criminal activity that cuckooing is typically used to facilitate, for example, drugs offences, sexual offences and offensive weapons offences, among others. The new offence was announced by the then Home Secretary on 22 February 2025.

Internal concealment

62. Internal concealment is the practice whereby a person (child or adult) is caused to conceal drugs or other items internally within their body to avoid detection. Internal concealment is most likely to happen in relation to illegal activity, such as the moving of items, like drugs, for the purposes of carrying out county lines related criminality.

63. In itself, internal concealment is a harmful practice whereby an individual is often coerced or manipulated to insert or ingest an object into their body which could result in short and/or long term psychological and physical harm to the victim, such as drug leakage leading to potential overdose and potentially death, obstructions requiring medical removal, infections and bodily disfigurement; as well as the trauma and violation a person may feel from being forced to hide items inside their bodies in this way.

64. The Government is of the view that existing offences (such as modern slavery or human trafficking offences, sexual offences and the new offences of child criminal exploitation provided for in this Act) are not designed to address the specific harms associated with internal concealment, namely, the fact that the person (either an adult or a child) is caused or compelled to conceal an item internally for a criminal purpose. Furthermore, the Government is not aware of existing offences having been used to prosecute acts where a person has been caused to internally conceal which demonstrates the need for a specific standalone offence.

65. As such, Chapter 3 of Part 4 provides for two new bespoke criminal offences to tackle internal concealment, which aim to strengthen the legal framework to address this form of offending. The new offences criminalise: i) where the victim is a child, where a perpetrator intentionally causes a child to conceal a specified item inside the child's body (whether that is done by the act of the perpetrator, the child, or another); ii) where the victim is an adult, where the perpetrator compels, coerces, deceives, or engages in controlling or manipulative behaviour towards the adult, as a result of which the adult conceals a specified item inside their body (whether that is done by the act of the perpetrator, the adult, or another)~~;~~ and iii) in both cases, where the item has been, or is likely to be, used in connection with criminal conduct. The new offence was announced by the Minister for Safeguarding and Violence Against Women and Girls, Jess Phillips MP, on 3 June 2025.

Child sexual abuse material: offences

66. The creation, possession and distribution of child sexual abuse material ("CSAM") is already unlawful. The relevant criminal law includes:

- Section 1 of the Protection of Children Act 1978 which makes it an offence to take, or permit to be taken, or to make, distribute or show an indecent photo or pseudo-photograph (this covers photo-realistic generated images) of a child.

- Section 62 of the Coroners and Justice Act 2009 which makes it an offence to be in possession of a prohibited image of a child, which is an image that is pornographic, 'grossly offensive, disgusting or otherwise of an obscene character', focus on the child's genitals or portray sexual acts. This offence is targeted at non-photographic images, such a computer-generated images, cartoons and drawings.

- Section 160 of the Criminal Justice Act 1988 which makes it an offence for a person to have in their possession any indecent photograph or pseudo-photograph of a child.

- Section 69 of the Serious Crime Act 2015 which provides for an offence of being "in possession of any item that contains advice or guidance about abusing children sexually" which targets so-called "paedophile manuals".

- Sections 44 and 45 of the Serious Crime Act 2007 which provide for the inchoate offences of intentionally encouraging or assisting the commission of an offence, or encouraging or assisting the commission of an offence believing it will be committed. These offences can be prosecuted in connection with making or producing an indecent photograph or pseudo-photograph of a child.

67. In October 2023 the Internet Watch Foundation published a report which identified a significant and growing threat where artificial intelligence ("AI") technology is being exploited to produce CSAM. The report revealed the presence of over 20,000 AI-generated images on a dark web forum in one month where more than 3,000 depicted criminal child sexual abuse activities. Since then, the issue has escalated and continues to evolve.

Throughout 2024 and 2025[22], the IWF have assessed more than 15,000 AI-generated images and videos. The number of AI-generated videos has grown exponentially; an updated 2026 report[23] showed that, in 2025, the IWF identified 3,443 AI-generated child sexual abuse videos (a 26,385% increase compared with the previous year). Concerningly, the technology used continues to improve. The same report highlights that in 2025 the IWF assessed 8,029 AI-generated images and videos as showing realistic child sexual abuse both on the dark web and the clear web.

68. AI generative technology is easy to use to produce a high volume of images in a short period of time. The most convincing AI generated images are visually indistinguishable from real images. AI generated imagery is produced by machine learning models that have been trained on huge datasets of existing imagery. There is significant evidence that offenders are taking mainstream AI models, and further adapting these to create bespoke models optimised to create CSAM. While the use of AI to create CSAM would be an offence under section 1 of the Protection of Children Act 1978 and a person giving information to another individual about how they could use an AI model to create the indecent imagery can be prosecuted under sections 44 or 45 of the Serious Crime Act 2007, the existing criminal law does not cover the production, possession, distribution or advertisement of digital models or files designed to be used to create CSAM. Sections 72 to 74 addresses this gap in the criminal law.

69. Section 69 of the Serious Crime Act 2015 makes it an offence to be in possession of any item that contains advice or guidance about abusing children sexually, including to take, distribute or possess an indecent photograph of a child (so called "paedophile manuals"). This offence excludes pseudo-photographs and, as such, there is a gap in current legislation which allows individuals to possess detailed guidance on how to create AI-generated child sexual abuse material. Section 75 addresses this gap by providing for a new offence that criminalises the possession of guidance for on how to use AI to abuse children sexually, by amending the offence to include advice or guidance on making pseudo-photographs or prohibited images.

70. The Independent Inquiry into Child Sexual Abuse ("IICSA") found that the growing scale of child sexual abuse, including access to the most horrific and depraved indecent images, is facilitated by the internet[24]. The scale of the child sexual abuse threat is vast. The Office of National Statistics estimate that 7.5% of adults experienced child sexual abuse before they were 16. This is equivalent to 3.1 million people. The National Crime Agency's National Strategic Assessment 2024[25] notes that the CSA threat has increased in complexity, severity, and scale over the past 12 months. The volume of indecent images of children ("IIOC") identified online remains high and is increasing. In 2025, the IWF confirmed 311,610 reports as or linked to child sexual abuse material[26].

---

[22] AI-Generated CSAM Trends | 2025 IWF Data & Insights Report

[23] AI CSAM Repo rt 2026: Harm Without Limits | IWF

[24] The Independent Inquiry into Child Sexual Abuse, "The Internet" , Investigation Report, March 2020

[25] NSA_2024_Website_-_PDF_Version_1.pdf

[26] : https://www.iwf.org.uk/annual-data-insights-report-2025/emerging-and-persistent-harms/ai-generated-child-sexual-abuse-material/

71. The great majority of online CSA offending is underpinned by networking between offenders, whether through active engagement in forums and chat, or via passive use of shared spaces and resources.

72. For such online networks and forums to operate and continue to be usable by offenders it is necessary for a person to provide and maintain the service, including by hosting the website, server creation, writing code, site maintenance and debugging. In addition to the provision of such technical support, a person may act as a moderator of website, forum or messaging group, for example controlling access and setting conditions for membership. Offenders who set up, maintain or moderate CSA sites or groups can be charged with offences relating to possession and distribution of indecent images of children where appropriate. These offences do not reflect the serious, sustained, and organised offending undertaken by individuals who choose to assume leadership positions in online groups created to share or discuss child sexual abuse, consequently Sections 77 to 80 provide for a new offence which criminalise the provision of a service on the internet which facilitates child sexual abuse and make ancillary provision.

73. The then Home Secretary announced these measures on 2 February 2025.

Sexual offences against children under 16

74. The 2003 Act already contains a range of child sex offences criminalising sexual activity with a child aged under 16. This includes penetrative sexual activity, which, depending on the circumstances, can already fall within the two existing offences of rape and other offences of equivalent seriousness. Baroness Casey's National Audit on Group-based Child Sexual Exploitation27 recommended that the law be changed so that, as is the case for children under 13, adult men who groom and have sex with children under 16 should be charged with rape, rather than other sexual offences which carry lower maximum penalties.

75. The Government accepted all of Baroness Casey's recommendations, and section 81 therefore introduces specific offences of rape, assault by penetration, and causing or inciting sexual activity involving penetration, which will apply where the complainant is under 16 (and, where the child is aged 13 to 15, where the perpetrator does not reasonably believe that the child is 16 or over) and the perpetrator is aged 18 or over. The offences will not require proof of lack of consent, or a reasonable belief in consent.

Sexual activity in the presence of a child

76. The 2003 Act contains a range of offences to target those situations where a person (A) intentionally engages in sexual activity in the presence of either a child or a person with a mental disorder (B), or in a place from which A can be observed by B. At present the offences require the prosecution to prove that A knows or believes that B is aware of the activity, or A intends that B be aware of the activity.

77. The police and the Crown Prosecution Service ("CPS") have expressed concerns about the difficulties in prosecuting a number of cases involving this harmful type of sexually motivated behaviour where there was insufficient evidence that the perpetrator knew, believed, or intended that the child or mentally disordered person was aware of the sexual activity.

---

[27] National Audit on Group-based Child Sexual Exploitation and Abuse, Audit Report, June 2025

78. To address such concerns, section 82 amends the relevant 2003 Act offences to remove this requirement and ensure that intentional sexual activity in the presence of a child or person with a mental disorder is an offence where A acts for the purpose of obtaining sexual gratification from the mere presence of B regardless of whether A knows or believes that B is aware of the sexual activity, or intends that B be aware of the sexual activity.

Grooming aggravating factor

79. In recent years, there have been a number of high-profile cases involving 'grooming gangs' (groups of offenders involved in child sexual exploitation) including in Rotherham, Telford, Newcastle, Rochdale, Oxford and Oldham. In its Child Sexual Exploitation by Organised Networks Investigation Report published in February 2022[28], the IICSA recommended "the strengthening of the response of the criminal justice system by the Government amending the Sentencing Act 2020 to provide a mandatory aggravating factor in sentencing those convicted of offences relating to the sexual exploitation of children". In her oral statement on child sexual exploitation and abuse on 6 January 2025 (official Report, columns 631 to 633), the then Home Secretary, the Rt Hon Yvette Cooper MP, committed to "legislate to make grooming an aggravating factor in the sentencing of child sexual offences, because the punishment must fit the terrible crime". The statutory aggravating factor targets grooming behaviour and includes (but is not limited to) individuals involved in grooming gangs.

80. Section 83 creates a statutory aggravating factor that requires sentencing courts to treat grooming behaviour as an aggravating factor when considering the seriousness of specified child sex offences. It captures offenders whose offending is facilitated by, or involves, the grooming of a person under 18. The grooming itself need not be sexual and may be undertaken by the offender or a third party and committed against the victim of the underlying offence or a third-party. An aggravating factor makes an offence more serious and is taken into account by the court when deciding the length of a sentence. It remains open to the court to consider grooming an aggravating factor in other contexts where the court considers it to be relevant to its assessment of the seriousness of the offending.

Child sexual abuse material: detection of CSAM at the UK Border

81. The NCA's National Strategic Assessment[29] indicates the presence of between 710,000 and 840,000 individuals in the UK who represent a sexual risk to children. The vast majority of these are not identified. Intelligence indicates that many of these individuals travel overseas from the UK to engage in sexual contact with minors, with 23 locations featuring as particularly high risk for British national offenders.

82. Many of those who pose a direct risk to children travel frequently across the UK border to commit child sexual abuse offences abroad. The border represents a unique chokepoint through which individuals leaving or entering the UK must pass, at which point they can be questioned, and their baggage searched for 'prohibited goods' as defined by the Customs and Excise Management Act 1979 ("CEMA"). The importation of obscene or indecent articles is prohibited by section 42 of the Customs Consolidation Act 1876. Consequently, such articles or material may be seized by Border Force officers exercising powers under CEMA.

---

[28] child-sexual-abuse-organised-networks-investigation-report-february-2022.pdf

[29] NSA 2024 - Child Sexual Abuse - National Crime Agency

83. Before the development of digital media devices, CSAM would typically present in the form of printed photographs, video cassettes or DVDs. As such, it would be detected routinely via a baggage search under CEMA. However, CSAM is now usually held digitally and within the memory of digital devices such as phones, tablets and laptops – all of which are protected by passcodes or biometrics. Whilst, acting under CEMA, a Border Force officer is able to compel an individual to present digital devices, the Act does not enable the officer to require that the digital device is unlocked in furtherance of a search to detect CSAM. Effectively, this prevents Border Force from detecting digital CSAM in the manner previously possible.

84. In recent years, the Home Office has developed the Child Abuse Image Database ("CAID") – a repository of all known CSAM detected during UK Police investigations. The CAID now holds millions of unique files. In parallel to the CAID, the capability now exists to undertake a rapid scan of a digital device to determine whether known material is held within its memory. Accordingly, it is possible to scan a digital device (such as a phone) for CAID material. As a scan is not a download, it takes approximately 15 seconds to identify whether CAID material is or is not present. This capability has now been operationalised at the UK Border, with trials generating significant intelligence around individuals representing a sexual risk to children – leading to investigation and arrests. This has included merchant sailors coming into the UK for shore leave as well as prolific travellers to high-risk countries. As a device is required to be unlocked for a scan to go ahead and there is no legal power that Border Force can use to require a person to unlock their device, all scans to date have been possible only where the individual has consented. Inevitably, large numbers of individuals whom Border Force suspects may represent a sexual risk to children do not consent. Follow-up with UK police highlights some have committed offences subsequently which would have been prevented had CSAM been detected in their possession at the border.

85. Section 84 addresses this gap in the powers of Border Force officers by enabling them to require an individual entering the UK to unlock or unblock their digital devices for examination, where that officer reasonably suspects that the device may contain evidence of child sexual abuse material.

86. The reasonable grounds threshold may be met as a result of identifying paraphernalia associated with the commission of sexual offences against children during baggage inspection (for example, lubricants, condoms, children's toys and underwear) of an individual returning from a known high-risk location. If the individual refuses, then the existing offence of 'obstruction of an officer of Revenue and Customs' under section 31 of the Commissioners for Revenue and Customs Act 2005 would be triggered – which would enable the arrest of the individual and seizure of the device, thereby creating a double-lock.

Duty to report child sex offences

87. In its final report to the Government (October 2022), the IICSA recommended the introduction of a 'mandatory reporting' regime for child sexual abuse in England[30]. Work which had been undertaken to implement this recommendation fell in May 2024 upon dissolution of Parliament ahead of a General Election. On 6 January 2025, the then Home Secretary announced that the Government would introduce mandatory reporting of child sexual abuse in England through the Crime and Policing Act.

[30] The Report of the Independent Inquiry into Child Sexual Abuse, IICSA, 20 October 2022

88. Chapter 2 of Part 5 gives effect to the mandatory reporting duty. It places a requirement on adults engaged in certain roles in England to report promptly to the police or local authority when they are made aware of child sexual abuse; either by being told about it by a child or perpetrator or witnessing the abuse themselves. If they fail to do so, they may be referred to their professional regulator (where applicable) or the Disclosure and Barring Service, who will consider their suitability to continue working in regulated activity with children. Section 79 also creates a new criminal offence of preventing or deterring a person from complying with their reporting duty.

Personal injury claims in respect of child sexual abuse

89. Under the Limitation Act 1980, personal injury claims arising from sexual abuse are generally subject to a three-year limitation period, which runs from the later of the date of the abuse occurring or the date the claimant became aware of the abuse. In all cases involving children, the limitation period does not start to run until the claimant reaches the age of 18. All claimants therefore have until at least the age of 21 to commence legal proceedings.

90. The IICSA was established in 2015 to carry out a wide-ranging review into historical child sexual abuse. In its final report the IICSA recommended that the Government should make changes to legislation in order to ensure:

- the removal of the three-year limitation period for personal injury claims brought by victims and survivors of child sexual abuse in respect of their abuse; and
- the express protection of the right to a fair trial, with the burden falling on defendants to show that a fair trial is not possible.

91. The IICSA heard evidence that many victims of child sexual abuse feel ashamed, guilty, distrustful and angry and try to forget or block out the memories of their abuse. They may also distrust organisations and institutions in authority from failures to be believed in the past. As a result, very few victims and survivors of child sexual abuse bring their claims before the expiration of the three-year limitation period. Research for the All-Party Parliamentary Group on Adult Survivors of Child Sexual Abuse found the average time for victims and survivors of child sexual abuse to disclose their abuse is 26 years. As such, there are characteristics for this cohort of cases that suggest an exceptional limitation regime is justified.

92. The then Government launched a consultation in May 2024 exploring a wide range of options for reform and including those recommended by the IICSA. The consultation closed in July 2024.

93. The current Government published its response to the consultation[31] in February 2025, committing to accept the IICSA Inquiry recommendations in full, and to legislate to remove time limits for personal injury claims relating to child sexual abuse. The Government also agreed to introduce a rebuttable presumption so that an action could proceed unless the defendant could satisfy the court that it is not possible for a fair hearing to take place. Section 96 gives effect to these reforms.

[31] Limitation law in child sexual abuse cases - GOV.UK

Disclosure of information held by the police for the purpose of preventing sex offending

94. The Child Sex Offender Disclosure Scheme is often known as "Sarah's Law" after Sarah Payne, the victim of a high-profile murder in 2000. The principal aim of the scheme is to provide parents, guardians and carers with information that will enable them to better safeguard their children's safety and welfare. It introduced the principle of a two-way disclosure by enabling the public to ask about the history of a person who has access to their child. The scheme was rolled out nationally in 2011 to enable limited public access to information about registered sex offenders. The Home Office published updated guidance to police forces on the operation of the scheme in April 2023.[32]

95. Section 97 puts the guidance underpinning the scheme on a statutory footing by conferring a power on the Secretary of State to issue statutory guidance to the police regarding their disclosure of information to prevent sexual offending.

Offences relating to semen-defaced images, intimate photographs or films and voyeurism

96. The term 'semen-defaced image' describes both a photograph or film with semen deposited into it, and a photograph or film which depicts such an image. These images may be shared with the intention of sexualising, violating, degrading or abusing the victim and doing so without consent can cause immense distress and harm. Schedule 13 creates a new offence of sharing a semen-defaced image without consent, or reasonable belief in consent of the person depicted.

97. Intimate image abuse is the non-consensual creating, taking, sharing or copying (when shared temporarily)of photographs or film without consent that show or appear to show the victim in an 'intimate state' as defined in section 66D(5) of the 2003 Act (that is, with their breasts, genitals or buttocks (partially) exposed, engaged in sexual behaviour or toileting). The Government considers it important that the legal framework deals effectively with this behaviour so that victims have the protection they deserve.

98. Some of the behaviour of taking an intimate image without consent may in certain circumstances already be caught by existing offences, for example by the voyeurism offence at section 67(3) of the 2003 Act, but there are several limitations with the application of these offences. The Law Commission, in their July 2022 report, "Intimate Image Abuse"[33], recommended a package of offences to update the laws relating to taking and sharing intimate images without consent. Sharing offences were previously introduced via the OSA 2023. Creating offences were previously introduced via the Data (Use and Access Act) 2025.

99. New offences provided for in Schedule 13 to the Act strengthen the law in relation to the taking of intimate images without consent and the installation of equipment with the intention of enabling either oneself or another to do so.

---

[32] Child sex offender disclosure scheme guidance, Home Office, 3 April 2023

[33] Intimate Image Abuse Report - Law Commission

100. Where applicable, victims will be able to qualify for anonymity and special measures. Those convicted of offending for the purpose of sexual gratification may be subject to the sex offender notification requirements and courts will be able to make a deprivation order under section 153 of the Sentencing Act 2020 to confiscate images resulting from the commission of one of these offences. The measures were announced by Alex Davies-Jones, Parliamentary Under-Secretary of State for Justice, in a written ministerial statement on 7 January 2025 (HCWM354).

101. The 'taking' offences address the taking of an intimate image of the victim, without their consent, that would not otherwise exist. However, victims whose intimate images have been copied without their consent, can experience harms comparable to those suffered by victims whose intimate images have been taken without their consent. Consent to view a person in an intimate state temporarily is not consent to view permanently. The taking of screenshots or copies of these images is a gross violation of privacy. Schedule 13 therefore also includes an offence of copying without consent an intimate image that was shared only temporarily, for example screenshots taken of a videocall or images shared as a disappearing message. This sits alongside, and mirrors where relevant, the other intimate image offences.

Image deletion orders

102. Under section 153 of the Sentencing Code, the courts have the power to make deprivation orders on conviction, including in cases of intimate image abuse. The effect of a deprivation order is to remove the offender's rights in the relevant property. In practice, however, there are limits to the effectiveness of deprivation orders in the intimate image context, because of considerations of proportionality and practical complexities (for example, where the images are stored in cloud-storage services and where the images are on devices also containing legitimate content). As a result, courts are often left without appropriate tools to address an offender's possession of intimate images of a victim following conviction for an associated offence, which can mean offenders retain access to those images after conviction.

103. Section 102 provides for the creation of a bespoke image deletion order which enables the courts to order the offender to take steps to delete and destroy relevant image(s) related to a specified offence in the offender's possession or control, and any other relevant images of the same victim. It will be available for intimate image offences, breastfeeding voyeurism contrary to section 67A(2B) of the Sexual Offences Act 2003 and the offence of sharing semen-defaced images. Breaching such an order will be a separate criminal offence in itself, carrying a maximum penalty of five years' imprisonment.

Regulation of online pornography

104. The Independent Review of Pornography was launched in December 2023 to examine whether the regulatory and legislative landscape is fit for purpose to tackle illegal, exploitative, and abusive pornographic content and activity in the sector. The review was led by Baroness Bertin who published her report ("Creating a Safer World – the Challenge of Regulating Online Pornography") in February 2025. Amongst the 32 recommendations of the report were the following:

- Recommendation 1 - Harmful pornographic content, that is illegal to distribute in physical formats, should also be treated as illegal content on online platforms. This could be done either through a Safe Pornography Code in the Online Safety Act, or by creating a new publication offence. The aim of this would be to prohibit certain pornographic content online – including degrading, violent, and misogynistic content, as well as that which could encourage an interest in child sex abuse – just as it is prohibited in the 'offline' world, and mandate platforms to adopt specific safety-by-design measures.

- Recommendation 2 - Non-fatal strangulation pornography (commonly known as 'choking' in pornography) should be illegal to possess, distribute, and publish.
- Recommendation 21 - Companies that host pornographic content should have consistent safety protocols, processes, and safeguards in place to ensure that all performers/creators are consenting adults, are of age (18+), and have not been exploited or coerced into creating content.
- Recommendation 25 - Pornographic content that depicts incest should be made illegal.
- Recommendation 29 - 'Nudification' or 'nudify' apps should be banned.

105. Sections 99, 104 to 106 and 108 to 110 give effect to or otherwise take forward these recommendations. Section 107 addresses another area highlighted by the review by criminalising the possession and publication of pornographic images that portray sexual activity between persons where at least one person is, or is pretending to be, under 16.

Exposure

106. The offence of exposure, in section 113 of the 2003 Act, requires that the perpetrator intends that someone will see the exposed genitals and that they will be caused alarm or distress.

107. Evidence submitted to the Law Commission, (Modernising Communications Offences: A final report, July 2021) suggested that the intention to cause alarm or distress was too narrow a fault element. They highlighted that sexual gratification or a desire to humiliate the victim were both key drivers of exposure behaviour.

108. Currently, where a person exposes their genitals to another with the intent to humiliate, or for the purpose of obtaining sexual gratification, and does not also have an intent to cause alarm or distress, the behaviour would not be captured by the existing exposure offence at section 66 of the 2003 Act.

109. Acting only with the intent of obtaining sexual gratification is insufficient to commit the section 66 offence and this is reflected in the CPS guidance which states: "If the purpose in exposing their genitals is to obtain sexual gratification this is not sufficient, and an offence of outraging public decency should be considered."

110. The Government, therefore, considers that it is necessary to amend the specific intent elements of the section 66 offence so that they capture circumstances where the purpose in exposing their genitals is to humiliate or to obtain sexual gratification. This also means that the offence is consistent with the analogous offence at section 66A of the 2003 Act. Section 113 makes the necessary amendment to section 66.

Sexual activity with an animal

111. Under section 69 of the 2003 Act it is an offence for a person (A) to: penetrate the vagina or anus of a living animal with A's penis; or cause or allow A's vagina or anus to be penetrated by the penis of a living animal.

112. Over time, concern was raised that the existing offence did not adequately reflect the full range of conduct involved in animal sexual abuse. It was considered that the offence did not adequately capture non-penile penetrative acts or other sexual activity involving animals where "unnecessary suffering" could not be demonstrated, and so could not be prosecuted under either section 69 of the 2003 Act or under section 4 of the Animal Welfare Act 2006.

113. Veterinarians acting as expert witnesses in sexual abuse cases had expressed further concerns the law did not clearly address sexual acts involving dead animals and such behaviour might have acted as a pathway to the abuse of live animals. They also raised that in many cases, the

only evidence of abuse consisted of photographs or video footage. Where an animal had been sedated, it was often impossible to determine whether the animal was alive or dead at the time of the act, which presented a barrier to prosecution.

114. In light of these concerns, section 114 replaces the offence at section 69 of the 2003 Act to cover a broader range of sexual activity with animals and include sexual activity with dead animals.

Sexual activity with a corpse

115. Following an internal review of section 70 of the 2003 Act, the then Government concluded that the maximum penalty should be raised for the offence of sexual penetration of a corpse and that non-penetrative sexual activity with a corpse should also be captured by the criminal law. Section 115 replaces the existing offence at section 70 of the 2003 Act with a broader offence of 'sexual activity with a corpse' with a maximum penalty of seven years' imprisonment where the offence involved penetration and five years' imprisonment for non-penetrative sexual touching.

Convictions and cautions for loitering or soliciting when under 18

116. Section 1 of the Street Offences Act 1959 provides for an offence of persistently loitering or soliciting in a street or public place for the purpose of prostitution (the "section 1 offence"). As originally enacted, the section 1 offence applied to anyone engaged in such conduct above the age of criminal responsibility (namely 10 years). In 2015, the then Government recognised the purchase of sexual services from under 18s as child sexual exploitation, and amended the section 1 offence so that it could only be committed by individuals aged 18 or over (see section 68(7) of the Serious Crime Act 2015). Such convictions, however, continue to be recorded in police records, principally on the names database held on the Police National Computer. They may fall to be disclosed in a range of circumstances. Disclosure – or anxiety about it – may inhibit the employment, fostering and adoption and travel prospects of individuals whose conduct, committed when they were under 18, resulted in a conviction or caution for the section 1 offence. For, example, convictions or cautions may appear on standard or enhanced criminal records certificates issued by the Disclosure and Barring Service. Secondly, certain countries require the disclosure of all criminal convictions to obtain a travel authorisation or visa.

117. Section 116 of the Act therefore bring such convictions and cautions within Chapter 4 of Part 5 of the Protection of Freedoms Act 2015 which provides for certain historic convictions and cautions to be disregarded, as such, they are regarded as spent and not disclosable on criminal record checks. Section 117 additionally confers a pardon on persons convicted of or cautioned for the section 1 offence where the offender was under the age of 18 at the time of the offence.

Management of sex offenders

118. Under Part 2 of the 2003 Act, offenders who receive a conviction, caution, or finding for specified sexual offences are automatically required to provide the police with a record of (amongst other things) their: name, address, date of birth, national insurance number, any foreign travel, residence in a household with a child under the age of 18, their bank account and credit card details, and information about their passports or other identity documents. This must be done annually and whenever their notified details change.

119. Registered sex offenders ("RSOs") are subject to Part 2 of the 2003 Act and are eligible for management under the multi-agency public protection arrangements ("MAPPA"). On 31 March 2024, there were 70,052 qualifying sex offenders in the community under MAPPA management. MAPPA is a statutory arrangement established by section 325 of the Criminal

Justice Act 2003 ("the CJA 2003"). That provision requires local criminal justice areas in the 42 criminal justice areas in England and Wales to work together to manage the risk posed by sexual, violent and other high-risk offenders.

120. The Home Office commissioned an independent review into the police's management of sex offenders in the community in 2022, which was undertaken by retired Chief Constable Mick Creedon. The Home Office published his report 'Independent review of police-led sex offender management' in April 2023. Chief Constable Creedon made 38 recommendations to improve the consistency, efficiency and effectiveness of the police's management of sex offenders. Responsibility for taking forward these recommendations lies with the Government, Police and Crime Commissioners, police forces, the National Police Chiefs' Council ("NPCC"), HM Inspectorate of Constabulary and Fire & Rescue Services, the College of Policing and HM Courts and Tribunals Service.

121. Chief Constable Creedon made several recommendations to the Home Office regarding the notification requirements for registered sex offenders. These recommendations included:

- that the Home Office review the details that RSOs are currently required to notify, and if necessary to improve the police's risk management of RSOs, incorporate additional details such as email addresses and phone numbers;
- that the application of certain notification requirements be made dependent on the police's risk assessment of an RSO;
- that the police be able to receive online or remote notification where appropriate; and
- that the police be given a power to review and if suitable remove indefinite notification requirements.

122. Chapter 5 of Part 5 of the Act include reforms informed by consultation with the police that act on the recommendations above to strengthen the efficiency and effectiveness of notification regime by:

- Requiring RSOs to give advance notification where they will be absent from their home address (while remaining in the UK) for five or more days and of their travel and accommodation arrangements in that time, including the date that the RSO will leave their home address and their date of return to that address.
- Requiring certain RSOs to notify the police before entering specified premises where children are present. This will automatically apply to RSOs with convictions for sexual offences against children. The police will also be able to apply the requirement to notify entry into a specified premises where children are present to offenders without such convictions but who pose a risk of sexual harm to children generally or particular children.
- Give the police a power to authorise RSOs to give notification virtually in specified circumstances. Virtual notification must be via a means of communication that enables the offender and officer to see and hear each other in real time. This addresses the challenge Chief Constable Creedon identified in that RSOs in particular localities have difficulty reaching a police station within the statutory three-day time limit to notify changes to their details, resulting in unintentional but unavoidable breaches of the notification requirements.
- Give the police a power, without an application for review having been made, to proactively consider and if suitable discharge an RSO's indefinite notification requirements after the minimum duration has elapsed. The minimum durations for indefinite notification are

15 years for adult offenders and eight years for juveniles. This addresses the issue identified by Chief Constable Creedon whereby offenders subject to indefinite notification requirements do not expeditiously apply for their removal when appropriate, resulting in many offenders remaining subject to the notification requirements where their risk level does not require it.

- Reducing from superintendence to inspector the rank of a police officer able to authorise warrant applications for the police to enter and RSO's home to assess their risk of sexual harm.

123. The Government is also imposing a new restriction on RSOs, which in certain circumstances prohibits them from applying for identity documents in a new name. This is in response to public and parliamentary concern over several high-profile cases in which a change of name preceded sexual reoffending.

124. The changes contained within this Act:

- Require RSOs to notify the police of an intended change of name at least seven days in advance of using it, or if that is not reasonably practicable, as far in advance of their using it as it reasonably practicable;

- Where the police consider it necessary to protect the public or children or vulnerable adults from sexual harm, enable them to serve a notice on offenders requiring them to seek the police's authorisation before applying to change their name on a specified identity document (namely, a UK passport, driving licence or immigration document).

125. The police are able to exercise the power in the second measure – the "police authorisation" measure – when satisfied that it is necessary to protect the public, or any particular members of the public, or protect children or vulnerable adults generally or any particular children or vulnerable adults overseas, from sexual harm. Where a name change has been approved by the police, an RSO will be able to apply for an identity document in a new name without committing a criminal offence.

126. RSOs that have received a notice must seek the police's authorisation to change a name on an identity document on the basis that they meet certain conditions set out in the Act or specified by the Secretary of State in secondary legislation. The conditions will be to enable a change of name to be authorised where it is a consequence of marriage, a religious conversion in accordance with legitimate practice, a change of gender or where the police consider that there are exceptional circumstances not covered by one of the specified conditions above.

127. The police retain a discretion to reject applications that meet the criteria where they consider the imperative to protect the public from sexual harm requires it.

Stalking

128. Stalking is a prevalent form of VAWG with 2.9% of persons over 16 (1.4 million) experiencing it in the year ending March 2025 according to the Crime Survey for England and Wales[34]. The police in England and Wales and the CPS define stalking as "a pattern of unwanted, fixated and obsessive behaviour which is intrusive. It can include harassment that amounts to stalking or stalking that causes fear of violence or serious alarm or distress in the victim"[35]. In November 2022, the Suzy Lamplugh Trust, on behalf of the National Stalking Consortium, submitted a super-complaint on the police response to stalking[36]. This set out several concerns which outlined systemic issues with the police response in England and Wales, which have since been investigated by the College of Policing, His Majesty's Inspectorate of Constabulary and Fire & Rescue Services, and the Independent Office for Police Conduct. A report of their findings was published in September 2024 titled, "The police response to stalking: Report on the super-complaint made by the Suzy Lamplugh Trust on behalf of National Stalking Consortium"[37]. This report highlighted police misunderstanding and misidentification of stalking, resulting in failings to provide adequate safeguarding advice to victims of stalking. In its 2024 General Election manifesto, the Labour Party committed to "strengthen the use of Stalking Protection Orders and give women the right to know the identity of online stalkers". In line with these manifesto commitments and as part of the Government's response to the super-complaint, the Minister for Safeguarding and Violence Against Women and Girls, Jess Phillips MP, announced in an oral statement on 3 December 2024 (Official Report columns 182 to 184) that the Government would legislate to:

- "introduce a power to issue multi-agency statutory guidance on stalking, which will set out for the first time a robust framework for how frontline professionals should define stalking and better work together";
- "introduce statutory "right to know" guidance that will set out the process by which the police should release identifying information about anonymous stalking perpetrators to victims"; and
- "enable the courts to impose stalking protection orders, of their own volition, which can impose restrictions and positive requirements on those who pose a risk, on conviction and on acquittal".

129. Part 6 of the Act gives effect to these measures. The Government responded to the super-complaint in a letter to the investigating bodies on 21 November 2024[38].

---

[34] Crime in England and Wales - Office for National Statistics

[35] Stalking Protection Orders | The Crown Prosecution Service

[36] Download.ashx (suzylamplugh.org)

[37] The police response to stalking: Report on the super-complaint made by the Suzy Lamplugh Trust on behalf of National Stalking Consortium

[38] Super-complaint Government Response Letter

Administering etc harmful substances (including by spiking)

130. The Government recognises the growing concern amongst the public and law enforcement about the practice commonly called "spiking". Spiking generally means the administration of a substance without consent, and usually with an intent to incapacitate or cause another person harm. It can occur through a variety of mechanisms, such as adding a substance to food, drink, cigarette or vape, or administering the substance via injection. In a briefing published by the House of Commons Library on 13 December 2023,[14] reference was made to the receipt of 6,732 reports of spiking to the police, which included 957 needle spiking reports during the period May 2022 to April 2023. Additionally, according to the NPCC[15] on average, the police receive 561 reports of spiking a month.

131. Spiking is already illegal and can be prosecuted under a range of criminal offences depending on the circumstances of the case. The administration of a harmful substance, for example by injection, can amount to an assault. The administration of a harmful substance can also be a specific offence depending on the harm caused or the intention behind the administration. The offences that relate directly to spiking include: section 61 of the 2003 Act (administering a substance with an intent to engage in sexual activity), and sections 23 (maliciously administering poison etc so as to endanger life or inflict grievous bodily harm) and 24 (maliciously administering poison etc with intent to injure, aggrieve or annoy any other person) of the 1861 Act. Sections 23 and 24 of the 1861 Act, also criminalises non-spiking behaviour, for example, spraying someone with pepper spray or throwing faeces or urine in the face of a prison officer.

132. Section 134 gives effect to the Labour Party's manifesto commitment to "introduce a new criminal offence for spiking to help police better respond to this crime". It does so by repealing sections 22, 23 and 25 of the 1861 Act and replacing section 24 with a new single administering etc harmful substances (including by spiking) offence.

Encouraging or assisting serious self-harm

133. The Government acknowledges that encouragement of suicide or self-harm falling short of suicide is a matter of concern. It is already an offence, under the Suicide Act 1961 (and the Criminal Justice Act (Northern Ireland) 1966), to do an act capable of encouraging or assisting another person to take, or attempt to take, their own life. In their Modernising Communications Offences report[39], published in July 2021, the Law Commission considered how the criminal law might best tackle encouragement of self-harm. Recognising that any criminal law solution in this complex area must be properly constrained to avoid criminalising vulnerable people who share their experiences of self-harm or those offering them support, the Commission recommended a narrow offence, modelled on the Suicide Act offence, that targets the deliberate encouragement or assistance of serious self-harm in order to avoid criminalising vulnerable individuals.

134. The OSA 2023 gave partial effect to the Law Commission's recommendation by introducing a new offence of encouraging or assisting serious self-harm by means of verbal or electronic communications, publications or correspondence ("the communications offence"). To give full effect to the recommendation, sections 135 and 136 repeal the communications offence insofar

[39] Modernising Communications Offences: Final Report, Law Commission July 2021

as it applies to England and Wales, and Northern Ireland, and replaces it with a broader offence that covers encouraging or assisting serious self-harm both by means of communication, and in any other way. For example, direct assistance, such as providing a bladed article with which to self-harm, is captured by this offence. The broader offence is, in this regard, consistent with the Suicide Act and Criminal Justice Act (Northern Ireland) offences which are not limited to encouraging or assisting suicide by means of communication.

Child abduction

135. Section 1 of the Child Abduction Act 1984 Act ("the 1984 Act") makes it an offence for a parent, or person with similar responsibility, to take or send a child out of the UK without the consent of the other persons with responsibility for the child, or of the court. Section 2 of the 1984 Act generally makes it an offence for a person other than a parent to take or detain a child out of the control of its parents, whether or not the child is taken out of the UK.

136. The case of R (on the application of Nicolaou) v Redbridge Magistrates' Court[40] considered that the offence under section 1 of the 1984 Act could only be committed by 'taking or sending' the child out of the UK, and therefore confirmed that it is not a criminal offence under section 1 for a parent who has lawfully removed a child from the UK, to detain that child outside the UK for longer than the permitted period.

137. In their November 2014 report "Simplification of the Criminal Law: Kidnapping and Related Offences"[41], the Law Commission examined the case of Nicolaou and concluded that the section 1 offence should be amended to include the case where the connected person having taken or sent the child out of the UK with the appropriate consent, keeps or detains that child outside the UK without the appropriate consent. They considered this would provide a statutory solution to the Nicolaou problem. Section 137 gives effect to the Law Commission's recommendation in England and Wales and section 138 amends Article 3 of the Child Abduction (Northern Ireland) Order 1985 to make equivalent provision for Northern Ireland.

Safeguarding vulnerable groups: regulated activity

138. The Disclosure and Barring Service ("DBS") issues criminal record checks in England and Wales to support employers and others to make decisions about the suitability of individuals for particular roles. There are four levels of criminal record certificate issued by DBS: basic, standard, enhanced and enhanced with barred list(s) check, with increasing levels of relevant information disclosed on each proportionate to the role being applied for. Legislation (principally the Safeguarding Vulnerable Groups Act 2006 ("the 2006 Act")) prescribes which level of check can be undertaken for which role.

139. The DBS maintains two lists of individuals whom it has barred from working in regulated activity. These are known as the Adults' and Children's Barred Lists. Anyone working, or applying to work, in regulated activity is eligible for an enhanced criminal record certificate with a check of the relevant barred list(s) issued by the DBS. In addition to criminal record

[40] [2012] EWHC 1647 (Admin), [2012] 2 Cr App R 23

[41] Simplification of the Criminal Law: Kidnapping and Related Offences - Law Commission

information, this will show whether an individual is on one or both of the lists. It is an offence for someone to work in regulated activity from which they have been barred and an offence for an employer to employ someone in regulated activity from which they are barred.

140. Regulated activity is defined in Schedule 4 to the 2006 Act. In broad terms it covers sensitive roles working closely with children and vulnerable adults, for example, teaching and supervising children. However, Schedule 4 provides an exemption for "any such work which is, on a regular basis, subject to the day-to-day supervision of another person who is engaging in regulated activity relating to children". This supervision exemption, introduced through the Protection of Freedoms Act 2012, means that supervised volunteers in specified settings such as schools, and supervised roles (paid and unpaid) in other settings involving work with children are not in regulated activity.

141. Not being in regulated activity has the following effects:

- i) whilst these roles remain eligible for an enhanced check, it does not include a check of the Children's barred list;
- ii) a person who is on the children's barred list is not committing an offence if they work in these supervised roles;
- iii) an employer who engages a barred person in a supervised role is not committing an offence;
- iv) should an employer dismiss a person in a supervised role for causing harm, or posing a risk of harm to a child, they do not have to refer that person to DBS so that they can be considered for barring, a duty which applies to regulated activity providers, and;
- v) supervised volunteers in schools are not subject to the requirement (laid out in Keeping Children Safe in Education42) for an enhanced with children's barred list check which applies to those in regulated activity.

142. In its final report to the Government (October 2022), the IICSA recommended that "the UK government enables any person engaging an individual to work or volunteer with children on a frequent basis to check whether or not they have been barred by the Disclosure and Barring Service from working with children. These arrangements should also apply where the role is undertaken on a supervised basis" (recommendation 9).

143. Section 139 gives effect to this recommendation in England and Wales (section 140 makes analogous provision for Northern Ireland). As a result, these roles are defined as regulated activity, regardless of whether they are supervised or not. This enables employers/organisations to access enhanced DBS checks which include a check of the children's barred list and reduce the risk of a barred person working with children in a supervised capacity.

[42] Keeping children safe in education - GOV.UK

Dangerous cycling

144. The safety of all road users is a priority for this Government, and as part of this it is important to ensure there is an appropriate framework of offences to punish dangerous and careless behaviour that results in serious harm to other road users. In rare cases pedestrians have been seriously or fatally injured by cyclists. In 2023, in Great Britain, there were four fatalities and 185 serious injuries where a pedestrian was hit by a cyclist. Over the last 10 years (2014 to 2023), an average of three pedestrians were killed per year.

145. Like all road users, cyclists are required to comply with road traffic law in the interests of the safety of other road users, and this is reflected in the Highway Code. Cyclists can currently be prosecuted under the offences in:

- sections 28 and 29 of the Road Traffic Act 1988 ("the RTA 1988") of dangerous, and careless or inconsiderate, cycling, parallel to those of dangerous, and careless or inconsiderate driving. The maximum penalties for these offences are a fine of £2,500 for dangerous cycling and a fine of £1,000 for careless cycling;

- wanton and furious driving under section 35 of the 1861 Act, if bodily harm is caused by the cyclist. The maximum penalty is two years' imprisonment;

- section 30 of the 1988 Act of riding a cycle if one is unfit due to drink or drugs. The maximum penalty for this offence is a £1,000 fine.

146. The Government considers that the maximum penalties available for these offences are not adequate for those incidents that result in serious or fatal injury. In 2018, the Department for Transport carried out a consultation: New cycling offences: causing death or serious injury; publishing a response to the consultation in 2024: Consultation outcome: Proposals for new cycling offences: government response to consultation. Before this, the Department for Transport commissioned an independent legal review: Cycle safety review independent legal report, which concluded that there is a persuasive case for legislative change to the law in England and Wales to tackle the issue of dangerous and careless cycling that causes serious injury or death, in order to bring cycling offences into line with driving offences.

147. A supplementary report: Cycling and Walking Investment Strategy safety review: supplementary report on the current law in relation to Scotland found that there is not the same gap in Scottish law as regards causing death or serious injury by *dangerous* cycling, but there is as regards such harm caused by *careless, or inconsiderate*, cycling. It also noted that there might be a case for modernising the law.

148. In light of concerns about the adequacy of the current law and associated difficulties in imposing sufficiently severe penalties in respect of dangerous, careless or inconsiderate cycling that results in death or serious injury, and in order to ensure consistency in offences and penalties across Great Britain, section 141 introduces new cycling offences.

'Honour'-based abuse

149. 'Honour'-based abuse ("HBA") is a serious form of abuse principally impacting women and girls. In the year ending March 2025, there were 2,949 police recorded offences that were identified as involving HBA. Tackling HBA forms part of the Government's mission to halve violence against women and girls within a decade, recognising that this mission must address all forms of violence against women and girls across all communities. In August 2025, the Government announced six measures to tackle HBA, including a commitment to legislate at the earliest opportunity to introduce multi-agency statutory guidance with an accompanying statutory definition. This commitment was reinforced through the Violence Against Women

and Girls Strategy, published on 18 December 2025, which set out further action to tackle HBA. Sections 143 and 144 give effect to that commitment. The statutory definition has been developed following engagement with the specialist 'honour'-based abuse sector, survivors, operational partners and government departments, to ensure it reflects lived experience and can operate effectively in practice.

Aggravated offences

150. The aggravated offences in sections 28 to 32 of the Crime and Disorder Act 1998 currently apply only to hostility based on race or religion, with hostility related to disability, sexual orientation and transgender identity addressed instead through the general sentencing aggravation in section 66 of the Sentencing Code. This results in different charging routes and legal tests for establishing hostility, and only racially or religiously aggravated offences benefit from the higher maximum penalties available under the 1998 Act. Section 145 delivers on a Labour Party manifesto commitment to "protect LGBT+ and disabled people by making all existing strands of hate crime an aggravated offence". It does so by expanding the existing aggravated offences to include hostility based on disability, sexual orientation and transgender identity, and introduces sex as an additional basis of aggravation for the offences to which the regime applies, with one exception. To maintain coherence with other legislation, section 4A of the Public Order Act 1986 is excluded from being aggravated on the basis of sex, as that offence is already aggravable for sex under section 4B of the 1986 Act, as inserted by the Protection from Sex-based Harassment in Public Act 2023. The changes ensure that hostility-motivated crime is treated consistently across all protected characteristics, supporting consistent charging decisions and demonstrating to the public that hate crime will be investigated and prosecuted with equal rigour regardless of the characteristic targeted. This approach is consistent with the Law Commission's review of hate crime[43], which recommended extending the aggravated offences framework to the protected characteristics of disability, sexual orientation and transgender identity, to improve coherence, consistency in charging, and public confidence in the response to hostility-motivated offending.

Abuse of emergency workers within a private dwelling

151. Under section 31 of the Crime and Disorder Act 1998, it is a criminal offence to commit a racially or religiously aggravated offence under sections 4, 4A, or 5 of the Public Order Act 1986, where such conduct is directed at an emergency worker acting in the exercise of their functions. However, the application of this provision is currently limited to conduct occurring outside a private dwelling. Concerns have been raised by policing stakeholders regarding the adequacy of this protection, particularly in circumstances where emergency workers are lawfully present within a private dwelling in the course of their duties and are subjected to racially or religiously aggravated abuse. The current legislative framework does not extend to such situations, thereby creating a gap in protection. In response to these concerns, the Government has determined that two new offences, akin to those in sections 4, 4A and 5 of the Public Order Act 1986, should be introduced which include conduct directed at an emergency worker and occurring within a private dwelling. Sections 146 to 148 provide for such offences.

[43] Hate crime – Law Commission

Electronic devices used in vehicle theft

152. Vehicle theft offences continue to be high. The Crime Survey for England and Wales ("CSEW") showed there were 695,000 vehicle-related thefts, year ending December 2024[44]. The Office for National Statistics ("ONS") publish the number of police recorded crime offences; from December 2023 to December 2024, there was a total of 364,208 vehicle related thefts. 181,608 of these offences were theft from a vehicle and 129,727 were theft of a motor vehicle.[45]

153. Vehicles are predominantly stolen using electronic devices to gain entry and start the vehicle without a key, and this crime is predominantly committed by organised crime groups. Stolen vehicles are often shipped abroad through organised crime networks. Profit from the theft of vehicles is used to fund other serious and organised crime. The Metropolitan Police Service estimates that in London, these devices are used in approximately 60% of vehicle theft. ONS data indicated that from April 2019 to March 2020, offender manipulated signal from remote locking device was 36% of vehicle thefts[46]. Though predominantly committed by organised crime groups, there are also opportunistic criminals who are looking for something to sell on the stolen market including the vehicle itself.

154. These devices include signal jammers, signal amplifiers, devices used to access a vehicle's 'CAN bus' (wiring system[47]), and a device which when touched against the door handle of the vehicle can process the signal from the vehicle and calculate an unlock code.

155. Sections 149 and 150 make it illegal to import, make, supply, offer to supply and possess electronic devices used to steal vehicles or anything in them, placing the burden on the defendant to prove they were not intending to steal a vehicle, or suspect the device would be used to steal a vehicle.

SIM farms

156. SIM (subscriber identity module) farms are electronic devices that are capable of using five or more SIM cards simultaneously or interchangeably and which allow the user to send Short Messaging Service ("SMS") texts or phone calls in large numbers over the telecommunications network.

157. Whilst there is a limited set of legitimate uses for SIM farms, they are frequently used by criminals engaged in fraud to send fraudulent messages to a large number of recipients at once. These messages frequently impersonate family members or trusted institutions such as banks in order to persuade the recipient to reveal personal information such as bank details or passwords or to transfer funds to a criminal. They can also send out malicious links that, once clicked on by the recipient, download malware onto the recipient's device. SIM cards in SIM farms can also be used by criminals to receive a one-time passcode to set up online accounts that require such a passcode for verification purposes. This allows criminals to avoid having

---

[44] Crime in England and Wales - Office for National Statistics

[45] Police recorded crime and outcomes open data tables - GOV.UK (www.gov.uk)

[46] Nature of crime: vehicle-related theft - Office for National Statistics (ons.gov.uk)

[47] The CAN bus is the vehicle's wiring system that allows interconnection between the vehicle's systems. When the device is attached to the wiring of the CAN bus system the electronic functions of the vehicle can be accessed and manipulated, for example the vehicle can be unlocked, and the ignition started.

to provide their own mobile phone's SIM details when setting up the online account. In such cases, SIM farms are used only to receive these verification messages rather than *send* texts or place calls. SIM farms are available on online marketplaces, at low prices, with limited or no requirement to verify the buyer's identity. This makes them an easy access, low-cost option for criminals looking to extract personal data fraudulently.

158. In 2023, the then Government consulted on proposals to ban (through the introduction of a new criminal offence) the possession and supply of SIM farms in the UK.[48]. The consultation invited views on the proposed definition of SIM farms to ensure it accurately captures the devices currently in use, and views on the proposal to apply the measure only to devices with more than four SIM slots. In addition, the consultation sought views on whether other technologies used almost exclusively to commit fraud should be included within the ban. To ensure that the Government of the day can respond to new threats identified in the future, the consultation also sought views on whether the Government should be able to update the list to ban other technologies and articles through secondary legislation.

159. Responses to the consultation found that SIM farms are used to attempt fraud on a large scale via texts, robocalling campaigns and live calls.[49] Following the consultation, the Government intends to give effect to a ban on the possession and supply of SIM farms. The Government also committed to provide for the extension of the ban on possessing and supplying other articles used to perpetrate electronic communications fraud that are specified in regulations. Sections 151 to 153 and Schedule 16 give effect to these proposals.

Public order

160. The regular protests following the events in Israel and Gaza on 7 October 2023 highlighted gaps in public order legislation, principally the Public Order Acts 1986 and 2023. In response to the policing challenges arising from such protests, on 8 February 2024, the then Home Secretary announced a package of new measures to give the police the tools they need to maintain public order and safety. These measures included the following:

- A new criminal offence of climbing on a specified memorial. Under section 1 of the Criminal Damage Act 1971 anyone who, without lawful excuse, destroys or damages any property belonging to another, intending to destroy or damage any such property or being reckless as to whether any such property would be destroyed or damaged, commits an offence. Whilst this may capture instances where damage is caused to a war or other memorial, a person who climbs a memorial but does not damage it would not be guilty of an offence. This new offence ensures that the police have the powers they need to tackle this form of disorderly behaviour and help them maintain public order. The offence applies to specified memorials, namely certain war memorials, the statue of Sir Winston Churchill in Parliament Square and the Holocaust Memorial Garden in Hyde Park. The list of specified war memorials covers those designated as Historic England National Heritage Grade I sites which are publicly accessible (this includes key memorials such as the Cenotaph) and the Monument to the Women of World War II in Whitehall.

[48] Preventing the use of SIM farms for fraud: consultation, Home Office, 3 May 2023

[49] Preventing the use of SIM farms for fraud: government response, November 2023

- A new criminal offence of possession of a pyrotechnic article at a protest. Some existing offences restrict or prohibit pyrotechnic use in specific circumstances. For example, section 54 of the Metropolitan Police Act 1839 prohibits throwing or setting fire to fireworks in throughfares or public places within the limits of the Metropolitan Police District and under section 80 of the Explosives Act 1875 it is an offence to throw, cast or fire a firework in a street or public place. However, possession of a pyrotechnic at a protest is not, of itself, an offence. This new offence enables the police to take preventative action against the misuse of pyrotechnics during protests. The new offence only applies to those taking part in protest events, so that those taking part in public events where the use of pyrotechnics is a traditional or cultural activity are not criminalised.

- A new criminal offence of wearing or otherwise using an item that conceals identity (such as a face covering) in an area designated by police. Under section 60AA of the Criminal Justice and Public Order Act 1994 ("the 1994 Act") the police may issue an authorisation in relation to particular areas when they reasonably believe that activities may take place in that area that are likely to involve the commission of offences. Section 60AA then provides that where an authorisation is in force under that section (or, separately, where an authorisation is in place under section 60 of the 1994 Act), any constable in uniform can require a person to remove any item which the constable reasonably believes that person is wearing wholly or mainly for the purpose of concealing his identity, and can seize any item which the constable reasonably believes any person intends to wear wholly or mainly for that purpose. It is an offence to fail to remove such an item when required to do so. The police have expressed concern that the current provisions are not sufficient to prevent people wearing face coverings at protests for the purpose of concealing their identity, with the intention of avoiding detection or conviction for criminal behaviour. In their experience, individuals may follow the initial direction of an officer to remove their face covering, but they can then move to a new area of the crowd and redeploy the face covering shortly afterwards. Once this has happened, police officers cannot always tell which individuals have already been directed to remove a face covering (and who are therefore committing an offence by wearing it again). This prevents police officers from being able to arrest protestors wearing face coverings in most circumstances. The powers are therefore not a significant deterrent to protestors seeking to wear face coverings to conceal their identities and avoid conviction for criminal offences. This new power makes it a criminal offence to wear or otherwise use an item which conceals identity when in a public place within a designated locality. It enables officers to arrest protestors who are using face coverings and other items to hide their identity, or the identity of another, within the designated locality.

161. Sections 157 to 161 give effect to these proposals.

162. Under sections 12, 14 and 14ZA of the Public Order Act 1986 ("the 1986 Act"), the police have powers to impose conditions on public processions, public assemblies and one-person protests where a statutory threshold is met. While the police have used these existing provisions to protect access to places of worship on occasion, these powers are considered to have limitations. As a result of the protests following the events in Israel and Gaza, concerns have been raised after protests near synagogues have caused the cancellation of events on the Sabbath and have forced congregants to stay at home due to fears about travelling to their places of worship during large-scale demonstrations, especially in central London. Similarly, during the violent disorder in summer 2024, mosques were targeted in Southport, Hull, Sunderland and other areas, causing significant distress to members of the local community.

To protect places of worship from such intimidatory protests, the then Home Secretary announced on 27 March 2025 that the 1986 Act would be amended to protect synagogues, mosques, churches and other religious sites from intimidating levels of disruption caused by protest activity. Section 165 makes the necessary amendments to the 1986 Act.

Protests outside homes of public-office holders

163. Sections 42 and 42A of the 2001 Act were enacted to give the police powers to direct persons away from the vicinity of a resident's home where their presence amounts to harassment, alarm or distress. However, recent events and evolving protest tactics have exposed gaps in the legislation.

164. Specifically, there is no provision addressing representations about past events or protests outside of private residences, in response to what they have done or not done. The impact of such protests is most acutely felt by public office holders, and their families, and has negatively influenced democratic participation.

165. In response, section 162 introduces a new criminal offence relating to protests outside the homes of public office holders. In addition, section 169 closes these legislative gaps by expanding the scope of section 42 and 42A of the 2001 Act to cover protests relating to actions taken in the past, not just those intended to influence future conduct.

Unauthorised encampments

166. Part 5 of the 1994 Act contains a range of police powers to respond to unauthorised encampments, including powers to direct trespassers to leave land, seize vehicles and, more recently, an offence of residing or intending to reside on land without the occupier's consent in or with a vehicle, where significant damage, disruption or distress is caused or likely to be caused. Amendments made by the 2022 Act extended the period during which a person who has been directed to leave land must not return from three months to twelve months. In May 2024, the High Court in *R (Smith) v Secretary of State for the Home Department [2024] EWHC 1137 (Admin)* found that this extended twelve-month period was incompatible with the European Convention on Human Rights because it put a disproportionate burden on Gypsy, Roma and Traveller communities due to the limited availability of authorised transit sites, which enforce a three-month maximum stay, meaning individuals could be subject to criminal or enforcement action even where no lawful alternative accommodation was available. This placed travelling communities at disproportionate risk of criminalisation and created an imbalance between the rights of those communities and the interests of the settled population. The Government recognises the importance of maintaining effective powers to address harmful or disruptive encampments, but considers it necessary to restore the previous three-month period to ensure that these powers operate proportionately and compatibly with Convention rights. Section 168 therefore reduces the prohibited period across all relevant provisions (sections 60C, 61, 62, 62B and 62C of the 1994 Act) so that the shorter, more proportionate period applies consistently.

Suspension of internet protocol addresses and internet domain names

167. A domain name is another term for a website address (for example, www.gov.uk) that is easy to remember and, when typed into the search bar of a browser, directs the user to a website. It is different to a URL (Uniform Resource Locator), which is a unique identifier for the location of a webpage on the internet.

168. Every website on the internet has a domain name. This is so they can be identified by users who may not know the exact URL, which is often longer, more complicated and must be exactly typed in to get the right webpage. Domain names are created and leased by authorised registrars and issued by registries. These organisations keep a database of all domain names and manage their allocation and administration to avoid issues such as duplication.

169. An IP (Internet Protocol) address is a unique numerical address given to every device connected to any network on the internet, and can be used to identify devices, send and receive information, and to see when content has been accessed on the internet. IP addresses can be given to users of the internet in multiple ways. Most people using the internet at home will have their IP address assigned to the device they are using by their internet provider. It can be the case that organisations knowingly or unknowingly assign an IP address, or a range of IP addresses, to facilitate criminal activity.

170. Currently, law enforcement and other agencies tackle the issue of criminals using domain names and IP addresses through voluntary partnerships with the organisations responsible for assigning IP addresses or domain names. These organisations will often include in their terms of service that the IP address or a domain name should not be used for criminal purposes, including fraud. Therefore, when approached by a law enforcement agency who suspects an IP or domain is being used to facilitate crime, these organisations will often agree to suspend the IP address or domain name as their terms of service have been breached. Domestically, these voluntary arrangements work well and the majority of organisations will agree to suspend domain names and IP addresses.

171. These voluntary domestic arrangements are dependent on cooperation and limited to the small portion of the internet that is located in the UK. The overwhelming majority of entities that allocate IP addresses and domain names are situated in foreign jurisdictions. In these cases, overseas providers do not always recognise informal requests from investigative agencies and it is not practical to have voluntary relationships with international providers in the same way that cooperative arrangements work domestically. Many relevant overseas organisations require court orders before they will suspend IP addresses or domain names.

172. In February 2023, the then Government launched a consultation inviting views on three legislative proposals to reform the Computer Misuse Act 1990. The first of which was a proposal to create a new power to mandate that organisations responsible for the registering of domain names or the assigning of IP addresses remove access if there is suspicion it is being used for serious criminal activity such as fraud.

173. The Government received 43 responses, with the majority supporting proposals to introduce a new power to suspend domain names and IP addresses used for criminal purposes in the small number of domestic cases when voluntary arrangements have not been successful and to formally request action by organisations outside the UK. The then Government's response to the consultation was published on 14 November 2023.[50] Section 170 and Schedule 18 give effect to these proposals.

[50] Review of the Computer Misuse Act 1990 – Analysis of responses, Home Office, 14 November 2023

Powers of entry and seizure to recover electronically tracked stolen goods

174. Advances in technology have made it easier to track stolen items. Electronic devices such as phones often have Global Positioning System ("GPS") tracking or other location finding applications such as Bluetooth, WiFi access points or cellular mobile network technology, and GPS trackers can now be fitted to high value items such as vehicles or placed in handbags. This means victims of theft can inform the police of where their stolen item last was before tracking facilities were disabled. However, the longer the time that elapsed since the theft, the more likely the tracking facility is to have been disabled and the item moved. This reduces the chance of successfully retrieving the item as evidence to support a charge and potential prosecution.

175. Once goods are moved on to other locations, they can be sold or used to commit other crimes. These powers are intended to allow swift seizure of stolen property and better gathering of evidence to support investigation and arrest. Acting quickly will also help to prevent stolen goods being moved out of the country or used to facilitate other crime, particularly in the case of vehicles and machinery.

176. The police have the power to enter private premises without the owner or occupier's permission only in a limited range of circumstances, including:

(a) to arrest someone for a specific offence, or for breach of bail, if they have reasonable grounds to believe the person is on the premises;

(b) to enforce an arrest warrant;

(c) if pursuing someone 'unlawfully at large';

(d) to prevent serious damage to property;

(e) to save life or limb or to prevent a breach of the peace;

(f) following arrest for indictable offences, where they have reasonable grounds to suspect that evidence relating to the arrest offence, or a related or similar indictable offence, is on premises occupied or controlled by the suspect; or

(g) if the police have obtained a search warrant from a court.

177. There are many powers enabling the police to obtain a search warrant from a court in order to enter premises. The most relevant are section 8 of the Police and Criminal Evidence Act 1984 ("PACE"), which permits police to obtain a search warrant from a magistrate in order to enter premises to search for evidence of an indictable offence, and section 26 of the Theft Act 1968, which permits the police to obtain a warrant to enter premises in order to search for and seize stolen goods. These powers are subject to certain conditions.

178. A warrant can only be granted under section 8 of PACE if police can satisfy the court that there are reasonable grounds for believing that:

- an indictable offence has been committed;
- relevant material is on the premises;
- the material is likely to be of substantial value to the investigation, whether on its own or together with other evidence;
- the material is likely to be relevant in the sense of it being admissible as evidence to a court;

- the material is neither excluded, nor subject to special procedure or subject to legal privilege; and
- it is not practicable to seek permission from anyone entitled to grant entry to the premises, or that entry will not be granted without a warrant.

179. A warrant can only be granted under section 26 of the Theft Act 1968 if the court is satisfied that there is reasonable cause to believe that a person has on their premises (or otherwise in their possession or control) any stolen goods.

180. In light of advances in tracking technology within consumer goods, sections 171 and 172 confer on the police a new power which enables them to enter and search a property (private or public) for specific item/s, following senior officer authorisation, where any of the stolen items have been linked to the premises by electronic tracking data and subject to reasonable belief that those items are on the premises and are stolen and not reasonably practicable to obtain a warrant. Police officers on premises following authorisation can seize, in addition to the specific item/s and where necessary, any other items on the same premises which are reasonably believed to be stolen, and theft offence evidence.

Law enforcement agencies' access to remotely stored electronic data

181. Online information is information stored in online accounts 'in the cloud' or in other internet-enabled services by digital service providers and accessible to end users through their electronic devices. This can in principle include any electronic information stored remotely, for example information held by file storage, messaging, social media or email services, among others. The use of internet-enabled services has grown significantly and increasingly information is primarily stored online rather than on user devices and criminals have adopted cloud-based services to communicate, share material or store information and avoid detection.

182. Law enforcement agencies have existing search and seizure powers in criminal investigations, including search warrants obtained under section 8 of the PACE and other seizure powers in that Act, seizure powers in sections 50 and 51 of the 2001 Act, search and seizure powers in the Terrorism Act 2000 and the National Security Act 2023, and the extraction of information from electronic devices powers in Chapter 3 of Part 2 of the 2022 Act.

183. Furthermore, Schedule 7 to the Terrorism Act 2000 ("Schedule 7") and Schedule 3 to the Counter-Terrorism and Border Security Act 2019 ("Schedule 3") allow examining officers (accredited police officers and designated immigration and customs officers) to detect, disrupt and deter terrorism (Schedule 7) and hostile activity (Schedule 3) at the UK border. They provide examining officers with powers to stop, question, search and detain a person at a port or in the border area in Northern Ireland for the purpose of determining whether that person appears to be someone who is or has been engaged in terrorism (Schedule 7) or hostile activity (Schedule 3). An examining officer may exercise these functions whether or not there are grounds for suspecting that the person is or has been engaged in terrorism or hostile activity.

184. The current legal framework was not designed with access to online information in mind. In its report[51] on search warrants, published in October 2020, the Law Commission recommended "that the Government considers the desirability of amending the law to permit

[51] Search warrants, Law Commission, October 2020.

law enforcement agencies to obtain authorisation to search for and copy remotely stored data when executing a search warrant". In addition, in his report on the Terrorism Acts in 2021[52], the Independent Reviewer of Terrorism Legislation, Jonathan Hall KC, concluded that "legislation governing investigative powers, including terrorism legislation, does not address remote access and in the case of searches of mobile phones under Schedule 7 of the Terrorism Act 2000 is incompatible with it".

185. To address gaps in the current legal framework, sections 173 to 180 and Schedule 19 provide clear powers to enable law enforcement agencies to secure evidence and intelligence in criminal investigations and national security examinations at UK borders overtly and in line and consistent with existing powers to secure electronic evidence stored locally on electronic devices.

186. Furthermore, these reforms include an amendment to the Investigatory Powers Act 2016 ("IPA") to authorise the interception of certain communications which are necessary to enable access to online accounts where this has already been authorised (section 180). Access to online accounts increasingly requires two-factor authentication, an identity and access management security method that requires more than one method of identification to access information. This is often in the form of a code to be sent to the user, typically by email or text message, as an additional security measure when they are using their credentials to access their online accounts containing online information. Most of the methods used to obtain these communications will constitute interception as defined by section 4 of the IPA, and therefore require lawful authority. These provisions amend the IPA to provide this lawful authority and avoid the need for a further IPA warrant in situations where the access to online information has already been authorised.

Expanding the lawful purposes for which the police can access DVLA driver licensing records

187. Section 71 of the Criminal Justice and Court Services Act 2000 ("the 2000 Act") gives police officers and certain other law enforcement officers in the UK access to driver licensing records held by the Driver and Vehicle Licensing Agency ("DVLA"). Access is defined as being to "constables" and to National Crime Agency ("NCA") officers with constables being further defined to include civilian staff of the Metropolitan Police and police forces in England and Wales outside of London, police staff in Scotland and Northern Ireland and police staff of the British Transport Police ("BTP").

188. The definition of "constables" does not include civilian staff working for other UK police forces such as the Ministry of Defence Police ("MDP") and the Civil Nuclear Constabulary ("CNC"). Furthermore, the 2000 Act does not provide clarity on whether the term applies to individuals known as constables in Crown Dependency police forces; for example, the Crown Dependencies of Jersey and Guernsey have parish constables that are responsible for local civil administration.

[52] The Terrorism Acts in 2021: Report of the Independent Reviewer Of Terrorism Legislation on the operation of the Terrorism Acts 2000 and 2006, and the Terrorism Prevention And Investigation Measures Act 2011 by Jonathan Hall K.C, March 2023.

189. For data provided through the Police National Computer ("PNC") or Law Enforcement Data Service this access is restricted by Regulation 2 of the Motor Vehicles (Access to Driver Licensing Records) Regulations 2001 (SI 2001/3343), as amended, primarily to purposes related to the enforcement of road traffic offences under the Road Traffic Act 1988, for example if a person has been stopped on suspicion of careless driving or for having an unroadworthy vehicle.

190. The police can request personal information from the DVLA for general policing purposes, that is other than those pertaining to the Road Traffic Act 1998. However, this must be done on a case-by-case basis and is not automated. As a result, this takes additional time and in certain circumstances, the police consider that it is not appropriate to disclose the sensitive operational information needed to satisfy the DVLA of the law enforcement need to obtain the driver information. Until recently all organisations accessing driving licence data have done so through their connection to the PNC. Access to the PNC was previously controlled by the Police Information Technology Organisation (now abolished) and then by the National Policing Improvement Agency ("NPIA") (now closed). The NPIA had broad powers to provide assistance to a range of organisations including police forces in Jersey, Guernsey and the Isle of Man.

191. Section 181 clarifies the authorised persons who can access DVLA driver licensing information. This ensures that the Secretary of State has an explicit power to provide access to all police officers and law enforcement individuals who need access to this data. The section specifies that data may only be accessed for policing and law enforcement purposes. The section also allows regulations to be made setting out further provision, such as the circumstances in which a person may be authorised to receive information. This section, together with a code of practice and regulations made under the new powers, strengthens the governance over how DVLA data is used by police and law enforcement agencies.

Non-crime hate incidents

192. Non-crime hate incidents ("NCHIs") are incidents perceived to be motivated by hostility towards people with certain protected characteristics, but which do not meet the threshold for a criminal offence. The concept of a NCHI was introduced following the Stephen Lawrence Inquiry Report, published in February 1999 (Cm 4262-I), to help the police to collect information about hate-motivated incidents that do not constitute a criminal offence but may escalate into more serious harm.

193. While that underlying purpose remains relevant, policing has faced growing challenges in applying the NCHI framework consistently and proportionately, particularly in the context of online communication. Under powers introduced by sections 60 and 61 of the 2022 Act, the Secretary of State has issued a statutory Code of Practice on the recording and retention of personal data relating to NCHIs, with the aim of ensuring that this data is handled fairly and appropriately.

194. Commissioned by the then Home Secretary, the College of Policing and the National Police Chiefs' Council launched a review of NCHIs in July 2025. Their interim report, published October 2025, found that the current system is not fit for purpose and requires broad reform to ensure policing can focus on genuine harm and risk in line with its core functions. The final report, published on 31 March 2026, recommended that the Home Office consider whether the Code of Practice remains relevant as well the introduction of a new and more focused definition of an incident will be introduced, so that policing is only recording matters where there is a clear policing purpose. Section 182 repeals the statutory provisions on which the Code of Practice is based.

Drug Testing on Arrest

195. Drug testing in police detention, known as Drug Testing on Arrest, was introduced as a police power in the 2000 Act, which inserted sections 63B and 63C into PACE. This legislation provided the police with the power to drug test those arrested, if aged 18 and over, or charged, if aged 14 and over, for the presence of specified Class A drugs if arrested for or charged with either a trigger offence, or where a police officer of at least the rank of inspector has reasonable grounds to suspect that specified Class A drug use has caused or contributed to the offence and authorises the test. Trigger offences are listed in Schedule 6 to the 2000 Act and include theft, handling stolen goods, going equipped for stealing, and possession of a controlled drug if committed in respect of a specified Class A drug.

196. A "controlled drug" means any substance or product for the time being specified in Part 1, 2 or 3 of Schedule 2 to the Misuse of Drugs Act 1971 ("the 1971 Act"); or in a temporary class drug order as a drug subject to temporary control (section 2(1) of the 1971 Act). A "Class A drug" means any of the substances and products for the time being specified in Part 1 of Schedule 2 to the 1971 Act, such as heroin or cocaine. The 1971 Act also controls Class B and Class C drugs (as listed in Parts 2 and 3 of Schedule 2 to the 1971 Act respectively). The definition of "specified Class A drugs" for the purposes of drug testing in police detention, along with other drug testing powers, is set out in the Criminal Justice (Specified Class A Drugs) Order 2023 (SI 2023/784). This Order provides that for the purposes of drug testing in police detention (along with other drug testing powers), "specified Class A drugs" means the substances and products specified in paragraphs 1 to 5 of Part 1 of Schedule 2 to the 1971 Act.

197. Under the Drugs Act 2005, if an individual tests positive for a specified Class A drug they may be required to attend an initial assessment, and, where relevant, a follow-up assessment, with a suitably qualified person (that is, a drug support worker). The purpose of this assessment is to assess a person's drug use and refer them to subsequent drug treatment and support services where appropriate. Failure to give a sample without good cause, and failure to attend or stay for the duration of an initial assessment (and follow up assessment where relevant) are criminal offences, each subject to a maximum penalty of three months' imprisonment, a level 4 fine (£2,500), or both. A positive test result may be disclosed to the court in respect of the initial offence for which the individual was arrested or charged for, for the consideration of bail and for sentencing, as may information relating to an initial assessment for the purpose of enabling a court considering an application for bail.

198. Sections 183 to 187 extends drug testing on arrest to specified Class B and C drugs and make associated provision. This allows the police to test for specified controlled drugs in those classes as well as specified Class A drugs to reduce drug related offending and ensure a wider range of people may access treatment and support services. Section 98 further provides the police with the power to take up to a maximum of two samples for the purposes of drug testing on arrest, where the first is either unsuitable or insufficient. This is to allow for circumstances where a further sample is required to test for different drugs, whether traditional or synthetic, including on a separate machine/testing kit. Provision is also made to move the list of trigger offences and power to amend the list of trigger offences into PACE. Schedule 15 now lists trigger offences for the purposes of drug testing on arrest.

Extension of foreign national conditional cautions to those with limited leave to remain

199. A conditional caution is a form of out of court disposal which requires an offender to comply with certain conditions, as an alternative to prosecution. Section 22 of the CJA 2003 provides for a conditional caution to be given to a foreign national offender without leave to remain to secure their departure from the UK. Section 103 of the 2022 Act provides for a diversionary caution to be given to a foreign national offender on the same basis as a conditional caution under the CJA 2003.

200. The criteria for issuing a foreign national conditional caution are set out in the Ministry of Justice's Code of Practice for Adult Conditional Cautions[53] and in Director of Public Prosecutions guidance[54]. Under the criteria, a foreign national conditional caution may be issued where all of the following conditions are met:

- there is sufficient evidence to charge the foreign national and there is a realistic prospect of conviction;
- the foreign national accepts the caution and agrees to comply with deportation;
- the foreign national makes a clear admission of guilt;
- the foreign national has no leave to remain in the UK and is liable to administrative removal or deportation;
- there are no barriers to deportation, such as an outstanding asylum or human rights claim and the person is not a victim of trafficking;
- the sentence likely to be imposed by the court for the offence concerned would be less than two years' imprisonment;
- the decision to issue a caution for any 'Indictable Only' offence should be taken only in exceptional circumstances and must be taken by the CPS.

201. To ensure that more foreign national offenders are removed from the country, section 188 extends foreign national conditional cautions to cover those with limited leave in the UK.

Confiscation of the proceeds of crime

202. Part 2 of the Proceeds of Crime Act 2002 ("POCA") sets out the legislative framework for the post-conviction confiscation regime in England and Wales for the recovery of assets gained through criminal means (Parts 3 and 4 of POCA contain analogous provisions in respect of Scotland and Northern Ireland respectively). Confiscation orders are intended to deprive criminals of their benefit from crime and are made personally against a defendant; requiring them to pay a sum of money equivalent to their benefit from crime. For example, if someone has gained £100,000 from a fraud scheme, a confiscation order may be imposed so that

[53] Code of practice for adult conditional cautions: Part 3 of the Criminal Justice Act 2003, Ministry of Justice, 9 January 2013

[54] Conditional Cautioning: Adults – DPP Guidance, The Crown Prosecution Service, 3 October 2022

individual has to pay the £100,000 back. The subject of a confiscation order will have a set amount of time to pay the monies back, after which the original sum ordered by the court will start to accrue interest.

203. In 2018, the Home Office commissioned the Law Commission of England and Wales to review the entirety of the confiscation regime contained in Part 2 of POCA, with the aim of making recommendations for wholesale reform of the regime.

204. As part of the review, the Law Commission undertook a consultation from September to December 2020.[55] The Law Commission received over 100 responses to its consultation which informed its final report published in November 2022.[56]

205. The report contained 119 recommendations for reform of the confiscation regime to: improve the process by which confiscation orders are made; ensure orders made are realistic and proportionate; and improve the enforceability of orders.

206. In October 2023, the then Government published its response to the Law Commission report.[57] Amongst other things, the Government response agreed to give effect to the Law Commission's recommendations to:

- Introduce a statutory objective for the confiscation regime: "to deprive a defendant of his or her benefit from crime".
- Prioritise victims' interests, including multiple recommendations which are intended to better prioritise compensation for victims and legitimate third-party interests.
- Early resolution of confiscation: to create a procedure after the sentencing but prior to the making of a confiscation order to narrow the issues in dispute and fast-track agreed orders.
- Make it easier to restrain assets and preserve their value during an investigation by clarifying the requirements for making a restraint order.
- Improve enforcement by extending the enforcement powers of magistrates' courts to the Crown Court. This addresses the drift that frequently occurs in payment of orders and streamlines the enforcement process.
- Introduce confiscation assistance orders to enable orders to be enforced promptly, and standardise the practice of appointing an appropriately qualified person to assist a defendant with satisfying their confiscation order.
- Provisional discharge of confiscation orders: to allow outstanding confiscation orders to be placed in abeyance where there is no realistic prospect of recovery in the immediate term, and all enforcement steps have been exhausted. This would not bluntly write off the debt. The discharge would be provisional so that money could still be recovered in time if the provisional discharge of an order was revoked.

---

[55] Confiscation Consultation paper, Law Commission, 17 September 2020

[56] Confiscation of the Proceeds of Crime after Conviction: Final Report, Law Commission, 9 November 2022

[57] Government response to the Law Commission's review of confiscation, Home Office, 25 October 2023

- Place the concept of hidden assets on a statutory footing: to clarify the approach the court should take when a defendant hides their assets from law enforcement agencies and to ensure the value of those assets is re-paid.

207. Section 189 and Schedule 21 give effect to these reforms in England and Wales. Schedule 22 gives effect to the reforms in Northern Ireland and Schedule 23 gives effect to certain of the reforms in Scotland.

Civil recovery of proceeds of crime: costs protections

208. Part 5 of POCA provides for a broad set out powers available to law enforcement agencies in the UK to take ownership of assets which a civil court is satisfied (on the balance of probabilities) derive from criminal conduct or are intended for use in criminal conduct. These powers include civil recovery in the High Court or Court of Session (Chapter 2 of Part 5 of POCA) and summary forfeiture in a magistrates' court or sheriff's court (Chapters 3 to 3F of Part 5 of POCA).

209. Section 51(1)(b) of the Senior Courts Act 1981 provides that, subject to any other enactment or rules of court, orders for costs in proceedings in the High Court shall be in the discretion of the court. The Civil Procedure Rules apply to civil recovery proceedings in the High Court in England and Wales. The Rules provide that as general rule a losing party will be ordered to pay the legal costs of the successful party. This is often referred to as the "loser pays" principle. A different costs regime applies in magistrates' court in England and Wales as provided for in section 64 of the Magistrates' Court 1980 and the case of *Perinpanathan*: [2010] EWCA Civ 4. It was held that, "in a case where regulatory or disciplinary bodies, or the police, carrying out regulatory functions, have acted reasonably in opposing the grant of relief, or in pursuing a claim, it seems appropriate that there should not be a presumption that they should pay the other party's costs".

210. Pressure from Parliamentarians led to the enactment of section 215 of the Economic Crime and Corporate Transparency Act 2023 ("the 2023 Act") which placed a duty on the Secretary of State (in practice, the Home Secretary) to "assess whether it would be appropriate to restrict the court's power to order that the costs of proceedings under Chapter 2 of Part 5 of POCA are payable by an enforcement authority and, if so, how". The Secretary of State was further required to publish and lay before Parliament a report on the outcome of the assessment. To inform the report, the Home Office ran an engagement exercise between 12 January 2024 and 8 March 2024 asking whether it would be appropriate to restrict the court's power to order legal and court fees payable by an enforcement authority in civil recovery cases in the High Court. The engagement exercise also asked for views on the appropriate mechanism for implementing such changes.

211. There was a strong consensus amongst consultees that a form of costs protection for enforcement authorities in the High Court would be appropriate. Enforcement authorities noted that the risk of adverse costs affects their decision to pursue cases particularly those involving kleptocrats and other wealthy individuals with costly legal representation. This is due to the high risk of litigation, which exposes enforcement authorities to significant strain on their budgets.

212. The Government published the report under section 215 of the 2023 Act on 18 December 2024. The report concluded that a form of costs protection for enforcement authorities in the High Court would be appropriate to encourage the greater use of the civil recovery powers under Chapter 2 of Part 5 of POCA. The report further concluded that primary legislation broadly mirroring the provisions for costs protections under the unexplained wealth order regime in Part 8 of POCA would be most appropriate. Section 190 provides for such costs protections.

Extension of polygraph condition to certain offenders

213. Section 28 of the Offender Management Act 2007 ("the 2007 Act") enables the Secretary of State to impose a polygraph testing licence condition on an offender released on licence in England and Wales. The use of polygraph testing was introduced in 2014, following a pilot, so that probation officers could strengthen their risk management of high-risk sex offenders following a trial of its effectiveness with that cohort of offenders. In 2021, the imposition of the polygraph condition was extended to two further cohorts of offenders: the Counter-Terrorism and Sentencing Act 2021 ("CTSA 2021") extended the condition to specified terrorist offenders, and the Domestic Abuse Act 2021 enabled a three-year pilot (concluding July 2025) of polygraph testing of high-risk domestic abuse perpetrators in certain specified police areas.

214. There is currently no provision to add a polygraph condition to the licence of an offender convicted of murder. If an offender rapes a victim, then a polygraph condition can be included as a condition of their licence, as it is a relevant sexual offence under the 2007 Act. But if they rape and murder a victim, then a polygraph condition is unlikely to be able to be included. This is because the offence of murder carries a mandatory life sentence, which means that even if the offender were also convicted of rape, it is unlikely that their rape sentence would still be active at the point they become eligible for release on licence.

215. There is also currently no provision to add a polygraph condition to the licence of an offender who is sentenced concurrently for a relevant sexual offence and a non-sexual offence, where the sentence for the sexual offence expires before they are released on licence or expires while they are still on licence for their non-sexual offence.

216. The Government considers that the Secretary of State's ability to include a polygraph testing condition should be extended to those convicted of murder who pose a risk of committing a relevant sexual offence, and to those who have been sentenced concurrently for a sexual and non-sexual offence, where the sexual offence expires before release or before the end of their non-sexual offence sentence. Section 191 makes provision for the polygraph testing of this cohort of offenders.

217. The CTA 2008 introduced a 'terrorism connection' 'label' which courts could apply as a statutory sentencing aggravating factor to offenders who committed a specified non-terrorist offence. Specified non-terrorist offences were those listed in Schedule 2 to the CTA 2008, that the judge considered had or may have had a terrorist connection, and which were committed on or after its date of commencement of 18 June 2009.

218. Following the attacks at Fishmongers' Hall and Streatham in November 2019 and February 2020 respectively, the then Government introduced the CTSA 2021 to increase the offender management provisions (including polygraph testing) available for terrorist and terrorist connected offenders on licence in the community. That Act extended the 'terrorism connection' 'label' so that it could be applied to any non-terrorism offence punishable on indictment with more than two years' imprisonment. That extension has not yet been commenced in relation to service offenders.

219. There is currently no provision to add a polygraph condition to the licence of an offender who committed a non-terrorism offence that was connected to terrorism before the commencement of the CTA 2008 on 18 June 2009 or who committed such an offence between 2009 and 2021 which fell outside the specified list in Schedule 2 to the CTA 2008, that is where the terrorism connection aggravating factor was not available to the court to apply. Section 191 also makes provision for the polygraph testing of this cohort of 'historic terrorism-connected' offenders.

Management of offenders serving community or suspended sentences

220. In August 2022, the then Government made the Criminal Justice (Sentencing) (Licence Conditions) (Amendment) (No. 2) Order 2022 (SI 2022/703) which required determinate sentence offenders on licence to inform their probation officer of any change of name or use of different names or pseudonyms (for example, online aliases) , and to inform their probation officer of any change of, or new, contact details, including any phone number or email. This Order recognised the importance of ensuring the public is protected and offenders managed in the community are able to be properly monitored by probation services with the ability for services to take robust enforcement action where necessary.

221. Such requirements do not currently apply to offenders serving a community or suspended sentence. Section 192 therefore extends the requirement to notify changes of name or contact details to those serving such sentences, thereby ensuring consistency across the sentencing framework. For offenders serving community orders, youth rehabilitation orders and referral orders, the requirement will last for the whole duration of the supervision period while the offender is supervised by probation or a Youth Offending Team ("YOT") until it reaches the end date set by the court or is otherwise terminated. For suspended sentence orders, this requirement will last for the period when the offender must keep in touch with their probation team or YOT. Once the offender is no longer required to keep in touch with their probation team or YOT, this requirement will also end.

Notification requirements for child cruelty offenders

222. While serious sexual offenders have been subject to a notification regime through the provisions in Part 2 of the 2003 Act, no equivalent mechanism exists to monitor those who have committed serious acts of cruelty, neglect, abandonment or violence against children once they have completed the sentences imposed by a court.

223. Sections 193 to 196 of and Schedule 24 to the Act contain provision enabling the establishment of a dedicated notification regime for such individuals (commonly referred to as a 'child cruelty register') which mirrors the structure and effect of the sex offender notification framework.

224. These provisions respond to calls from campaigners and advocates who have highlighted the need for longer-term management of individuals responsible for the most serious cruelty offences committed against children The Government announced on 2 March 2026 that adults convicted of offences such as child neglect, abandonment, infanticide, allowing or causing a child's death or serious harm, and female genital mutilation will be required to notify the police of key personal details and any changes in circumstance after their sentence. This measure seeks to reduce the risk of reoffending and to strengthen safeguarding arrangements by enabling the police to maintain oversight of relevant offenders beyond their licence period.

Police accountability

225. On 5 September 2022, Chris Kaba was shot and killed by an armed police officer (then referred to as officer NX121) during the course of an operation in Streatham, South London, to stop a vehicle he was driving. In accordance with their statutory remit, the Independent Office for Police Conduct ("IOPC") conducted an investigation into the fatal shooting. The IOPC investigation concluded in March 2023 when they referred a file of evidence to the CPS to determine whether officer NX121 should be charged. On 20 September 2023 the CPS authorised the murder charge. An anonymity order was made by the court but on 8 March 2024, this was partially lifted by the court and the officer could be identified as Sergeant Martyn Blake.

226. Following the decision to charge Sergeant Blake, on 24 September 2023 the then Home Office launched a review of investigatory arrangements which follow police use of force and police driving related incidents. The terms of reference were published on 24 October 2023[58]. This followed concerns from policing that the accountability system had lost the confidence of officers, deterring some from carrying arms or taking other actions necessary to protect the public. On 21 March 2024, the then Home Secretary issued a written ministerial statement (HCWS369[59]) updating Parliament on progress with the review and setting out interim findings. A key finding of this work to date was that investigations take too long, causing distress to those involved and undermining public confidence. Based on the findings to date, the then Home Secretary announced three immediate changes to the current accountability arrangements, as follows:

    a. raise the threshold for referrals to the CPS from investigations of officers carried out under Schedule 3 to the 2002 Act, from an 'indication of criminality' to a 'reasonable prospect of conviction' - aligning with the test the CPS uses for subsequent charging decisions;

    b. amend current restrictions which prevent criminal proceedings from being brought pending conclusion of an investigation under Schedule 3 to the 2002 Act, which enables early referrals to the CPS (for example, by the IOPC) provided the threshold for referrals to the CPS is met; and,

    c. place IOPC's Victims Right to Review policy on a statutory footing.

227. Sections 197 to 199 give effect to these proposals. They were originally tabled by the previous Government as amendments to the Criminal Justice Act at Commons Report stage (see new sections 74 to 76). The Act subsequently fell when the 2024 election was called.

228. The review was continued post the 2024 election by the new Home Secretary, the Rt Hon Yvette Cooper MP. Following the acquittal of Sergeant Blake on 22 October 2024, the then Home Secretary made an oral statement to the House of Commons on 24 October 2024 (Official Report, columns 299 to 314) announcing that the Government would take forward the three measures (set out in paragraph 225 above) announced by the previous Government. In addition to this, the then Home Secretary also announced that the Government would introduce a presumption of anonymity for firearms officers who are charged with offences relating to, and committed during, their duties, up to the point of conviction. The anonymity measures include the issue of reporting restrictions for a qualifying defendant. The rationale for introducing this presumption for firearms officers is that firearms officers and their families are likely to be at increased risk if their identity is revealed following an armed incident, due to their exposure to dangerous individuals and organised crime groups. There continues to be judicial discretion to depart from the presumption of anonymity, based on the facts of each case. Sections 200 to 203 provide for such a presumption of anonymity.

[58] Review of investigations after police use of force: terms of reference, Home Office, 24 October 2023

[59] Police Misconduct and Investigations – Witten Ministerial Statement, Rt Hon James Cleverly MP, HCWS369, 21 March 2024

Police misconduct and dismissals

229. In December 2014, Major-General Chip Chapman published his review into the police disciplinary system, having been tasked by the then Home Secretary, Rt Hon Theresa May MP, to identify proposals for a reformed disciplinary system which was "clear, public-focussed, transparent and more independent".[60]

230. What ultimately followed was several years of legislative reform to strengthen the complaints and discipline systems, which included public misconduct hearings in 2015 and the introduction of the police barred list in in 2017. In 2016, Legally Qualified Chairs replaced senior officers as the chair of misconduct hearings, through the Police (Conduct) (Amendment) Regulations 2015 (SI 2015/626). However, the Police (Conduct) (Amendment) Regulations 2024 (SI 2024/521) have effectively reversed that position, giving greater responsibility over misconduct proceedings to chief officers or their delegate.

231. The Policing and Crime Act 2017 brought further substantial changes to the complaints and discipline systems, including reform of the then Independent Police Complaints Commission to what is now the IOPC which is the independent body charged with overseeing the police complaints process and is responsible for investigating the most serious and sensitive matters; the introduction of the police barred and advisory lists to prevent those dismissed from re-joining policing (sections 205 to 213 and Schedule 25 now provide for the NCA, BTP, CNC and MDP to establish similar barred persons lists and advisory lists); and provisions to allow former officers to face misconduct proceedings, despite their retirement or resignation from their force.

232. More recently, the then Government introduced a series of secondary legislation in February 2020. These measures gave additional powers to the IOPC, provided Legally Qualified Chairs with a greater role to case manage hearings, implemented measures to improve timeliness, redefined the threshold for misconduct and brought into effect the Reflective Practice Review Process – a process to move away from a blanket approach for all breaches of the Standards of Professional Behaviour, no matter how low-level they are, to one which focusses on a culture of learning and reflection for minor breaches and disciplinary action for serious breaches.

233. There are two forms of behaviour which can currently result in an officer being dismissed from the police – gross misconduct, which is handled under the Police (Conduct) Regulations 2020 and unsatisfactory performance/gross incompetence which is handled under the Police (Performance) Regulations 2020. There is a separate process to discharge under-performing probationary constables.

234. Officers with a case to answer for gross misconduct can be referred to a misconduct hearing which, for cases referred on or after 7 May 2024, are heard by a panel chaired by a senior officer, former senior officer or police staff equivalent (or, where the officer concerned is a senior officer, a panel composed in accordance with regulation 28 of the Police (Conduct) Regulations 2020, as amended). A senior officer is defined as an officer above the rank of Chief Superintendent. However, where there is sufficient evidence (on the balance of probabilities) of gross misconduct and it is in the public interest for the individual to cease to be an officer

[60] An Independent Review of Police Disciplinary System in England and Wales, Maj. Gen. Chip Chapman CB, 11 December 2014

without delay, officers are instead referred to an accelerated hearing. This is a fast-track process which, for cases referred on or after 7 May 2024, are chaired by a senior officer, former senior officer, or police staff equivalent (or, where the officer concerned is a senior officer, by a panel composed in accordance with regulation 55 of the Police (Conduct) Regulations 2020, as amended).

235. As police officers are office holders, rather than employees, they do not, in most circumstances, have the ability to pursue unfair dismissal claims at the Employment Tribunal. Instead, police offices have a statutory right of appeal under the Police Act 1996 to the Police Appeals Tribunal ("PAT").

236. Following misconduct proceedings, a non-senior officer (of Chief Superintendent rank or below), against whom a finding of misconduct or gross misconduct has been made at a misconduct hearing, may appeal to PAT on the following grounds:

- that the finding or decision to impose disciplinary action was unreasonable; or
- that there is evidence that could not reasonably have been considered at the original hearing which could have materially affected the finding or decision on disciplinary action; or
- that there was a breach of the procedures set out in the Conduct Regulations, the Complaints and Misconduct Regulations or Part 2 of the 2002 Act or unfairness which could have materially affected the finding or decision on disciplinary action.

237. Non-senior officers can also appeal under similar circumstances relating to the outcome or finding at a performance meeting, held under the Police (Performance) Regulations 2020.

238. Separately, a senior officer against whom a finding of misconduct or gross misconduct has been made at either a misconduct hearing or misconduct meeting has a right of appeal to the PAT under the same circumstances above.

239. Chief officers have no statutory right to appeal decisions by misconduct panels concerning their force's officers. Their only recourse to challenge the outcome of a misconduct hearing is by way of a judicial review.

240. In a written ministerial statement on 18 October 2022, the then Minister of State for Crime, Policing and Fire, Rt Hon Jeremy Quin MP, announced a review into the process of police officer dismissals[61], following concerns with the system, a series of high-profile cases and the publication of Baroness Casey's interim findings on misconduct in the Metropolitan Police Service.[62]

241. The review was launched by the Home Office on 18 January 2023. The review's terms of reference took in the dismissal process as a whole and included reviewing the available appeal mechanisms for both officers and chief officers where they wish to challenge disciplinary outcomes or sanctions concerning officers (or former officers) serving in the force they lead.

---

[61] Casey Review: Police Dismissals – written ministerial statement, Home Office, HCWS327, 18 October 2022

[62] Baroness Casey Review: An Independent Review into the Standard of Behaviour and Internal Culture of the Metropolitan Police Service, Baroness Casey of Blackstock DBE CB, 7 March 2023

242. The review's methodology gathered evidence from several sources including engagement with stakeholders, existing research and literature and data sets held by police forces in England and Wales.

243. The findings of the review were published on 18 September 2023. The review made 18 recommendations covering the processes relating to misconduct, performance and vetting, including: a presumption for dismissal in cases of proven gross misconduct, certain offences conviction of which automatically amount to gross misconduct, a streamlining of the performance system, a clarified route of dismissal for those who fail vetting and a statutory route of appeal for chief officers. The majority of the recommendations have been implemented via secondary legislation (including the Police (Conduct) (Amendment) Regulations 2024 (SI 2024/521) which, amongst other things, provides for chief officers or their delegate to chair misconduct hearings). One recommendation (that relating to appeals by chief officers against the findings of misconduct hearings) requires primary legislation. Section 204 gives effect to this change.

244. Local policing bodies have responsibility for the appointment of chief officers, but also matters relating to their performance, conduct and suspension. Local policing bodies are the "appropriate authority" in respect of complaints, conduct matters or recordable conduct matter relating to a chief officer (or acting chief officer) and, under Schedule 8 to the Police Reform and Social Responsibility Act 2011, have powers to require a chief officer to resign or retire. Section 156 enables a right of appeal for local policing bodies in relation to the chief officer of their force.

245. The IOPC may, instead of the appropriate authority, present a misconduct hearing or accelerated misconduct hearing in specific circumstances set out at regulation 24 of the Police (Conduct) Regulations 2020. Section 204 further enables a right of appeal for the IOPC in circumstances where it has presented in accordance with those regulations.

Power to give directions to critical police undertakings

246. In January 2026 the Government published a White Paper on Police Reform, setting out its intention to create a police system that is better able to cut crime and provide a consistently high standard of service to the public. As outlined in that White Paper, the Government will establish a National Police Service ("NPS") that will replace the large number of organisations at the centre of policing with a single national police force.

247. As part of the Government's reform plans, the Home Office has established a Police Efficiency and Collaboration Programme ("PECP") to deliver better value for money in police procurement. The PECP will drive the delivery of cashable efficiencies of £354 million by the end of this parliament, and the NPS will support its long-term sustainability through bringing together enabling services into this single body. It will deliver commercial efficiencies, improved productivity, and new technology capabilities, achieving better savings and services for the public.

248. The NPS will better equip police officers and staff with the tools they need to discharge their duties, drive efficiencies in the policing system, reduce duplication and improve force interoperability. This will be achieved by taking on responsibility for existing shared services, policing national IT, commercial, and forensics (subject to National Forensics Reform Programme) capabilities and the National Police Aviation Service. For the transition of these functions to take place effectively, the NPS will need to be mature and ready. This will require legislation to enable the necessary changes which the Government intends to bring forward when parliamentary time allows.

249. In the interim, and in particular where these functions are carried out by undertakings that are not part of the Home Office or police forces, the Government wishes to ensure that appropriate preparatory work is conducted to facilitate a smooth transition of relevant capabilities into the NPS, whilst maintaining effective service delivery and with minimal disruption to staff throughout the process. To this end, section 217 confers a power on the Secretary of State to give directions to critical police undertakings.

Counter-terrorism and national security powers

250. The Terrorism Acts (principally the Terrorism Act 2000 ("TACT 2000") and the Terrorism Act 2006 ("TACT 2006") provide for a range of powers to protect the public from the threat of terrorism. These powers include criminal offences, civil protection orders and police powers. Section 36 of TACT 2006 provides for the appointment, by the Home Secretary, of a person to review the operation of TACT 2000 and Part 1 (offences) of TACT 2006. This person is known as the Independent Reviewer of Terrorism Legislation ("IRTL"). The IRTL is also responsible for reviewing the operation of the Anti-terrorism, Crime and Security Act 2001 (Part 1, and Part 2 in so far as it relates to counter-terrorism), Terrorist Asset-Freezing etc. Act 2010 (Part 1), Terrorism Prevention and Investigation Measures ("TPIM") Act 2011 and Part 1 of the Counter-Terrorism and Security Act 2015. Since May 2019, Jonathan Hall KC has held the post of Independent Reviewer. Part 15 of the Act gives effect to various recommendations made in his annual or other bespoke reports or as recommended by operational partners:

- The TPIM Act 2011 provides for civil preventative measures intended to protect the public from the risk posed by persons believed to be involved in terrorism who can be neither prosecuted nor, in the case of foreign nationals, deported, by imposing restrictions intended to prevent or disrupt their engagement in terrorism-related activity. Amongst the measures that may be imposed on a person subject to a TPIM is a weapons and explosives measure: essentially a prohibition on owning guns, offensive weapons or explosives. The provisions of the TPIM Act 2011 are broadly replicated in Part 2 of the National Security Act 2023 which makes provision for State Treats Prevention and Investigation Measures ("STPIMs"). In his annual report of the Terrorism Acts in 2022, the IRTL recommended that "the TPIM Act 2011 is amended to enable the Home Secretary to prohibit the possession of unapproved knives or bladed articles.". The Government accepted the recommendation in its response to the IRTL's report, published November 2024.

- Young people comprise an increasing proportion of counter-terrorism investigations. This is of significant concern to operational partners (Counter-Terrorism Policing and the Security Service), for example, in Great Britain, in the year ending September 2024, 32 people aged 17 and under were arrested for terrorist-related activity (Operation of police powers under TACT 2000, to September 2024). Though these figures likely underestimate the scale of problematic activity that falls below the prosecution threshold. In his annual report of the Terrorism Acts in 2021, the IRTL identified a gap in the current tools available to intervene early to prevent young people engaging in terrorism and divert them from the criminal justice system and the stigma of a terrorism conviction. He recommended that "A new child violence diversion order should be considered in cases of children arrested on suspicion of committing terrorist offences". The then Home Secretary announced the Government's intention to introduce youth diversion orders in a Written Ministerial Statement on 17 December 2024 (HCWS327).

- Section 13(1) of TACT 2000 makes it an offence to carry out certain actions in a public place, such as wearing a uniform or displaying a banner, if doing so would arouse reasonable suspicion that the person is a member or a supporter of a proscribed organisation. Section 13(4) confers a power on the police to seize items in connection with the offence. In his annual report of the Terrorism Acts in 2022, the IRTL identified a gap in the seizure powers under section 13, arguing that the police lack adequate powers to seize articles (such as flags or banners) that are associated with proscribed organisations if they are displayed in a public place but not associated with any person (for example, a flag left hanging from a lamppost). He recommended "that section 13 is amended to allow the seizure of any article if the constable reasonably suspects that it has been displayed in such a way or in such circumstances as to arouse reasonable suspicion that a person is a member or supporter of a proscribed organisation". The then Home Secretary accepted the recommendation in the Government response to the IRTL's report, published November 2024.

- The offence under section 13(1) of TACT of wearing a uniform etc of a proscribed organisation only applies to conduct in a public place. In his April 2022 report "Terrorism in Prisons", Jonathan Hall recommended "The government should consider whether or not to amend the Terrorism Acts so that conduct falling within section 13 of the Terrorism Act 2000 ….. is capable of amounting to an offence even if committed within a prison cell and even if, in the case of encouragement of terrorism, it only involves two prisoners".

- Part 4 of the CTA 2008 introduced a requirement for a court sentencing an offender for a specified non-terrorism offence, to consider whether the offence was committed with a terrorist connection (that is, was committed for the purposes of terrorism etc.). If the court determines this was the case, then it must aggravate the sentence and state in open court that the offence has been aggravated for that reason. Following the attacks at Fishmongers' Hall and Streatham in November 2019 and February 2020 respectively, the CTSA 2021 expanded this requirement so that a court must consider whether there was a terrorist connection for all offences with a maximum penalty of more than two years' imprisonment. A terrorist connection results in sentence aggravation and the application of various risk management powers provided by other legislation including: notification requirements (provided for in section 42 of the CTA 2008); and powers of urgent arrest and personal search (provided for in sections 43B and 43C of TACT 2000). The notification requirements and the powers of arrest and personal search do not apply to an offender who committed a terrorism connected offence before the commencement of the CTA 2008 on 18 June 2009 or who committed a terrorism connected offence between 2009 and 2021 which fell outside the specified list in Schedule 2 to the CTA 2008.

- Section 45 of the Modern Slavery Act 2015 provides for a defence for slavery or trafficking victims; the defence does not apply in the case of certain serious offences, including terrorism offences, as specified in Schedule 4 to that Act. In his annual report on the Terrorism Acts in 2021, the Independent Reviewer of Terrorism Legislation recommended that Schedule 4 be extended "to encompass all terrorism offences". As such, the remaining terrorism offences listed in Schedule 1 to the Terrorist Offenders (Restriction of Early Release) Act 2020 not already included in Schedule 4 are added.

International law enforcement information sharing agreements

251. International law enforcement information-sharing agreements provide law enforcement officers with access to intelligence to fight crime, increase public protection and reduce the threat of societal harm posed by international criminality. Sections 243 to 245 provide the appropriate national authority with the power to make regulations to implement both new and existing legally binding international law enforcement information-sharing agreements.

252. Such agreements will set the parameters for the sharing of law enforcement data between the UK and a third country, including the technical specifications relating to how data will be shared.

253. One example envisaged in relation to a new international law enforcement information sharing agreement, is an agreement enabling the reciprocal exchange of law enforcement alerts. Such alerts would contain information about a particular person or object that are of interest or under investigation by law enforcement authorities. The agreement would enable a data sharing process where international partners' relevant authorities can search against a UK 'alert store' containing such data. UK law enforcement agencies would have a similar ability to search the platforms of international partners and access relevant data.

Extradition

254. Under the Extradition Act 2003, the UK can accept extradition requests where the requested person is either wanted for the purposes of facing a trial (accusation warrants), or to serve their sentence after a trial has taken place (conviction warrants). When considering conviction warrants, if the requested person was convicted in their absence and a UK judge determines they did not deliberately absent themselves from their trial, a UK judge is bound by the Extradition Act 2003 to determine whether the individual is entitled to a retrial in the requesting state.

255. Section 195 updates section 20 of the Extradition Act 2003 (case where person has been convicted) to ensure compatibility with the Trade and Cooperation Agreement which governs the right to a retrial in the context of UK – EU extradition cooperation.

256. In addition, the UK Supreme Court ruled in the case of Merticariu v. Romania ([2024] UKSC 10), that the Extradition Act 2003 should be read as requiring a guaranteed retrial in the requesting state subject only to procedural requirements following someone's extradition if they had been tried 'in absentia'. This runs contrary to the original policy intention and the previous interpretation given to the drafting of the relevant provision, that interpretation being that a UK court must be satisfied that a requested person has the right to apply for a retrial subject to the domestic laws of the requesting state. Section 246 therefore also makes explicit that the right to apply for a retrial is what a UK court must be satisfied of, in order for extradition to proceed when the conviction has taken place in absentia.

OFCOM's notices to providers of internet services

257. The rapid and continuing growth in children's internet access and social media activity has created significant concern about the potential causative role of such activity where a child dies, either through accident or by taking their own life. There has also been concern that, where a coroner believes that evidence of a child's online activity may be relevant to investigating their death, it may be difficult for it be obtained from social media providers in a timely and effective way. This can also mean that bereaved families may not have the answers they need to fully understand the circumstances of their child's death.

258. Section 101 of the OSA 2023 enables Ofcom to require information from service providers relating to a deceased child's internet activity, when requested by a coroner (or procurator fiscal). Ofcom can then prepare a report in the context of the investigation into the child's death. However, relevant data might be lost or deleted through providers' routine retention protocols before it can be requested as evidence. To address this, section 101 of the OSA 2023 was amended by the Data (Use and Access) Act 2025 to enable Ofcom, on request from a coroner (or procurator fiscal), to require relevant providers to preserve data relating to a deceased child's online activity for twelve months (extendable by the coroner), so that it remains available as potential evidence. These provisions were implemented on 30 September 2025.

259. To further ensure the effectiveness and consistency of the data preservation provisions, section 247 creates a duty for coroners in England and Wales to notify Ofcom within five working days of becoming aware of a child's death thereby triggering Ofcom to issue a data preservation notice to relevant providers. This is the clear default policy, with exceptions only for cases where the coroner decides that they do not have a duty to investigate a death or because it is clear from the outset that online activity has no relevance to the death. The latter is a narrow exemption and is likely only to extend to deaths which are clearly the natural conclusion of a terminal illness or which result from an accident (for example, a road traffic accident) where it is clear there was no premeditation or intent. Coroners will retain the discretion to additionally notify Ofcom at a later point in their investigation, for example if they become aware of particular service providers which are of relevance to the death.

260. So that the data preservation notice process remains proportionate and workable, section 247 also makes changes to section 102 of the OSA 2023 so that the retention period for preserved information is reduced to six months. This remains extendable where required and, where it is not yet clear whether preserved information may be required as evidence in a coroner's investigation, the default position is to extend the retention period.

Identification doctrine

261. The 2023 Act places the Identification Doctrine, which is the legal test for deciding whether the actions and mind of a body corporate can be regarded as those of a natural person, on a statutory footing. Before the 2023 Act, common law required that an offence had to be committed by the 'directing mind and will' of a body corporate to trigger attribution to the body corporate itself. If the person(s) identified as the 'directing mind and will' of the body corporate commits an offence in that capacity, that offence, including the guilty mind to commit the offence, is considered that of the body corporate.

262. This 'directing mind and will' test was established in 1971 in Tesco Supermarkets Ltd. *v* Nattrass. Since then, companies have grown in size and complexity. As a result, corporate governance has also become complex. This has made it more difficult to determine who is a 'directing mind and will' within complicated corporate governance structures. This can mean that employees of large corporates with significant control over business areas are not considered controlling enough under this legal test, even if they have the authority in the corporate to commit large-scale harms. This makes it harder to hold these organisations accountable.

263. The 2023 Act provision provides for corporate liability where a senior manager commits an offence while acting in the scope of their actual or apparent authority, in relation to economic crime offences only.

264. The then Government committed to extending this identification doctrine to all criminal offences in England and Wales. Section 250 gives effect to that commitment. It also repeals the provisions introduced in the 2023 Act. This legislation does not replace or amend the common law identification doctrine, but provides a new statutory route to corporate liability.

265. The test in section 195 replicates the definition of a "senior manager" in the Corporate Manslaughter and Corporate Homicide Act 2007. This model takes into account what a senior manager's roles and responsibilities are within the organization rather than their formal job title. It includes instances where the senior manager is a person who plays a significant role in the making of decisions about the whole or a substantial part of the body corporate or partnership.

266. The provisions apply, for example, where the Chief Executive Officer of a corporate commits a financial crime in their capacity as such, if they are considered to be acting in the scope of their actual or apparent authority then the corporate they belong to has also committed an offence.

Legal background

267. The Act amends or repeals the following legislation:

- Sections 23 to 25 of the Offences Against the Person Act 1861 in relation to the administration of harmful substances.
- Section 1 of the Restriction of Offensive Weapons Act 1959 which, amongst other things, makes it an offence to manufacture, sell etc. flick knives and gravity knives.
- Section 50 of the Criminal Appeal Act 1968, which defines "sentence" for the purposes of that Act.
- The Theft Act 1968, which, amongst other things, confers a power to a magistrates' court to grant a warrant for police to search for and seize stolen goods.
- The Firearms Act 1968, which, amongst other things, makes provision in respect of the possession and handling of firearms.
- Section 22A of the Magistrates' Courts Act 1980, which provides that low-value shop theft is a summary offence.
- Sections 12 and 14B of the Limitation Act 1980, which set special time limits in respect of claims for personal injury (section 12), and an overriding time limit for negligence actions not involving personal injuries (section 14B).
- Sections 37, 38 63B and 63C of the Police and Criminal Evidence Act 1984, which make provision for the duties of custody officers before charge and drug testing of persons in police detention.
- The Child Abduction Act 1984 and the Child Abduction (Northern Ireland) Order 1985, which make it a criminal offence for anyone to take or send a child under the age of 16 out of the UK without the appropriate consent.
- Part 2 of the Public Order Act 1986, which provide powers for police to impose conditions on public processions, public assemblies and one-person protests and to prohibit trespassory assemblies.
- Section 4A of the Ministry of Defence Police Act 1987, which makes provision in respect of appeals by Ministry of Defence Police officers against dismissal.

- The Crossbows Act 1987, which regulates the sale and hire of crossbows.
- Sections 141, 141A and 141B of the Criminal Justice Act 1988 which, amongst other things, provide for offences relating to the manufacturer, sale etc. of specified offensive weapons and the sale of knives and bladed articles to persons under 18.
- Sections 28 and 29 of the Road Traffic Act 1988, which contain the current cycling offences.
- Parts 1 and 2 of Schedule 2 to the Road Traffic Offenders Act 1988, which make provision about the prosecution and punishment of offences, including about endorsement, penalty points and disqualification.
- Schedule 1A of the Prisoners and Criminal Proceedings (Scotland) Act 1993, which lists offences (in Scotland) carrying restricted eligibility of terrorist prisoners for release on licence.
- Sections 60 and 60AA of the Criminal Justice and Public Order Act 1994, which confer powers on the police to stop and search in anticipation of or after violence and to require the use of disguises.
- Part 5 of the Criminal Justice and Public Order Act 1994, which makes provision in respect of unauthorised encampments.
- Section 205ZC of and Schedule 5ZB to the Criminal Procedure (Scotland) Act 1995, which lists terrorism offences in respect of which the court must impose a sentence with fixed licence period.
- Section 85 of and Schedule 6 to the Police Act 1996, which make provision in respect of appeals by police officers against dismissal.
- Part 4A of the Police Act 1996, which makes provision for a police barred list and police advisory list.
- Section 70 of and Schedule 6 to the Criminal Justice and Court Services Act 2000, which defines a trigger offence for the purposes of the police powers to drug test persons on arrest.
- Section 71 of the Criminal Justice and Court Services Act 2000, which makes provision for the police and others to access driver licensing records.
- Section 13(1) of TACT 2000 makes it an offence to wear the uniform of a proscribed organisation, or to display items or articles that are associated with a proscribed organisation, such as the organisation's flag. This offence may be committed only in a public place. Section 13(4) to (6) confer powers on a constable to seize articles, including items of clothing, that are reasonably suspected to be evidence that the section 13(1) offence has been committed (if necessary to prevent the item being concealed or destroyed etc).
- Schedule 7 to TACT 2000, which confers powers on an examining officer to stop and question and, when necessary, detain and search, individuals travelling through ports, airports, international rail stations or the border area to determine whether that person appears to be or has been concerned in the commission, preparation or instigation of acts of terrorism.
- Section 42 and 42A of the Criminal Justice and Police Act 2001, which confer powers on the police to direct persons away from the vicinity of a resident's home where their presence amounts to harassment, alarm or distress.

- Schedule 1 to the Criminal Justice and Police Act 2001, which specifies the seizure powers to which certain provisions of that Act, enabling removal of items from premises for the purposes of ascertaining or separating out items subject to a seizure entitlement, apply.
- Section 59 of the Police Reform Act 2002, which confers powers on the police to seize and remove vehicles being used in a manner that causes alarm, distress or annoyance.
- Schedule 3 to the Police Reform Act 2002, which makes provision for the handling of complaints and conduct matters in respect of police officers in England and Wales.
- Schedule 5 to the Police Reform Act 2002, which specified the powers that may be exercised by accredited persons under a community safety accreditation scheme.
- Parts 2, 3, 4 and 5 of the Proceeds of Crime Act 2002 make provision for confiscation orders in England and Wales, Scotland and Northern Ireland and for the civil recovery of the proceeds of crime throughout the UK.
- Section 22 of the Criminal Justice Act 2003, which provides for conditional cautions.
- Section 247A of and Schedule 19ZA to the Criminal Justice Act 2003, which lists offences (in England and Wales) carrying restricted eligibility of terrorist prisoners for release on licence.
- Chapter 6 of Part 12 of the Criminal Justice Act 2003, which relates to release of offenders.
- Parts 1 and 2 of the Sexual Offences Act 2003, which makes provision for sexual offences (including in relation to sharing or threatening to share intimate photographs or film, voyeurism, exposure, engaging in sexual activity in the presence of a child, sexual penetration of a corpse and intercourse with an animal) and Schedule 3 to that Act in relation to the imposition of notification requirements on registered sex offenders.
- Sections 20 and 85 of the Extradition Act 2003, which deal with conviction cases, that is those where the person has already been tried for the offence for which extradition is sought and has been found guilty.
- Part 3 of the Drugs Act 2005 which confers powers to require certain persons to attend an assessment and follow-up assessment in respect of their misuse of drugs.
- Schedule 4 to the Safeguarding Vulnerable Groups Act 2006 and Schedule 2 to the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, which define regulated activity for employment or volunteering vetting purposes.
- Paragraph 11(6) of Schedule 7B to the Government of Wales Act 2006, which makes provision that an Act of the Senedd may, without consent, remove or modify any function of a Minister of the Crown, that is exercisable concurrently where that function is conferred by, or by regulations made under, specified legislation.
- Part 3 of the Armed Forces Act 2006, which makes provision in relation to powers of arrest, search and entry conferred on service police and others in specified circumstances where service law applies and section 238 of that Act which makes provision in relation to deciding the seriousness of an offence.
- Section 28 of the Offender Management Act 2007, which relates to offender management and the use of polygraph as a licence condition.

- Section 68 of and Schedule 14 to the Criminal Justice and Immigration Act 2008, which makes provision for the special rules relating to providers of information society services in relation to the criminal law on pornography.
- Article 7 of the Criminal Justice (Northern Ireland) Order 2008 (NI), which governs length of custodial sentences in Northern Ireland.
- Articles 15A and 20A of and Schedule 2A to the Criminal Justice (Northern Ireland) Order 2008, which lists offences (in Northern Ireland) specified for various purposes relating to terrorism including carrying restricted eligibility of terrorist prisoners for release on licence.
- Schedule 1A to the Counter-Terrorism Act 2008, which lists offences where the sentencing court is not required to consider whether there is a terrorist connection.
- Schedule 1 to the TPIM Act 2010 sets out the prevention and investigation measures that can be imposed on a TPIM subject. Schedule 7 to the National Security Act 20023 similarly sets out the prevention and investigation measures that can be imposed on a person subject to a STPIM.
- Parts 1, 3 and 4 of the Anti-social Behaviour, Crime and Policing Act 2014, which provide for anti-social behaviour injunctions, dispersal powers, community protection notices, public spaces protection orders and closure powers; and Schedule 4 to that Act which makes further provision in respect of anti-social behaviour case reviews.
- Section 176 of the Anti-social Behaviour, Crime and Policing Act 2014, which inserted section 22A into the Magistrates' Courts Act 1980 that provided that low value shop theft was a summary offence.
- Schedule 4 to the Modern Slavery Act 2015, which provide for exceptions to the defence in section 45 of that Act.
- Section 42 of the Counter-Terrorism and Security Act 2015, which provides for the independent Reviewer of Terrorism Legislation.
- Section 167 of the Policing and Crime Act 2017, which makes provision for pardons for certain abolished offences.
- Chapter 2 of Part 2 of the Investigatory Powers Act 2019, which make provision for the lawful interception of communications by law enforcement agencies.
- The Stalking Protection Act 2019, which makes provision for stalking protection orders.
- Part 3 of the Offensive Weapons Act 2019, which makes provision for the sale and delivery of knives etc.
- Schedule 3 to the Counter-Terrorism and Border Security Act 2019, which confers powers on an examining officer to stop and question and, when necessary, detain and search, individuals travelling through ports, airports, international rail stations or the border area to determine whether that person appears to be involved, or has been involved, in hostile state activity.

- Sections 83, 193, 215 and 301 of the Sentencing Act 2020, which require offenders subject to a referral order, youth rehabilitation order, community order or suspended sentence order respectively to attend meetings of a youth offender panel as established by a YOT or to keep in touch with the responsible officer as the case may be.
- Sections 252A, 265 and 278 of and Schedule A1 and Part 1 of Schedule 13 to the Sentencing Act 2020, which respectively list offences where the sentencing court is not required to consider whether there is a terrorist connection and offences involving or connected with terrorism where the sentencing court is required to impose a special sentence for offenders of particular concern.
- Sections 35, 36 and 44 of the Domestic Abuse Act 2021 which provide for domestic abuse protection orders.
- Chapter 3 of Part 2 of the Police, Crime, Sentencing and Courts Act 2022, which provides for the extraction of information from electronic devices for the purposes of the prevention, detection, investigation or prosecution of crime, safeguarding purposes and the purposes of investigating deaths.
- Sections 60 and 61 of the Police, Crime, Sentencing and Courts Act 2022. which enables the Secretary of State to issue a code of practice about police processing of personal data relating to hate incidents.
- Section 103 of the Police, Crime, Sentencing and Courts Act 2022, which provides for foreign offenders' conditions to be attached to a diversionary caution (section 103 is not yet in force).
- Sections 196 to 198 of and Schedule 12 to the Economic Crime and Corporate Transparency Act 2023 makes provision for a corporate body or partnership to be held criminally liable where a senior manager commits a specified economic crime-related offence while acting within the actual or apparent authority granted by the organisation. The Act repeals and replaces these provisions with analogous provisions which are not limited specified economic crime-related offences.
- Sections 101 and 102 of the Online Safety Act 2023, which make provision for information in connection with an investigation into the death of a child and information notices.
- Section 184 of the Online Safety Act 2023, which makes provision for an offence of encouraging or assisting serious self-harm.
- Schedule 7 to the Online Safety Act 2023, which makes provision for certain offences to be 'priority offences' for the purposes of that Act.

Territorial extent and application

268. Section 254 sets out the territorial extent of the Act, that is the jurisdictions which the Act forms part of the law of. The extent of an Act can be different from its application. Application is about where an Act produces a practical effect.

269. Subject to the exceptions described in the paragraphs below, the provisions in the Act extend and apply to England and Wales only.

270. Section 9 (guidance on fly-tipping enforcement) and Chapter 2 of Part 5 (duty to report child sex offences) apply to England only.

271. The following substantive provisions also extend and apply to Scotland and Northern Ireland: Chapter 1 of Part 2 (online advertising etc of unlawful weapons: civil penalties); section 29(1) (maximum penalty for offences relating to offensive weapons); section 31 (power to seize bladed articles etc: armed forces); sections 48(1) to (5) and 49 (offence of child criminal exploitation); Chapter 2 of Part 4 (cuckooing); section 69 (guidance); sections 77 to 80(1) to (5) and Schedule 10 (online facilitation of child sexual exploitation and abuse); 83(2) (child sex offences: grooming aggravated factor); section 84 (power to scan for child sexual abuse images at the border); section 97 (guidance about disclosure of information by police for purpose of preventing sex offending); sections 100 and 101 (taking down intimate image content); section 103 and Schedule 14 (intimate image material: reporting and registration); sections 107 to 109 (online pornography (age and consent verification)); sections 111 and 112 (technology testing defence); sections 118, 120, 122, 125(1) and 127 (management of sex offenders); section 145(9) (aggravated offences); sections 149 and 150(1) and (2) (electronic devices for use in vehicle offence); sections 151 to 156 and Schedule 16 (possession or supply of a SIM farm and possession or supply of other articles used to facilitate fraud by electronic communications); section 170 and Schedule 18 (suspension of IP addresses and internet domain names); section 172 (electronically tracked stolen goods: search without warrant (armed forces)); sections 173 to 180 and Schedule 19 (extraction of online information etc); section 181 (access to driver licencing records); section 190(2) to (4) (proceedings for civil recovery: costs and expenses); sections 200 to 203 (anonymity for authorised firearms officers) in so far as it extends and applies in the service justice system; section 204(9) (appeals to police appeals tribunals); sections 205 to 213 and Schedule 25 (barred and advisory lists); sections 215 to 235 and 237 to 240 and Schedule 26 (terrorism and national security); sections 243 to 245 (international law enforcement information-sharing agreements); section 246 (extradition); section 247(2) to (4) (Ofcom's notices to providers of internet services); sections 248 and 249 (power to amend Online safety Act 2023); and section250 (criminal liability of bodies corporate and partnerships where senior manager commits offence). See also paragraph 277 below.

272. Section 121 (police stations at which notification may be given) extends and applies to Scotland and Northern Ireland only.

273. Section 10 (fly-tipping: penalty points on driving licences), Section 29(2) to (4) (maximum penalty for offences relating to offensive weapons), sections 37 and 38(1) and (2) (delivery of crossbows), section 42(1) (duty to report remote sale of knives etc in bulk), section 119(1) (notification of absence from sole or main residence), section 125(2) (restriction on granting replacement driving licences in new name), section 141 (dangerous, careless or inconsiderate cycling) and section 167(1)-(3) (amendments to the 1986 Act relating to BTP) also extend and apply to Scotland.

274. Section 33 (remote ale or letting of knives etc: Scotland), Section 95(2) (power of entry and search); section 64(1) and Schedule 7 (CCE prevention orders), section 105 (pornographic images of strangulation or suffocation: Scotland), section 189(3) and Schedule 23 (confiscation); and paragraphs 1 and 2 of Schedule 27 (sentences for offence of breaching foreign travel restriction order) extend and apply to Scotland only.

275. The following substantive provisions also extend and apply to Northern Ireland: section 75(1)-(4) (possession of advice and guidance about creating CSA images); section 104(1) to (3) (pornographic images of strangulation or suffocation: England and Wales and Northern Ireland); section 126(3) (power of entry and search); section 134(1) (administering etc harmful substances (including by spiking)); and sections 135 and 136(1)-(5) (offence of encouraging or assisting serious self-harm).

276. Section 34 (remote sale of knives etc: Northern Ireland), sections 39, 40 and 41(1) to (3) (remote sale and letting of crossbows: Northern Ireland), section 43(1) to (3) (duty to report remote sale of knives etc in bulk: Northern Ireland), section 64(2) and Schedule 8 (CCE protection orders), section 70 (Department of Justice guidance), section 71(2) and (3) (protection for witnesses), section 71(4)(b) (lifestyle offences), section 119(2) (notification requirements: absence from notified residence), section 124 (review of indefinite notification requirements), section 125(3) (restriction on applying for replacement identity document in new names), sections 130 and 133 (stalking), section 138 (child abduction: Northern Ireland), section 140 (safeguarding vulnerable groups; regulated activity), section 189(2) and Schedule 22 (confiscation), section 236 (length of terrorism sentence with fixed licence period: Northern Ireland), and paragraph 5 of Schedule 27 (sentences for offence of breaching foreign travel restriction order) extend and apply to Northern Ireland only.

277. Any amendment made by Schedule 15 (sex offenders notification requirements: minor and consequential amendments) has the same extent as the provision being amended.

278. Where provisions of this Act amend the Armed Forces Act 2006 ("AFA 2006"), or where provisions of this Act are applied by or under the AFA 2006 ("the armed forces provisions"), their extent is the same as that of the AFA 2006. This means that the armed forces provisions extend to the whole of the UK. They also extend directly to the Isle of Man and the British Overseas Territories (excluding Gibraltar), but an Order in Council may be made to modify the armed forces provisions in their application to any of those territories. The armed forces provisions may also be extended to the Channel Islands by Order in Council, with such modifications as may be specified in the order. Regardless of their extent, the armed forces provisions apply to members of the armed forces wherever they are in the world.

279. See the table in Annex B for a summary of the position regarding territorial extent and application in the UK.

Commentary on provisions of Act

Part 1: Anti-social behaviour

Chapter 1: Respect orders, youth injunctions and housing injunctions

Section 1: Respect orders

280. This section inserts new Part A1 into the 2014 Act – comprising new sections A1 to N1 – which makes provision for respect orders, which provide the police, local authorities and other relevant agencies with a new power to tackle anti-social behaviour.

281. New section A1 confers a power for a county court or High Court to make a respect order, on application from a relevant authority, in respect of individuals who have engaged in anti-social behaviour ("ASB"). Relevant authorities (defined in new section B1) include the police, local authorities and registered housing providers, among others. The respect order partially replaces the civil injunction (provided for in section 1 of the 2014 Act) for persons aged 18 or over. It enables courts to prohibit adult offenders from engaging in activities relating to their ASB, as specified in the order. It can be used to tackle a wide range of ASB, where the behaviour is causing, or is likely to cause, harassment, alarm or distress. For example, it can be issued to an individual who is persistently drunk and aggressive in a public park, causing harassment and distress to the public by shouting at passersby or threatening them with their dog. A relevant authority could apply to a court for a respect order, seeking to ban the

individual from attending the public park and also requiring the individual to attend an alcohol awareness class, to prevent future ASB. Breach of a respect order is a criminal offence, allowing the police to enforce suspected breaches via arrest.

282. New section A1(1) provides that for a court to make a respect order two tests must be satisfied. First, the court must be satisfied, on the balance of probabilities (the civil standard of proof), that the respondent has engaged in, or threatens to engage in, ASB; and second that it is just and convenient to grant the respect order. New section A1(9) defines ASB as conduct that has caused, or is likely to cause, harassment alarm or distress. The legal test and definition for non-housing related ASB is the same as it is for civil injunctions made under Part 1 of the 2014 Act.

283. The respect order can include prohibitions and requirements (new section A1(2)). Such prohibitions may include, for example, not being in possession of a can of spray paint in a public place, not entering a particular area, or not being drunk in a public place. Requirements would be designed to deal with the underlying causes of an individual's anti-social behaviour and could include, for example, attendance at an alcohol or drugs misuse course or dog training in the case of irresponsible dog owners.

284. Both prohibitions and positive requirements must avoid, so far as practicable, interference with work or education and must not conflict with requirements in any other court order or injunction that the respondent may be subject to (new section A1(3)). For example, where a respect order sets out a requirement to attend a drugs misuse course, it cannot prevent the respondent from also attending their place of work if the course is held during their normal hours of work. If the respondent's normal hours of work are Monday to Friday, 9am to 5pm, the course will instead have to be completed either in the evenings or at weekends.

285. A respect order must specify the period it has effect (new section A1(4)). Like the civil injunction, there is no minimum or maximum period a respect order must apply for. For example, the relevant court can decide that a respect order ceases to have affect after two years or alternatively can issue a respect order for an indefinite period.

286. New section A1(8) read with new section 1A(9) of the 2014 Act (as inserted by paragraph 3 of Schedule 1) provide that an application for a respect order may be treated as an application for a housing injunction and vice versa, so as to give effect so that a court dealing with an application for one should be able to grant the other if more appropriate. This would be, for example, where an application for a respect order has been made but the court believes that the legal test has been met for a housing injunction (housing-related nuisance or annoyance) rather than for a respect order (harassment, alarm or distress) and so the court can grant a housing injunction instead. This could also apply where a housing injunction has been applied for however the court deems a respect order more appropriate owing to it meeting the threshold for harassment, alarm or distress and therefore grant a respect order.

287. New section B1 lists the relevant authorities that can apply for a respect order; the list is the same as that for the civil injunction. The list covers: a local authority; a housing provider; a chief officer of police (including of the BTP); Transport for London; the Environment Agency; the National Resources Body for Wales; and NHS Counter Fraud Authority in England and the relevant body in Wales exercising corresponding functions or other body in Wales exercising any such functions on the direction of the Secretary of State or Welsh Ministers.

288. A housing provider can apply for a respect order only where the ASB concerns, either directly or indirectly, its housing management functions (subsection (4)). It does not allow housing providers to apply for a respect order against a tenant causing ASB in a public place such as a town centre, which has no connection with the housing provider's management functions.

289. New section B1(7) enables the Secretary of State to amend by regulations (subject to the draft affirmative resolution procedure) section B1 so as to add to, remove or vary the list of relevant authorities.

290. New section C1 provides that in granting a respect order to a housing provider, local authority or the police, the court may attach a power to exclude the respondent from their home. This can only be done if the court considers the respondent has been violent or threatened violence to other persons, or if there is a significant risk of harm from the respondent to other persons. In the case of a housing provider, exclusion can only relate to the property owned or managed by them. There is no such limitation in the case of the police or local authority and exclusion would be tenure neutral.

291. New section D1 requires a respect order to specify an individual or organisation who will be responsible for supervising compliance with any requirements that are set in an order. Such individuals or organisations could include the local authority, recognised providers of substance misuse recovery or dog training providers for irresponsible dog owners.

292. The supervisor must make any necessary arrangements in connection with the requirement and promote the respondent's compliance with the requirement. The supervisor must inform the person who applied for the order and the appropriate chief officer of the police of the respondent's compliance with the requirement. If the supervisor considers the respondent has failed to comply with the requirement, they must inform the person who applied for the order and the chief officer of police, unless the respondent has a reasonable excuse or section H1 applies. The respondent must keep in touch with the supervisor about the requirement and notify the supervisor of any changes of address.

293. Where a court requires an individual to participate in a particular activity (for example, attending alcohol awareness classes), the court must declare that it is requiring the individual to participate in an "activity requirement". This is because warning letters, as set out in new section H1, are to be issued where the respondent has failed to comply with an activity requirement, as opposed to a prohibitive requirement. If the court considers that a requirement qualifies as an activity requirement then the court must declare it as such, and the order must specify that it has done so. An activity requirement could be, for example, a requirement to attend a drugs misuse or alcohol awareness class.

294. Applications for a respect order would normally be made following the giving of notice to the respondent. However, new section E1 allows an application for a respect order to be made without notice. Without notice applications would, in practice, only be made in exceptional or urgent circumstances and the applicant would need to produce evidence to the court as to why a without notice hearing was necessary. The court has three options when an application is made without notice, that is to adjourn the proceedings and make an interim order, adjourn the proceedings without making an interim order or dismiss the application. Rules of court may provide for the applicant to appeal the court's decision, without notice given to the respondent.

295. New section F1 enables an interim respect order can be made where the court adjourns the hearing for a respect order, whether it is made with notice or not. The court has the same powers as it does for a respect order made at a final hearing, however if the respondent was not given notice, the interim order may only contain prohibitions and cannot contain requirements for the respondent to participate in a particular activity. For example, even where it has been identified that alcohol misuse is an underlying cause for an individual's behaviour, the interim respect order cannot require the individual to attend an alcohol awareness class but can prohibit them from drinking alcohol in a public place.

296. An interim order could be made, for example, where a relevant authority has identified an individual who is causing significant harm to the public by repeatedly shouting at passersby, playing loud music, being drunk or irresponsibly allowing their dog to jump at people. Whilst this behaviour does not meet the criminal threshold, it is causing immediate harassment and distress to the public and despite attempts from the relevant authority to stop the behaviour, it is deemed that a respect order is required immediately to prevent a reoccurrence of the behaviour. Normally notice would be given to the individual, however, due to the significant harm being caused to the public, the relevant authority makes an application to court without notice for an interim respect order so that the behaviour stops immediately.

297. New section G1 confers power on the court which made a respect order to vary or discharge the order on application by the original applicant or the respondent. A variation may take a number of forms including the addition of a new prohibition or requirement or the removal of an existing one, or the extension or reduction of the duration of an existing prohibition or requirement. Where an application is dismissed, no further application can be made by the same party, unless with the permission of the court or the other party.

298. New section H1 places a duty on the supervisor responsible for an activity requirement to give a written warning, either by hand or by sending it by first class post addressed to the respondent at the respondent's last known address, where the supervisor believes they have failed to carry out, without reasonable excuse, a requirement as set out in their respect order. For example, where a respondent has been given a respect order that includes a requirement to attend alcohol awareness classes, and the respondent fails to attend and does not provide a reasonable excuse, the supervisor must give a written warning which states that further non-attendance within a period of twelve months will be considered a breach of the respect order. The warning must be given in writing and recorded by the supervisor as soon as practicable to do so. Only one warning may be given in a twelve-month period.

299. New section I1 provides that breach of a respect order, without reasonable excuse, is a criminal offence. Such a breach may arise where the respondent does something that the respect order prohibits them to do or fails to comply with something that the respect order requires them to do. A respect order is breached in respect of a failure to comply with a requirement only after the respondent has been given a written warning as set out in new section H1.

300. Breaches will initially be heard in a magistrates' court with the most serious breaches being transferred to the Crown Court. The maximum penalty on conviction on indictment is two years' imprisonment, a fine, or both. A copy of the original respect order is admissible as evidence in the same way that oral evidence is admissible.

301. New section J1 requires a relevant authority, prior to submitting an application to the court for a respect order, to carry out a risk assessment. The risk assessment must consider risks associated to the victim, vulnerabilities of the respondent, alternative interventions and any such matters the person thinks relevant. This is to ensure that wider contextual factors are considered so that use of the respect order is proportionate and effective. For example, if an offender is causing problems in a public space, for example by repeatedly urinating in public, shouting and threatening passers-by, an effective risk assessment would consider whether the respondent is homeless and / or suffering from mental illness, and known to relevant services, in conjunction with proceeding with the respect order application. It would balance this assessment of the offender's vulnerabilities with risk to the public and potential victims when considering whether to make the order, and what prohibitions or requirements to include. When carrying out a risk assessment, a person must have regard to guidance issued by the Secretary of State under new section M1.

302. New section K1 requires a relevant authority to inform anyone it considers appropriate when applying for a respect order with notice, or when applying for a variation or discharge of the order. For example, this could include a social landlord (when an application is made by another body against one of their tenants) or mental health team where the respondents mental health is a relevant factor for their behaviour.

303. Where a without notice application is adjourned, the relevant authority is required to inform anyone considered appropriate prior to the first on-notice hearing.

304. New section L1 provides that the special measures for vulnerable and intimidated witnesses as set out in Chapter 1 of Part 2 of the Youth Justice and Criminal Evidence Act 1999 apply to respect order proceedings. Such measures may include giving evidence from behind a screen, by video link or in private.

305. New section M1 confers a power on the Secretary of State, following consultation, to issue and revise guidance to relevant authorities about the exercise of their functions in relation to respect orders. Such guidance must be published, and relevant authorities are required to have regard to the guidance when exercising such functions.

306. New section N1 defines terms used in new Part A1 of the 2014 Act.

Section 2 and Schedule 1: Youth injunctions, housing injunctions and consequential amendments

307. Section 2 introduces Schedule 1 which makes consequential amendments to Part 1 of the 2014 Act and other enactments to provide for youth injunctions and housing injunctions which continue to operate in the same way as the existing injunctions under Part 1 of the 2014 Act.

308. Relevant authorities may apply for a youth injunction for ASB perpetrators aged 10 to 17 in the same way that the civil injunctions currently operate. For example, it can be used where a 16-year-old has been committing harassment and alarm to the public in their local park by persistently and openly taking illegal drugs, playing loud music and threatening passersby. A relevant authority is able to apply to a youth court for a youth injunction to prohibit such behaviour and also attend a drugs misuse course. If, despite this being granted, the respondent continues their behaviour, proceedings are then heard in the youth court where civil penalties are available (a supervision order or a civil detention order of up to three months for 14- to 17-year-olds).

309. Relevant authorities may apply for a housing injunction for ASB perpetrators aged 18 or over committing housing related anti-social behaviour that is causing nuisance or annoyance in the same way as with previous civil injunctions (see new section 1A of the 2014 inserted by paragraph 3 of Schedule 1). For example, a housing provider can apply to the County Court or the High Court for a housing injunction where one of its tenants is causing annoyance by repeatedly playing loud music. The relevant court can then issue a housing injunction to prohibit the playing of loud music. Breach of such an order would be heard in the relevant court where the available penalties are an unlimited fine or up to two years' imprisonment for contempt of court.

310. Paragraph 15 of Schedule 1 inserts new section 13A into the 2014 Act. This makes similar provision to new section J1 in that it requires a person applying for an injunction under Part 1 of the 2014 Act to first undertake a risk assessment and, in doing so, have regard to guidance issued by the Secretary of State under section 19 of the 2014 Act.

311. Subsection (2) makes transitional provision. It provides that for civil injunctions granted pre-commencement, or where applications are made pre-commencement and injunctions are granted on such applications, these continue to be dealt with as a civil injunction. For

example, if a relevant agency applies for a civil injunction, and during the proceedings, the respect order, housing injunction and youth injunction are commenced under the Crime and Policing Act, then the proceedings will be dealt with as a civil injunction and will not automatically become respect order, housing injunction or youth injunction proceedings.

312. Paragraphs 23 to 25 make consequential amendments to the Housing Act 1985 and Housing Act 1988. These provide for respect orders, as well as youth injunctions and housing injunctions, to be included amongst the mandatory grounds for possession where there is a breach of an order or injunction. This allows social landlords and private rented sector landlords to expedite the eviction of tenants who have a respect order, where at least one of five conditions set out in section 84A of the Housing Act 1985 has been met.

313. Paragraph 26 makes a consequential amendment to the definition of ASB in section 50 of the Police Reform Act 2002 so that it covers housing-related ASB. This allows constables in uniform to require a person engaging in both housing and non-housing related ASB to give their name and address to the constable.

314. Paragraph 27 makes a consequential amendment to the Localism Act 2011 to allow landlords to refuse to surrender and grant tenancies where a tenant, or a person residing with the tenant, has been issued with a respect order.

Chapter 2: Other provisions about anti-social behaviour

Section 3: Maximum period in certain directions, notices and orders

315. This section expands the timeframe that a dispersal direction can be in place from 48 hours to 72 hours and extends the maximum duration of a closure notice from 48 hours to 72 hours.

316. Subsection (2) amends section 35 of the 2014 Act, which limits the time a dispersal direction can be in place. A dispersal direction can be issued by police officers in uniform to require a person committing or likely to commit anti-social behaviour, crime or disorder to leave an area for up to 48 hours. For a dispersal direction to be issued, the behaviour must be contributing or likely to contribute to members of the public in the locality being harassed, alarmed or distressed (or the occurrence of crime and disorder) and a direction is necessary to remove or reduce the likelihood of the anti-social behaviour, crime or disorder. Subsection (2) amends section 35 of the 2014 Act to increase the maximum duration of a dispersal direction to 72 hours. New section 35(7A) of the 2014 Act (as inserted by subsection (2)(b)) requires a police officer of at least the rank of inspector to review any dispersal direction set to last more than 48 hours as soon as reasonably practicable after 48 hours has elapsed.

317. A closure notice and closure order can be issued by local authorities and the police. It is designed to allow them to close premises which are being used, or likely to be used, to commit nuisance or disorder. The 2014 Act provides that following a closure notice being issued, an application for a closure order must be made to a magistrates' court within 48 hours of service of the closure notice.

318. A closure notice issued under section 76 of the 2014 Act by a police officer of at least the rank of inspector or a local authority may last for up to 24 hours (section 77(1)). A closure notice can be issued for, or extended up to, a maximum of 48 hours if agreed by a police officer of at least the rank of superintendent or someone designated by the chief executive officer of a local authority (section 77(2)). Subsection (3) extends these timeframes for which a closure notice may apply to 48 hours, in the case of a notice issued by a police officer of at least the rank of inspector or a local authority, and to 72 hours in the case of a closure notice issued or extended by a police officer of at least the rank of superintendent or the chief executive of a local authority.

319. Where an application has been made to a court for a closure order, but the court determines not to make an order, it can nonetheless extend the operation of a closure notice for up to a further 48 hours (section 81(2) of the 2014 Act). Subsection (4) amends sections 81(2) of the 2014 Act to enable a court to extend the duration of a closure notice for a maximum period of the 72 hours.

320. Subsection (5) inserts new section 83A into the 2014 Act which confers a power, by regulations (subject to the draft affirmative procedure, as provided for in subsection (6)), to extend the maximum duration of a closure order, the maximum period for which a closure order may be extended and the maximum cumulative duration of an order. Such regulations may make different provision for different purposes, for example, different maximum periods may be specified for residential and commercial premises. The Secretary of State must consult before making any such regulations.

Section 4: Fixed penalty notices

321. This section increases the upper limit for Fixed Penalty Notices ("FPN") for breaches of PSPOs and CPNs from £100 to £500 and extends the categories of person who may issue an FPN.

322. Subsection (1) amends Schedule 5 to the 2002 Act, which gave the chief officer (in most police forces the chief constable, or in the case of the Metropolitan Police or City of London Police, the Commissioner) the power to grant accreditation to the employee of certain organisations. These accredited employees can then exercise powers outlined in Schedule 5 to the 2002 Act such as requesting an offender's name and address, issuing a FPN and confiscating items such as tobacco and alcohol. This subsection allows these accredited employees, known as Community Safety Accreditation Scheme officers, to issue FPNs for breaches of PSPOs and CPNs.

323. Section 52 of the 2014 Act enables an authorised person to issue a FPN to anyone who that person has reason to believe has breached a CPN as an alternative to prosecution. The maximum level of the FPN is £100 (section 52(7) of the 2014 Act). Subsection (3) increases this to £500.

324. Section 68 of the 2014 Act enables a constable or an authorised person to issue a FPN to anyone who that person has reason to believe has breached a PSPO as an alternative to prosecution. The maximum level of the FPN is £100 (section 68(6) of the 2014 Act). Subsection (5) increases this to £500.

325. Section 52 enables authorised persons (that is a constable, the relevant local authority or a person designated by the relevant local authority) to issue a FPN to a person they have reason to believe has committed an offence of failing to comply with a Community Protection Notice. Section 68 enables a constable or an authorised person to issue a FPN to a person they have reason to believe has committed an offence of failing to comply with a public spaces protection order. Subsections (4) and (6) require the Secretary of State to issue guidance to chief officers of police and local authorities about the issue of FPNs under sections 52 and 68 respectively by constables and other authorised persons. Amongst other things, such guidance is expected to address the proportionate use of FPNs in response to low level incidents and make clear that where external contractors are used, private firms should not be able to receive greater revenue or profits just from increasing the volume of penalties. The first such guidance must be issued within six months of Royal Assent.

Section 5 and Schedule 2: Closure of premises by registers social housing provider

326. This section introduces Schedule 2 which enables registered social housing providers to issue a closure notice and apply for a closure order in respect of premises which are being used, or likely to be used, to commit nuisance or disorder.

327. Chapter 3 of Part 4 of the 2014 Act enables a police officer of at least the rank of inspector or a local authority to issue a closure notice in respect of premises where they reasonably believe that there is, or is likely soon to be, a public nuisance or there is, or is likely soon to be, disorder in the vicinity of, and related to the premises and the notice is necessary for preventing the continuation, occurrence or reoccurrence of that nuisance or disorder (section 76(1) of the 2014 Act). For example, closing a nightclub where police have intelligence to suggest that disorder is likely in the immediate vicinity on a specific night or over a specific period. A notice is issued out of court, can be issued for a maximum of 48 hours, and cannot prohibit access by the owner of the premises or people who habitually live on the premises. The notice can be designed to prohibit access by particular people at particular times. For example, where a property is closed in anticipation of a party publicised through social media, the family who lived there would not be prohibited from entering, and additional people could also be exempted (such as other family members) where appropriate. A notice can last for up to 24 hours, extendable to a maximum of 48 hours if agreed by a police officer of at least the rank of superintendent or someone designated by the chief executive officer of a local authority. When a closure notice is issued, the police or local authority must apply to a magistrates' court for a closure order. The court can make a closure order for a maximum period of three months if it is satisfied that: a person has engaged in disorder, anti-social or criminal behaviour on the premises (or that such behaviour is likely if the order is not made) or the use of the premises is associated with the occurrence of disorder or serious nuisance to members of the public (or that such disorder or serious nuisance is likely if the order is not made); and that the order is necessary to prevent the continuation or occurrence or reoccurrence of such disorder or behaviour. Unlike the closure notice, a closure order can prohibit access to anyone, including the landlord, owner or habitual residents.

328. Paragraph 2 of Schedule 2 amends section 76 of the 2014 to enable a registered social housing provider to issue a closure notice. The test for issuing a notice remains unchanged.

329. Paragraphs 3 to 15 of Schedule 2 make other amendments to Chapter 3 of Part 4 of the 2014 Act consequential on the amendment to section 76 enabling a registered social housing provider to issue a closure notice. In each case, the substantive effect of the provisions is unchanged, but the provisions are modified so that the powers vested in a senior police officer or local authority, for example to cancel or vary a closure notice, are similarly vested in a registered social housing provider.

Section 6 and Schedule 3: Reviews of responses to complaints about anti-social behaviour

330. Section 6 and Schedule 3 create a duty for local policing bodies – PCCs, the Mayor's Office for Policing and Crime, and the Common Council of the City of London – to promote awareness of ASB case reviews in their police area and provide a route for victims to query decisions.

331. The 2014 Act provides for ASB case reviews, a mechanism for victims of persistent ASB to request that relevant bodies undertake a case review. Relevant bodies are set out in section 105 of the 2014 Act, namely local authorities, the police, health providers and providers of social housing. Any individual, community or business can make an application for a case review, and the relevant bodies must carry out a case review if the threshold is met. The threshold is set by the relevant bodies but must be no more than three complaints of ASB in the previous six-month period. The case review is a backstop for victims of ASB who consider that there has not been an appropriate response to their complaints about such behaviour. Schedule 4 to the 2014 Act makes additional provisions for ASB case reviews. The review procedures must include what happens when the applicant is dissatisfied with the way their application was

dealt with or the review carried out (paragraph 3 of Schedule 4 to the 2014 Act) and an assessment of the effectiveness of the procedures and revising them (paragraph 4 of Schedule 4 to the 2014 Act).

332. The role of local policing bodies is limited to being consulted in the making and revising of the review procedures (paragraph 1 of Schedule 4 to the 2014 Act).

333. Subsection (3) inserts new section 104A into the 2014 Act which places a requirement on the relevant local policing body ("LPB") to carry out a review of the response to anti-social behaviour (an "LPB case review").

334. New subsection 104A(1) sets out that an LPB case review can be conducted where a relevant body has already carried out an ASB case review or where someone has applied for an ASB case review but the relevant body has deemed the threshold was not met.

335. New subsection 104A(2) requires a LPB to conduct an LPB case review if the person in relation to the case review – or someone acting on their behalf with their consent – applies for one and if the LPB considers the threshold for carrying out an ASB case review was met.

336. The LPB may also conduct a review on their own initiative where a further review has not been requested if the body considers that it is appropriate to do so and the threshold for carrying out an ASB case review was met (new section 104A(3)).

337. The LPB must make arrangements about the carrying out of LPB case reviews by that body ("LPB review procedures"), and ensure that the current LPB review procedures are published (new section 104A(4)). The LPB review procedures must include provision about the making of applications for LPB case reviews and, in particular, must specify the point of contact for making applications (new section 104A(5)).

338. New section 104A(6) provides that a LPB who carries out an LPB case review may make recommendations to a person who exercises public functions, such as a local authority or the police, in respect of any matters arising from the review; and the person must have regard to the recommendations in exercising public functions.

339. Where an LPB case review follows an ASB case review into the same behaviour, a person exercising public functions does not have to have regard to the recommendations made in the ASB case review. The exception to this is where the LPB case review confirms the recommendation made in the ASB case review (new section 104A(7) read with new section 104(7A) inserted by subsection (2) of this section).

340. A LPB is required to inform the relevant applicant (as defined in new section 104A(9)) of the LPB case review or of the original ASB case review of the outcome of the LPB case review and any recommendations that have been made (new section 104A(8)).

341. New section 104A(10) sets out the information relating to LPB case reviews that the LPB must publish as soon as is practical after the end of a reporting period.

342. New section 104A(11) gives effect to new Schedule 4A to the 2014 Act (as set out in Schedule 2 to this Act).

343. Subsections (4) to (6) makes consequential amendments to section 105 of and Schedule 4 to the 2014 Act. Subsection (5)(d) inserts new paragraphs 10 and 11 into Schedule 4. New paragraph 10 obliges local policing bodies to promote awareness of opportunities to make applications for ASB case reviews and ASB review procedures for such reviews. New paragraph 11 provides that relevant bodies must have regard to guidance issued by the Secretary of State in exercising functions under section 104 of and Schedule 4 to the 2014 Act.

344. New Schedule 4A to the 2014 Act makes further provision about LPB case reviews, including requiring LPBs to consult relevant bodies and housing providers on LPB review procedures (paragraphs 1 and 2), making provisions about what is to happen where an applicant is dissatisfied (paragraph 3), making provisions for the assessment and review of those procedures (paragraph 4), requiring LPBs to consult appropriate local social housing providers and for local social housing providers to cooperate with LPBs on LPB case reviews (paragraph 5) and making provisions for the requesting and disclosure of information (paragraph 6). Any processing of personal data under paragraph 6 will not breach any duty of confidence owed by the processor, nor any other restriction on the processing of personal data. It should be noted that this is subject to the general data protection override in section 183A of the Data Protection Act 2018.

345. Paragraph 7 of new Schedule 4A deals with the effect of joint review procedures where a local government area falls within two or more police areas. If two or more local policing bodies jointly carry out an LPB case review, references in section 104A and Schedule 4 are to be read accordingly.

346. Paragraph 8 of new Schedule 4A provides that LPB review procedures may make different provision in relation to different parts of a police area. Paragraph 9 obliges local policing bodies to promote awareness of opportunities to make applications for LPB case reviews and LPB review procedures for such reviews. Paragraph 10 provides that an LPB must have regard to guidance issued by the Secretary of State in exercising functions under section 104A, Schedule 4 (ASB case reviews) or Schedule 4A (LPB case reviews).

Section 7: Provision of information relating to anti-social behaviour to Secretary of State

347. This section inserts new section 105A into the 2014 Act which confers power on the Secretary of State, by regulations (subject to the negative resolution procedure), to require relevant authorities to report information relating to ASB to the Secretary of State. Relevant authorities for these purposes are those agencies (such as the police, local authorities and social housing providers) eligible to apply for an injunction under Part 1 of the 2014 Act (other than the Secretary of State) together with integrated care Boards in England and Local Health Boards in Wales.

348. New section 105A(2) to (5) provide detail on what information the relevant authorities may be required to report on and how they may be required to do so. The Secretary of State may make regulations to further specify the exact requirements for each body, and the regularity and form of submission. This may include, reporting information on the volume and type of ASB incidents; use of ASB powers and interventions and what for; and the number of ASB case reviews and outcomes. Different bodies may be required to report different information, for example the regulations could request certain information from local authorities, but different information from social housing providers. Regulations made under section 105A are subject to the general data protection override in section 183A of the Data Protection Act 2018. Subsection (6) requires the Secretary of State, before making regulations under new section 105A, to consult with such persons as the Secretary of State considers appropriate. This may include such persons likely to be affected by new requirements.

Section 8: Seizure of motor vehicles used in manner causing alarm, distress or annoyance

349. This section modifies the police powers to deal with the anti-social use of motor vehicles on public roads or off-road. Section 59 of the 2002 Act provides the police with the power to remove vehicles that are being driven carelessly or inconsiderately on road or without authorisation off-road and in a manner causing, or likely to cause, alarm, distress or annoyance. Section 59(4) of the 2002 Act currently requires an officer to warn the person before seizing the vehicle, to enable its anti-social use to be stopped. By virtue of section 59(5) of the 2002 Act, the requirement to give prior warning does not apply where it is impracticable to do so or where a warning has previously been given. The Police (Retention and Disposal of Motor Vehicles) Regulations 2002 (SI 2002/3049), as amended, make provision for the removal, retention, release and disposal by the police or persons authorised by them, of vehicles seized under section 59 of the 2002 Act.

350. Subsection (1) repeals section 59(4) and (5) of the 2002 Act to remove the requirement to give a warning in all cases thereby enabling the police to remove motor vehicles being used in an anti-social manner more quickly and efficiently. The repeal does not have retrospective application (subsection (2)).

Section 9: Guidance on fly-tipping enforcement in England

351. This section inserts new section 34CZA into the Environmental Protection Act 1990. New section 34CZA(1) requires the Secretary of State to issue guidance to English waste collection authorities about particular enforcement activities. These are the collection of evidence to support representations for forfeiture orders under section 33C, and the exercise by authorised officers of powers under section 34B to search and seize vehicles. New section 34CZA(2) enables the Secretary of State to issue guidance about the exercise of other functions of English waste collection authorities, and those of their authorised officers (as defined in new section 34CZA(11)) , in connection with the enforcement of section 33(1)(a) (unauthorised deposit of controlled waste) and section 34(2A) (household waste duty of care). New section 34CZA(3) requires an English waste collection authority to have regard to guidance issued under this section when exercising functions to which the guidance relates. New section 34CZA(4) enables the Secretary of State to revise guidance issued under this section. New section 34CZA(6) requires the Secretary of State to consult such persons as they consider appropriate before issuing or revising such guidance. New section 34CZA(5) and (7) to (9) provide for the guidance, and any revised guidance, to be subject to the negative resolution procedure. New section 34CZA(10) requires the Secretary of State to publish guidance issued or revised under this section.

Section 10: Fly-tipping: penalty points on driving record

352. This section provides for penalty points and discretionary disqualification to apply where a driver is convicted of a fly-tipping offence committed using a motor vehicle.

353. Subsection (1) amends Part 2 of Schedule 2 to the Road Traffic Offenders Act 1988, which sets out offences in respect of which endorsement, penalty points and disqualification may be imposed, by inserting a new entry for an offence under section 33 of the Environmental Protection Act 1990 (unauthorised or harmful deposit, treatment or disposal of waste).

354. The amendment applies only where the section 33 offence is committed by the driver of a motor vehicle and the vehicle was used in or for the purposes of the commission of the offence. In those circumstances, the offence becomes one for which the court may order disqualification and must endorse the offender's driving record with between three and nine penalty points. Those convicted may also be liable to disqualification should the number of penalty points on their licence number 12 or more.

355. Subsection (2) provides that the amendment applies only in relation to offences committed on or after the commencement of this section.

Section 11: Offence of trespassing with intent to commit criminal offence

356. Subsection (1) makes it an offence for a person to be a trespasser on any premises (as defined in subsection (2)) with the intention to commit an offence. Subsection (3) sets out that upon summary conviction a person may be liable to a maximum of three months' imprisonment, a level 3 fine (currently £1,000), or both.

357. The offence replaces the offence in section 4 of the 1824 Act of "being found in or upon any dwelling house, warehouse, coach-house, stable, or outhouse, or in any inclosed yard, garden, or area, for any unlawful purpose".

Section 12: Arranging or facilitating begging for gain

358. This section makes it an offence for any person to arrange or facilitate another person's begging, for gain. This makes it unlawful, for example, for persons to operate organised begging gangs or to drive individuals to places for them to beg.

359. Subsections (2) and (3) provides for the maximum penalty, namely imprisonment for a term not exceeding the maximum term for summary offences (currently six months), an unlimited fine, or both.

Part 2: Offensive weapons

Chapter 1: Online advertising etc of unlawful weapons: civil penalties

Section 13: "Relevant user-to-user services", "relevant search services" and "service providers"

360. Subsections (1) and (2) define the terms "relevant search service" and "relevant user-to-user service" for the purposes of Chapter 1 of Part 2. The definitions cover search services and user-to-user services (as defined in the OSA 2023) which are not an exempt service (see subsection (3)). A "search service" is defined as a service or functionality which enables a person to search more than one website or database. A "user-to-user service" is an internet service which allows users to generate, upload or share content which may be encountered by others on that service. It does not matter for the purpose of this definition if content is actually shared with another user on the service as long as the service has a functionality that allows such sharing. It also does not matter what proportion of content on a service is user-generated content.

361. Subsection (3) describes the types of user-to-user and search services are exempt from the scope of this Chapter. These exemptions are email, SMS and MMS services; one-to-one live aural communications; limited functionality services; internal business services; services provided by public bodies; and services provided by persons providing education or childcare.

362. Subsection (4) exempts certain services from this Chapter if they are also exempt from the OSA 2023 under section 5(1) and (2) of that Act. These exempt services are parts of a user-to-user or search service which meet the conditions of an internal business service, for example a company's intranet. Parts of a search service which enable the sending of emails, SMS and MMS messages, one to one aural communications and comments on provider content are also exempt.

363. Subsection (5) defines "service provider" as the entity that provides user-to-user and search services in scope of this Chapter.

Section 14: Coordinating officer

364. This section places a duty on the Secretary of State (in practice, the Home Secretary) to designate a police officer or member of the NCA as the coordinating officer. The coordinating officer may delegate any of their functions to another police officer or NCA officer. The coordinating officer is responsible for administering the provisions in this Chapter.

Section 15: Notice requiring appointment of content manager

365. Subsections (1) to (3) allow the coordinating officer to issue a service provider with an "appointment notice". This notice requires the service provider to appoint an individual who meets the requirements as "content manager". If there is no individual who meets the requirements the service provider must inform the coordinating officer of the lack of suitable individual. Content managers must be a UK-based individual who plays a significant role in either making decisions, managing or organising the activities of the service provider. The service provider must provide the coordinating officer with the content manager's contact details, the best way to contact the service provider, as well as identify the user-to-user or search services managed by the service provider.

366. Subsections (4) and (5) require that appointment notice state how long service providers have to respond to the notice and the consequences of not responding. Service providers have a minimum of seven days from the issuing of the notice to respond. This period can be extended at the discretion of the coordinating officer. Failure to respond could result in the service provider receiving a civil penalty notice as set out in Section18.

Section 16: Appointment of content manager following change of circumstances

367. This section requires a service provider that had previously responded to an appointment notice confirming they had no individual who met the requirement of content manager but following a change of circumstances they now do. The service provider has seven days to do so from the point they have an individual who meets the criteria. This requirement does not apply if at least two years have passed since the service provider notified the content manager that no individual who met the requirement of content manager.

Section 17: Replacement of content manager

368. Subsections (1) and (2) set out that a service provider may replace their content manger with another individual who meets the requirements.

369. Subsection (3) requires the service provider to notify the coordinating officer of the change in content manager within seven days of the change. This notification must include the contact details for the new content manager.

370. Subsection (4) sets out that the appointment of content manager automatically ceases to have effect if the appointed individual no longer meets the requirements. That is to say, the individual is no longer UK-based or plays a significant role in either making decisions, managing, or organising the activities of the service provider.

371. Subsection (5) requires the service provider, within seven days of the original content manager ceasing to meet the requirements, either to appoint a new content manager and notify the coordinating officer of the change along with the new manager's contact details, or to notify the coordinating officer that no individual currently meets the requirements for the role.

Section 18: Duty to notify changes in required information

372. This section requires service providers to notify the coordinating officer within seven days of any change to the content manager's contact details, the best way to contact the service provider, or the user-to-user or search services managed by the service provider.

Section 19: Failure to comply with content manager requirements: civil penalties

373. Subsections (1) and (2) allow the coordinating officer to issue a civil penalty notice of up to £60,000 to the service provider where it:

- fails to reply to the appointment notice within the timeframe set by the coordinating officer;
- fails to inform the coordinating officer of a change of content manager or if there is no longer any individual who meets the requirements of content manager;
- fails to inform the coordinating officer of a change to the content manager's contact details, the best way to contact the service provider, or the user-to-user or search services managed by the service provider;
- provides material false information relating to the content manager's contact details, the best way to contact the service provider, or the user-to-user or search services managed by the service provider;
- falsely informs the content manager that no individual in their organisation meets the requirement of content manager.

374. Subsection (3) gives the Secretary of State the power, by regulations (subject to the negative procedure), to change the amount of the penalty to keep pace with inflation.

375. Subsection (4) introduces Schedule 4, which makes further provision in respect of penalty notices issued under this Chapter.

Schedule 4: Civil penalties for service providers and content managers

376. This Schedule makes provision about the procedure for issuing civil penalty notices under sections 19 and 24 and about appeals in relation to penalty notices.

377. Paragraph 1 defines the terms "penalty notice", "relevant officer" and "respondent" for the purpose of the Schedule.

378. Paragraph 2(1) requires a notice of intent to be delivered and the recipient given a chance to make representations before a penalty notice can be issued to them. The issuing officer must consider any representations made by the recipient before issuing a penalty notice. Paragraph 2(2) and (3) specify a notice of intent must detail that the recipient may receive a penalty notice, the reasons why they may receive the penalty, the likely amount of the penalty, how they can make representations, and representations must be made within 28 days of the day the notice of intent is given.

379. Paragraph 3 specifies the information to be included in a penalty notice.

380. Paragraph 4 allows the relevant officer to withdraw the penalty notice and notice of intent at any time; the recipient must be informed of the withdrawal.

381. Paragraph 5(1) and (2) provide a defence for recipients of a penalty notice. It is a defence to demonstrate that all reasonable steps were taken to comply with the Content Removal Notice. Paragraph 5(3) clarifies that the officer issuing the Civil Penalty Notice does not need to verify if all reasonable steps have been taken by the recipient to comply with a Content Removal Notice before issuing the penalty.

382. Paragraph 6(1), (2) and (3) allow for recipients of a Civil Penalty Notice to appeal the penalty in the relevant court within 28 days of it being issued. A non-exhaustive list of grounds for an appeal are provided. Paragraph 6(4) sets out the options available to the court when determining an appeal; it may either cancel, reduce or uphold the penalty. Paragraph 6(5) and (6) provides that an appeal to take the form of a rehearing of the officer's decision to impose the penalty and enables the court to consider any information the court believes to be relevant to the case regardless of any provision in rules of court. Paragraph 6(7) specifies the relevant appellate court in England and Wales, Scotland and Northern Ireland.

383. Paragraph 7(1) and (2) set out that the penalties can be recovered as debt by the issuing body. Paragraph 7(3) specifies that all money paid in penalties must be paid into the Consolidated Fund.

Section 20: Unlawful weapons content

384. This section defines "unlawful weapons content" for the purpose of this Chapter. This is illegal content relating to the sale etc of knives and offensive weapons as defined under existing legislation in each constituent part of the United Kingdom. Examples of unlawful weapons content include content offering a prohibited weapon (for example, a butterfly knife, knuckleduster, or zombie knife) for sale. It also includes content which markets a knife as suitable for combat or in a way which encourages violence.

Section 21: Content removal notices

385. Subsections (1) to (3) allows an officer to issue Content Removal Notices to service providers and their content manager when illegal content relating to the sale etc of knives and offensive weapons is identified on their platform.

386. Subsection (4) sets out that to comply with a Content Removal Notice, service providers and content managers must take down the content to which it relates and notify the issuing officer of its removal.

387. Subsection (5) details the information that must be included in a Content Removal Notices. That is that it must identify the content to be taken down, why the content is unlawful, that it must be taken down with 48-hours of the issuing of the notice, that the recipients can request a review, the consequences of failing to comply, and the issuing officer's contact details. This subsection also enables the Secretary of State, by regulation (subject to the negative procedure), to prescribe how the Content Removal Notice is set out, and any other information that the notice should contain.

388. Subsection (6) allows the officer to withdraw a Content Removal Notice. Withdrawing a notice does not preclude the ability to issue a new notice to the same recipient and/or relating the same content.

389. Subsection (7) defines the terms "authorised officer" and "relevant part of the United Kingdom" used in this section.

Section 22: Content removal notices: review

390. Subsection (1) allows recipients of Content Removal Notice to request a review of the decision to issue the notice. This request must be made within 48-hours of the notice being issued.

391. Subsection (2) requires the party requesting the review to notify the authorising officer and, if there is one, the other recipient of the Content Removal Notice.

392. Subsection (3) provides a non-exhaustive list of reasons a recipient can use to request a review. The reasons provided relate to the illegality and identification of the content as well as how the notice was issued.

393. Subsection (4) requires that when requested, reviews must be conducted and that they be conducted by an officer more senior than the authorising officer.

394. Subsection (5) and (6) detail that upon completion of a review, the reviewing officer must communicate the decision to either uphold the notice in full, uphold part of the notice, or withdraw the notice to each of the original notice recipients.

Section 23: Decision notices requiring removal of unlawful weapons content

395. Subsection (1) provides that this section applies where a reviewing officer has carried out a review and has confirmed the decision to uphold the Content Removal Notice in some form.

396. Subsections (2), (3) and (4) set out that decision notices upholding a Content Removal Notice must require that the specified content be removed and confirmation of the removal be given to the authorising officer. Where the notice is upheld in part, it must also specify the illegal content to be removed

397. Subsection (4) require that decision notices specify how long recipients have to comply with it. This is either 24 hours or 48 hours minus the time that has elapsed between the issuing of the notice and the review being requested, whichever is longer.

398. Subsection (5) applies the definition of "reviewing officer" in section 22.

Section 24: Failure to comply with content removal notice or decision notice: civil penalties

399. Subsections (1) to (4) allow for a senior authorising officer to issue a civil penalty notice to the service provider and/or the content manager who have failed to comply with a Content Removal Notice or decision notice issued to them within the permitted timeframe.

400. Subsection (5) provides for financial penalties of up to £10,000 for content managers and £60,000 for service providers.

401. Subsection (6) confers on the Secretary of State a power, by regulations (subject to the negative procedure), to change the amount of the penalty to keep pace with inflation.

402. Subsection (7) signposts further provisions about penalty notices in Schedule 4.

Section 25: Guidance

403. This section confers on the Secretary of State the power to issue statutory guidance (subject to the negative resolution procedure) to the police and the NCA on how to administer Content Removal Notices, reviews and penalties under this Chapter. The police and the NCA must have regard to any such guidance.

Section 26: Notices

404. This section makes provision for the service of any notice given under this Chapter. These are appointment notices, Content Removal Notices, decision notices and penalty notices.

405. Subsection (2) sets out that a notice may be given to a person physically by hand, left at their address, delivered to their address by post or sent to their email address.

406. Subsections (3) and (4) allow for notices to corporate bodies and partnerships to be given to an officer of that body or a partner or manager of the partnership.

407. Subsections (5) and (6) respectively detail when someone is legally considered to have received a notice sent by post and by email.

408. Subsection (7) and (8) define terms used in this section.

Section 27: Interpretation of Chapter

409. Subsection (1) defines terms used in this Chapter.

410. Subsection (2) defines "removing content" as removing or permanently hiding content and search results from users in the part of the UK where the content is unlawful.

411. Subsection (3) applies sections 226 and 236(5) and (6) of the OSA 2023 for the purpose of this Chapter. Section 226 determines who is the 'provider' of an internet service, and therefore who is subject to the duties imposed on providers. Section 236(5) defines references to "content" to not include search content generated from services which are primarily user-to-user services with a search engine, such material would constitute "search content" or "search results". Section 236(6) clarifies that content or services which are behind a paywall or registration system and content or services only available for a limited time period are in scope of the legislation.

Chapter 2: Other provisions about offensive weapons

Section 28: Possession of a weapon with intent to use unlawful violence etc

412. This section introduces a new offence of possessing an article with a blade or point or offensive weapon with the intent to use unlawful violence, cause a person to believe unlawful violence will be used or cause serious unlawful damage.

413. At present, it is an offence to carry an article with a blade or point , with the exception of a folding pocketknife with a blade of less than three inches, in a public place under section 139 of the 1988 Act, or a bladed article or offensive weapon on school or further education premises under section 139A of the 1988 Act. It is also an offence to threaten somebody with an offensive weapon under section 1A of the Prevention of Crime Act 1953, or with an article with a blade or point in public or a bladed article or offensive weapon on school or further education premises under section 139AA of the 1988 Act. It is an offence to threaten another person with a bladed article or an offensive weapon in a private place under section 52 of the Offensive Weapons Act 2019. It is also an offence to carry in public any article that is intended to be used as an offensive weapon (under section 1 of the Prevention of Crime Act 1953). The introduction of this new offence bridges the gap between being in possession of a bladed article or offensive weapon and threatening somebody with a bladed article or offensive weapon.

414. Subsection (1) inserts new section 139AB into the 1988 Act.

415. New section 139AB(1) of the 1988 Act makes it an offence, in England and Wales, for a person to have in their possession a relevant weapon with the intention to use unlawful violence against another person; to cause another person to believe that unlawful violence will be used against them or someone else; to cause unlawful serious damage to property; or for someone to enable another person to do any of the previously mentioned actions.

416. New section 139AB(2) defines a relevant weapon for the purposes of the new offence, that is an article to which section 139 of the 1988 Act applies (namely any article which has a blade or is sharply pointed except a folding pocket knife if the cutting edge of its blade does not exceed three inches) or an offensive weapon to which section 1 of the Prevention of Crime Act 1953 applies (namely, any article made or adapted for use for causing injury to the person, or intended by the person having it with them for such use by them or by some other person).

417. New section 139AB(3) details the maximum penalty for this offence. The maximum penalty, upon summary conviction, is six months' imprisonment (the current general limit in a magistrates' court as provided for in section 224 of the Sentencing Act 2020), a fine, or both, or on conviction on indictment seven years' imprisonment, a fine, or both.

418. Subsection (2) amends section 315 of the Sentencing Code which provides for minimum sentences for repeat offences involving weapons or bladed articles. The effect of the amendments is to provide that the courts must in sentencing a person following a second or subsequent conviction for a relevant offence involving an offensive weapon (including the new section 139AB offence) impose a minimum sentence of at least six months' imprisonment in the case of an adult or a four-month detention and training order in the case of a 16- or 17-year-old. The minimum sentence must be imposed unless the court is of the opinion that there are exceptional circumstances which relate to the offence or to the offender and justify not doing so.

419. Subsection (3) excepts the offence of possessing an article with blade or point or offensive weapon with intent to use unlawful violence etc from the defence in section 45 of the Modern Slavery Act 2015 ("the 2015 Act"). Section 45 of the 2015 Act provides for a defence for slavery or trafficking victims. The defence is intended to provide further encouragement to victims to come forward and give evidence without fear of being convicted for offences connected to their slavery or trafficking situation. The defence does not apply in the case of certain serious offences as specified in Schedule 4 to the 2015 Act.

Section 29: Maximum penalty for offences relating to offensive weapons

420. This section increases the maximum penalty, from six months' imprisonment to two years' imprisonment, for the offences of importation, manufacture, sale and supply, and possession of an offensive weapon, flick knife or gravity knife. This change reflects the severity of the offences and, by making these offences triable either way, it provides the police with more time to investigate the alleged offence and to do so when sufficient evidence has been gathered, without the pressure of the current time limit of six months for the prosecution of a summary only offence.

421. Subsection (1) amends section 141(1) and (1A) of the 1988 Act. Section 141(1) of that Act makes it an offence for a person to manufacture, sell, hire, offer for sale or hire, have in their possession for the purpose of sale or hire, lend or give to any other person, an offensive weapon to which section 141 applies. Section 141(1A) of the 1988 Act makes it an offence for a person to possess a weapon to which section 141 applies in private. That section applies to an offensive weapon of a kind specified in the Criminal Justice Act 1988 (Offensive Weapons) Order 1988 (SI 1988/2019), as amended. Amongst the kinds of weapons specified in that order are: knuckledusters, swordsticks, stealth knives and items known as "push daggers", "zombie knives" and "cyclone knives". Under the law of England and Wales, the section 141(1) and (1A) offences are a summary-only offences, that is they may only be tried in a magistrates' court, and carry a maximum penalty of six months' imprisonment, a fine, or both. Section 141(1) and (1A), as amended, instead provides that, in England and Wales, the section 141(1) and (1A) offences are henceforth to be either way offences, that is they may be tried as a summary offence in a magistrates' court or as an indictable offence in the Crown Court. The maximum penalty on summary conviction is, as now, six months' imprisonment (the current general limit in a magistrates' court as provided for in section 224 of the Sentencing Act 2020), a fine, or both. The maximum penalty on conviction on indictment is two years' imprisonment, a fine, or both. Section 141 of the 1988 Act applies to England and Wales, Scotland and Northern Ireland. New section 141(1ZA) preserves the existing maximum penalties for the offence in Scotland (six months' imprisonment, a level 5 fine (£5,000), or both) and Northern Ireland (four years' imprisonment, a fine, or both).

422. Subsection (2) amends section 141A of the 1988 Act which makes it an offence to sell to a person under the age of 18 years an article to which section 141A applies. Subject to certain exceptions, section 141A applies to any knife, knife blade or razor blade, any axe and any other article which has a blade or which is sharply pointed and which is made or adapted for

use for causing injury to a person. Under the law of England and Wales, the section 141A offence is a summary-only offence and carries a maximum penalty of six months' imprisonment, a fine, or both. Subsection (2) amends section 141A(1) of the 1988 Act to provide that, in England and Wales, the section 141A offence is henceforth to be an either way offence carrying a maximum penalty on summary conviction of six months' imprisonment (the current general limit in a magistrates' court as provided for in section 224 of the Sentencing Act 2020), a fine, or both and on conviction on indictment of two years' imprisonment, a fine, or both.

423. Subsection (3) amends section 1 of the Restriction of Offensive Weapons Act 1959 ("the 1959 Act") which makes it an offence for a person to possess, manufacture, sell, hire, offer for sale or hire, have in their possession for the purpose of sale or hire, lend or give to any other person, a flick knife or gravity knife. Under the law of England and Wales, the offences in section 1 of the 1959 Act are summary-only offence and carry a maximum penalty of six months' imprisonment, a fine, or both. Subsection (3) insert a new subsection (1ZA) into section 1 of the 1959 Act and amends subsection (1B) of that section which together provide that, in England and Wales, the section 1 offences are henceforth to be an either way offences carrying a maximum penalty on summary conviction of six months' imprisonment (the current general limit in a magistrates' court as provided for in section 224 of the Sentencing Act 2020), a fine, or both, or on conviction on indictment a maximum penalty of two years' imprisonment, a fine, or both. Section 1 of the 1959 Act applies to England and Wales, and Scotland. New section 1(1ZA) of the 1959 Act preserves the existing maximum penalties for the offence in Scotland (six months' imprisonment, a level 5 fine (£5,000), or both).

424. Subsection (4) provides that the increases in maximum penalties do not have retrospective effect.

Section 30: Power to seize bladed articles etc

425. This section creates a new police power to seize, retain and destroy legally held bladed articles from private property when a constable is lawfully on the private premises and they have reasonable grounds to suspect the bladed article will likely be used in connection with unlawful violence. The power can be exercised by any police officer, regardless of rank, acting in the course of their duty. The owner of a seized article may seek to recover it through an application to a magistrates' court.

426. An example of when this power could be used would be where the police come across legal knives, for example machetes, while investigating another offence, such as a drugs offence. Unless the machetes can be used as evidence in the investigation, the police are not currently permitted to seize them. This power therefore allows the police to seize, retain and destroy the machetes if the constable had reasonable grounds to suspect that they would likely be used in connection with unlawful violence.

427. Subsection (1) confers a new power on a constable who is lawfully on any premises (including, for example, someone's home) where they find an article that has a blade or is sharply pointed (such as a knife or machete) on that premises and they have reasonable grounds to suspect that the article is likely to be used in connection with unlawful violence if the article were to not be seized. If the above conditions are met, the constable is able to seize the article. A constable, acting in the course of their duty, may lawfully be on any premises under PACE powers or common law powers, or by invitation of an occupier. If, for example, they have been invited in by the occupier of those premises and see such item in plain sight or they are executing a search warrant and encounter a bladed article the constable may seize the item.

428. The term "unlawful violence" is defined in subsection (9) as including unlawful damage to property and the threat of unlawful violence, including unlawful damage to property.

429. Subsections (2) to (8) make provision for the recording, retention or disposal, and recovery of a relevant article that has been seized by a constable under the power conferred by subsection (1).

430. Subsection (3) requires a constable to make a record of seizure (containing the information, such as a description of the seized article, as specified in subsection (4)) and to give such a record to a person who is on the premises or otherwise leave it on the premises if they are unoccupied.

431. Subsection (5) sets out that the constable who has seized the article can retain it, destroy or otherwise dispose of it after a period of six months. This is subject to the provisions in subsections (6) to (8) which enable a person claiming to be the owner of the article to apply to a magistrates' court to recover the article. A magistrates' court may make an order for the return of the article if they are satisfied that the claimant is the owner of the article and it would be just to make such an order. In determining whether it was just to make an order, a magistrate would, amongst other things, be expected to consider whether the test for the seizure of the article has been made out, namely that there were reasonable grounds for suspecting that the relevant article would be likely to be used in connection with unlawful violence. Subsection (8) provides that a relevant article cannot be disposed of within six months of its seizure and then only on the conclusion of any proceedings in respect of the recovery of the article.

Section 31: Power to seize bladed articles etc: armed forces

432. Section 31 gives the service police powers, equivalent to those granted to the civilian police by section 30, to seize, retain and destroy legally held bladed articles from premises when a member of the service police is lawfully on the premises and they have reasonable grounds to suspect the bladed article will likely be used in connection with unlawful violence. The service police have jurisdiction over service personnel and civilians subject to service discipline. This new power may only be used where service police are lawfully on premises under existing powers.

433. The section inserts a new section 93ZD into Part 3 of the Armed Forces Act 2006. The Armed Forces Act 2006 governs the discipline of the armed forces, and Part 3 sets out powers of arrest, search and entry for commanding officers and the service police.

Section 32: Remote sale of knives etc: England and Wales

434. It is an offence under section 141A(1) of the 1988 Act to sell a knife and certain articles with a blade or point to persons under 18. Section 141A(4) provides a defence to that offence where the person charged can prove they took all reasonable precautions and exercised all due diligence to avoid committing the offence. Section 141B sets out the conditions that must apply to prove the defence in the case of remote sales. A remote sale is any sale where the seller or a person acting on the seller's behalf was not in the presence of the buyer at the point of sale. This includes, for example, when the sale was made online, by mail order or over the telephone, and applies to both individuals and companies. The relevant conditions are:

- Condition A is that, at the time the offence is alleged to have been committed (the sale) the seller had a system in place to check that the buyer was not under the age of 18 and that the system in place would be likely to prevent anyone under the age of 18 from purchasing bladed articles.

- Condition B is that, when the package containing the article was dispatched by the seller, the package was clearly marked in a way that indicated it contained a bladed article and, that, when finally delivered, it should only be delivered into the hands of the buyer.

- Condition C is that the seller took all reasonable precautions and exercised all due diligence to ensure that, when finally delivered, the package would be delivered into the hands of the buyer.

- Condition D is that the seller did not deliver the package, or arrange for its delivery, to a locker.

435. Section 32 replaces condition A in order to strengthens the age verification requirements. Under the replacement condition A, the seller must obtain from the buyer a copy of an identity document issued to the buyer, and a photograph of the buyer. The seller must be satisfied on the basis of these items that the buyer is aged 18 or over. The prescribed forms of identity are a passport (issued by any country) or a UK driving licence. The Secretary of State may, by regulations (subject to the negative resolution procedure) specify other identity documents for the purposes of condition A.

Section 33: Remote sale or letting of knives etc: Scotland

436. It is an offence under section 141A(1) of the 1988 Act to sell or let on hire a knife and certain articles with a blade or point to persons under 18. Where the item being sold or let on hire is for domestic use, the relevant age is under 16. Section 141A(4) to (4B) provides a defence to that offence where the person charged can prove they took all reasonable steps to establish the purchaser or hirer's age (the recipient) was sufficient to make the sale legal. Section 141C sets out the conditions that must apply to prove the defence in the case of remote sales. A remote sale is any sale where the seller or a person acting on the seller's behalf was not in the presence of the buyer at the point of sale. This includes, for example, when the sale was made online, by mail order or over the telephone, and applies to both individuals and companies. The relevant conditions are currently:

- Condition A is that, at the time the offence is alleged to have been committed (the sale) the seller had a system in place to check that the recipient was not under the age of 18 and that the system in place would be likely to prevent anyone under the age of 18 from purchasing bladed articles.

- Condition B is that, when the package containing the article was dispatched by the seller, the package was clearly marked in a way that indicated it contained a bladed article and, that, when finally delivered, it should only be delivered into the hands of a person aged 18 or over.

- Condition C is that the seller took all reasonable precautions and exercised all due diligence to ensure that, when finally delivered, the package would be delivered into the hands of a person aged 18 or over.

- Condition D is that the seller did not deliver the package, or arrange for its delivery, to a locker.

437. Section 33 strengthens the requirements on sellers. It replaces condition A so that the seller must obtain from the recipient a copy of an identity document issued to the recipient, and a photograph of the recipient. The seller must be satisfied on the basis of these items that the recipient is 18 or over. The prescribed forms of identity are a passport (issued by any country) or a driving licence (UK or EU member state issued). The Scottish Ministers may, by regulations (subject to the negative resolution procedure) specify other identity documents for the purposes of condition A.

438. Section 33 also amends conditions B and C so that to show the conditions are met the seller must demonstrate that they marked a package containing a bladed article to indicate that it should only be delivered into the hands of the recipient and that they took all other reasonable precautions and exercised all due diligence to ensure that the package was delivered into the hands of the recipient rather than any other person.

Section 34: Remote sale of knives etc: Northern Ireland

439. It is an offence in Northern Ireland, under Article 54(1) of the Criminal Justice (Northern Ireland) Order 1996, to sell a knife and certain articles with a blade or point to persons under 18.

440. Article 54(4) provides a defence to that offence where the person charged can prove they took all reasonable precautions and exercised all due diligence to avoid committing the offence. Article 54(A) sets out the conditions that must apply to prove the defence in the case of remote sales. A remote sale is any sale where the seller or a person acting on the seller's behalf was not in the presence of the buyer at the point of sale. This includes, for example, when the sale was made online, by mail order or over the telephone, and applies to both individuals and companies.

441. The relevant conditions are:

- Condition A is that, at the time the offence is alleged to have been committed (the sale) the seller had a system in place to check that the buyer was not under the age of 18 and that the system in place would be likely to prevent anyone under the age of 18 from purchasing bladed articles.
- Condition B is that, when the package containing the article was dispatched by the seller, the package was clearly marked in a way that indicated it contained a bladed article and, that, when finally delivered, it should only be delivered into the hands of a person aged 18 or over.
- Condition C is that the seller took all reasonable precautions and exercised all due diligence to ensure that, when finally delivered, the package would be delivered into the hands of a person aged 18 or over.
- Condition D is that the seller did not deliver the package, or arrange for its delivery, to a locker.

442. Section 34 replaces condition A in order to strengthen the age verification requirements. Under the replacement condition A, the seller must obtain from the buyer a copy of an identity document issued to the buyer in a physical form, and a photograph of the buyer. The seller must be satisfied on the basis of these items that the buyer is 18 or over. The prescribed forms of identity are a passport (issued by any country) or a Northern Ireland or UK driving licence. The Department of Justice in Northern Ireland may, by Order (subject to the negative resolution procedure), specify other identity documents for the purposes of condition A. In addition, the Department of Justice may, by Order (subject to the draft affirmative procedure), prescribe steps to be taken to verify the buyer's age.

Section 35: Delivery of knives etc

443. It is an offence under section 38 of the Offensive Weapons Act 2019 ("the 2019 Act") for a seller to deliver a bladed product, sold through a remote sale, to residential premises (section 38(2)) or to a locker (section 38(3)). It is an offence under section 39 to deliver bladed products to a person under 18. These offences are subject to certain defences provided for in section 40 of the 2019 Act.

444.Subsection (2) amends section 38 of the 2019 Act which prohibits the delivery of bladed products to residential premises, with regards to the penalty in Scotland. Subsection (3) amends section 39 of the Act which provides for replacement defences in the UK for the offences in section 38(2) and (3), to reflect that the person (the contractor) who delivers the product, and all persons involved in the delivery chain, are responsible for the delivery.

445. Subsection (4) substitutes a new section 40 of the 2019 Act to include all defences to offences under sections 38 and 39. New section 40(1) applies where a seller based in the UK delivers a bladed product to residential premises. It provides a defence to the offence under section 38(2) where the seller can show that the delivery conditions were met. New section 40(2) applies where a seller based in the UK arranges the delivery of a bladed product to residential premises by a contractor. It provides a defence to the offence under section 38(2) where the seller can show that they had arrangements in place which required the contractor to deliver a bladed product only when the delivery conditions were met, and that the seller took all reasonable precautions and exercised all due diligence to ensure that the bladed product would not be delivered to a residential premise unless the delivery conditions were met.

446.New section 40(3) provides a defence where the seller took all reasonable precautions and exercised all due diligence to avoid the delivery of a bladed product to a locker (the offence under section 38(3)).

447.New section 40(4) creates a defence for a person charged under 39(6) and (6A) of delivering a bladed product to a person under 18. New section 40(5) creates a defence for a person charged under 39(6) and (6A) who does not make the final delivery that they had taken all reasonable precautions and exercised all due diligence to avoid committing an offence. New 40(6) creates a defence for a person acting on a contractor's behalf if they did not know or a reasonable person would not have known that what was delivered was a bladed product.

448.New section 40(7) defines the delivery conditions, namely that the person "P" to whom the bladed product is handed showed the person delivering it a prescribed identity document and on the basis of that document a reasonable person would have been satisfied that P was over 18, and (if the buyer was an individual) the buyer. The prescribed forms of identity are a passport or a UK driving licence or any other prescribed identity document (new section 40(8) and (9)) or the seller took such steps to verify P's age and identity as may be prescribed in regulations

449.Subsection (5) inserts new sections 40A to 40D into the 2019 Act. New section 40A deals with cases where a UK-based seller makes remote sales of bladed products and delivers has arrangements with a contractor to deliver such product to a collection point in the UK. In such a case, the seller commits an offence if the bladed product is delivered to a collection point (new section 40A(2)). New section 40A(4) provides for a defence for the offence in new section 40A(2) where the seller can show that the package was clearly marked to indicate it contained a bladed product and should only be given to a person aged 18 or over where the buyer is an individual and that they took all reasonable precautions and exercised all due diligence to ensure that the package containing the bladed product would be given into the hands of such a person. New section 40A(5) provides that the maximum penalty for an offence under new section 40A is of a fine.

450.New section 40B of 2019 Act deals with the case of a contractor delivering (or arranging the delivery of) a bladed product to a collection point in the UK following a remote sale by a UK seller. In such a case, the contractor commits an offence if they deliver, or arrange the delivery of, a bladed product to a collection point in the UK (new section 40B(2)). A "collection point" is defined in new section 40A(6), the definition includes any place where the bladed product may be collected by the buyer or a person acting on behalf of the buyer, and given to them by

a person. New section 40B(3) creates an offence for a person acting on behalf of the contractor. New section 40B(6) provides for a defence that the package was clearly marked to indicate that it contains a bladed product and should only be given to a person who is 18 or over and, if the buyer is an individual, is the buyer; and that the contractor took all reasonable precautions and exercised all due diligence to ensure that it would be given to such a person. New section 40B(8) provides that the maximum penalty for the offence under new section 40B is a fine.

451. New section 40C of the 2019 Act deals with the case of a collection point operator or person acting on their behalf, handing over a bladed product at a collection point following a remote sale by a UK seller. In such a case, the collection point operator or person acting on their behalf, commits an offence if they , pursuant to an arrangement with a seller hand over a bladed product to a person who is not an eligible person at a collection point in the UK (new section 40C(4) and (5)). New section 40C(6) defines an eligible person as a person who is 18 or over and if the buyer is an individual, is the buyer. New section 40C(7) provides for a defence that the collection conditions were met. The collection conditions are that the person handing over the product was shown by the person collecting an identity document in a physical form or took such steps as may be prescribed by regulations to verify age and identity and on that basis a reasonable person would have been satisfied the person was 18 or over and the buyer, if the buyer was an individual (new section 40C(8)). It is also a defence to show the person handed over the product did not know and a reasonable person would not have known it was a bladed product (new section 40C(9). New section 40C(10) provides that the maximum penalty for the offence under new section 40C is a fine.

452. New 40D confers on the appropriate national authority, by regulations (subject to the affirmative procedure), a power to add other defences to the section 38 offences.

453. Subsection (7) amends existing section 42 (delivery of knives etc pursuant to arrangement with seller outside UK) to include liability for a contractor and a person acting on behalf of a contractor and creates analogous defences in new section 42(4B), (4C) and (4D). These are analogous to offences and defences created in section 40 where the seller is based in the UK.

454. Subsection (8) inserts new section 42A into the 2019 Act which makes provision for the interpretation of sections 38 to 42 of that Act. In particular, new section 42A(5) makes provision as regards the burden of proof. It imposes a reverse evidential burden on a defendant. This means that they must adduce sufficient evidence of a particular issue, for example in the case of the section 40(1) defence that the delivery conditions were met. Having brought forward sufficient evidence, it then falls to the prosecution to satisfy the jury or justices, beyond reasonable doubt, that the evidence put forward does not establish the defence.

Section 36: Remote sale and letting of crossbows

455. It is an offence under section 1 of the Crossbows Act 1987 ("the 1987 Act") to sell, or let on hire, a crossbow to anyone under the age of 18. Subsection (3) inserts a new section 1ZA into the 1987 Act which provides, except where new section 1B applies (see subsection (5)), for defences in relation to remote sale and letting of a crossbow, that it is a defence for a person charged in England and Wales with an offence under section 1 to show that they took all reasonable precautions and exercised all due diligence to avoid committing the offence. Subsection (4) amends section 1A of the 1987 Act so that except where new section 1B applies, it is a defence for a person charged in Scotland with an offence under section 1 in respect of the remote sale and letting of a crossbow to show they had taken reasonable steps to establish the purchaser or hirer's age through the production of a document to establish this or that no reasonable person could have suspected from the purchaser or hirer's appearance that they

were under the age of 18. New section 1A(3)(a) to (c) of the 1987 Act prescribes that the documents are a passport (issued by any country), a UK driving license or a photocard issued by a member State.

456. Subsection (5) insert new section 1B into the 1987 Act so that it is also an offence to sell or let on hire a crossbow remotely without having taken 'all reasonable precautions and exercised all due diligence' to avoid committing the offence by meeting, as a minimum, certain conditions. A remote sale is any sale where the seller or a person acting on the seller's behalf was not in the presence of the buyer at the point of sale (new section 1B(1)(b)). This includes, for example, when the sale was made online, by mail order or over the telephone, and applies to both individuals and companies. The conditions that must be met are:

- Condition 1 - That before the sale or letting on hire of a crossbow, the seller must obtain from the buyer a copy of an identity document issued to the buyer, and a photograph of the buyer. The seller must be satisfied on the basis of these items that the buyer is 18 or over. The prescribed forms of identity are a passport (issued by any country) or a UK driving licence. The relevant national authority may, by regulations (subject to the negative resolution procedure) specify other identity documents for the purposes of this condition (new section 1B(4) and (5));

- Condition 2 - That when the package containing a crossbow, or part of a crossbow, was dispatched by the seller it was clearly marked to indicate that it contained a crossbow, or part of a crossbow, and that when finally delivered it should only be delivered personally to the buyer (new section 1B(6));

- Condition 3 - That the seller took all reasonable precautions and exercised all due diligence to ensure that the package would be delivered into the hands of the buyer (new section 1B(7));

- Condition 4 - That the seller did not deliver, or arrange for the delivery, of the package containing the crossbow, or parts of a crossbow, to a locker (new section 1B(8) and (10)).

Section 37: Delivery of crossbows

457. This section creates offences relating to the delivery of crossbows to premises following a remote sale equivalent to the offences relating to knives in sections 38 to 42 of the 2019 Act. It inserts new sections 1C to 1I of the 1987 Act.

458. New section 1C of the 1987 Act creates two new offences. New section 1C(2) provides for an offence, on the part of the seller, if they sell, or hire, remotely a crossbow, or part of a crossbow, and deliver or arrange for delivery to a residential premises in England and Wales or Scotland. New section 1C(3) provides for an offence, on the part of the seller, if they sell, or hire, remotely a crossbow, or part of a crossbow, and deliver or arrange for delivery to a locker in England and Wales or Scotland. A locker is a lockable container to which the crossbow, or part of a crossbow, is delivered by the seller where the buyer, or a person acting on behalf of the buyer, can collect it (new section 1C(4)). The maximum penalty in England and Wales is a term of imprisonment not exceeding the maximum term for a summary offence, an unlimited fine or both and, in Scotland, is six months' imprisonment, a fine, or both (new section 1C(5) and (6)).

459. New section 1D of the 1987 Act provides for defences to the new offences in new section 1C. The defences apply where a seller based in England and Wales or Scotland makes a remote sale of a crossbow, or part of a crossbow, and delivers, or arranges to deliver, it to residential premises or a locker. New section 1D(1) provides a defence to the offence under new section 1C(2)(a) where the seller can show that the delivery conditions were met. New section 1D(2)

provides a defence to the offence under new section 1C(2)(b) where the accused can show that arrangements were in place such that a crossbow or part of a crossword was only delivered to residential premises where the delivery conditions were met and that the accused took all reasonable precautions and exercised all due diligence to ensure that the crossbow, or part of a crossbow, would not be delivered to residential premises unless the delivery conditions were met.

460. New section 1D(3) provides for a defence to the offence in new section 1C(3) (which relates to delivery to a locker) where the accused can show that they took all reasonable precautions and exercised all due diligence to ensure that the crossbow, or part of a crossbow, would not be delivered to a locker.

461. New section 1D(4) defines the delivery conditions, namely that the person "P" to whom the crossbow, or part of a crossbow, is handed showed the person delivering it a prescribed identity document and on the basis of that document a reasonable person would have been satisfied that P was 18 or over or took such steps to verify P's age as may be prescribed in regulations, and (if the buyer was an individual) the buyer. The prescribed forms of identity are a passport or a UK issued driving licence or any other prescribed identity document (new section 1B(5)).

462. These defences impose a reverse evidential burden on a defendant (new section 1G(5)). This means they must adduce sufficient evidence to raise a particular issue, for example in the case of the section 1D(1) defence that the delivery conditions were met. Having brought forward sufficient evidence, it then falls to the prosecution to satisfy the jury or justices, beyond reasonable doubt, that the evidence put forward does not establish the defence.

463. New section 1D(6) confers on the relevant national authority, by regulations (subject to the affirmative procedure), a power to add other defences to the section 1C offences.

464. New section 1E of the 1987 Act deals with cases where a UK-based seller makes remote sales of crossbows, or parts of a crossbow, and has arrangements with a courier to deliver such product to residential premises in England and Wales or Scotland. In such a case, the courier commits an offence if the crossbow, or part of a crossbow, is not delivered to a person who is aged 18 or over and, if the buyer is an individual, that person is the buyer (new section 1E(3)). New section 1E(5) provides for a defence for the offence in new section 1E(3) where the courier can show that the delivery conditions (as defined in new section 1D(4)) were met. New section 1E(6) provides a defence for the offence in new section 1E(3) where the person delivery on behalf of the courier can show that the delivery conditions (as defined in new section 1D(4)) were met or that they did not know, and a reasonable person would not have known, that they were delivering a crossbow, or part of a crossbow.

465. These defences impose a reverse evidential burden on a defendant (new section 1G(5)), namely that the offence is made out unless they adduce sufficient evidence, for example in the case of the section 1E(5) defence that the delivery conditions were met. Having brought forward sufficient evidence, it then falls to the prosecution to satisfy the jury or justices, beyond reasonable doubt, that the evidence put forward does not establish the defence (new section 1E(6)). New section 1E(7) provides that, for the purposes of section 1E, a person acts on the contractor's behalf if they entered into a relevant arrangement with the contractor or a person who acts on the contractor's behalf to deliver the crossbow, or parts of a crossbow. New section 1E(8) defines a relevant arrangement as an arrangement entered into before the sale, or letting on hire, of the crossbow, or parts of a crossbow, whereby the person agreed to finally deliver, or to arrange for the final delivery, of the item(s), whether or not the person was aware that the arrangement covered the delivery of a crossbow, or parts of a crossbow.

466. New section 1E(9) confers on the relevant national authority, by regulations (subject to the affirmative procedure), a power to add other defences to the section 1E offences.

467. New section 1E(10) provides that the maximum penalty for an offence under section 1E is an unlimited fine on summary conviction in England and Wales or on summary conviction or conviction on indictment in Scotland.

468. New section 1F creates a new offence in the case of a UK seller or hirer, delivering (or arranging the delivery of) a crossbow, or part of a crossbow to a collection point in England and Wales or Scotland following a remote sale or hire. In such a case, the seller or hirer commits an offence if they deliver, or arrange the delivery, a crossbow, or part of a crossbow, to a collection point in England and Wales or Scotland (new section 1F(2)). A "collection point" is defined in new section 1F(6), the definition includes any place where the crossbow, or part of a crossbow, may be collected by the buyer or (if the buyer is not an individual) a person acting on behalf of the buyer, and given to them by a person. New section 1F(3) and (4) provide defences for the seller or hirer who delivers or the seller or hirer who arranges delivery that the package was clearly marked to indicate that it contained a crossbow, or part of a crossbow, and should only be given to a person who is 18 or over and, if the buyer is an individual, is the buyer; and that the seller took all reasonable precautions and exercised all due diligence to ensure that it would be given to such a person. New section 1F(5) and (7) makes similar provision to new section 1E(9) and (10) as regards the maximum penalty for the offence and a power to add other defences by regulations.

469. New section 1G creates a new offence of a courier delivering a crossbow, or part of a crossbow, to a collection point following a remote sale or letting. In such a case, a courier commits an offence if they deliver, pursuant to an arrangement with a seller, a crossbow, or part of a crossbow, to a collection point in England and Wales (new section 1G(2)). New section 1G(6) provides for a defence that the package was clearly marked to indicate that it contained a crossbow, or part of a crossbow, and should only be given to a person who is 18 or over and, if the buyer or hirer is an individual, is the buyer or hirer; and that the courier took all reasonable precautions and exercised all due diligence to ensure that it would be given to such a person. New section 1G(7) provides a defence that the courier did not know, and a reasonable person would not have known, that the product was a crossbow, or part of a crossbow. New section 1G(8) and (10) makes similar provision to new section 1E(8) and (10) as regards the maximum penalty for the offence and a power to add other defences by regulations.

470. New section 1H makes it an offence in England and Wales or Scotland for a collection point operator, or person acting on behalf of a collection point operator, to hand over a crossbow, or part of a crossbow, to a person who is not an eligible person, following a remote sale or letting. An eligible person must be 18 or over and, if the buyer or hirer is an individual, be the buyer. New section 1H(7) provides for a defence that the person operating a collection point or person acting on their behalf, to show that the collection conditions were met.

471. New section 1H(2) and (3) define the collection conditions namely that the person ("P") who collected the crossbow showed the individual giving them the crossbow an identity document and on the basis of that document a reasonable person would have been satisfied that "P" was over 18 and if the buyer or hirer was an individual, that they were the buyer or hirer.

472. New section 1H(10) and (12) also makes similar provision to new section 1E(7) and (8) as regards the maximum penalty for the offence and a power to add other defences by regulations.

473. New section 1I of the 1987 Act makes analogous provision for remote sale or hire and delivery of a crossbow, or part of a crossbow by non-UK sellers to that made in new section 1E in respect of UK-based sellers.

Section 38: Sale and delivery of crossbows: supplementary provision

474. Subsection (1) inserts new section 1J into the 1987 Act which provides interpretation to the definitions set out in new sections 1B to 1I. Subsection (2) inserts a new section 6A into the 1987 Act which makes general provision, including in respect of the parliamentary procedure, for regulations made under the 1987 Act as amended. Subsection (3) amends section 66 of the 2019 Act so that the Secretary of State can issue statutory guidance, subject to consultation with affected persons (section 66(6)), on the existing and new offences in the 1987 Act.

Section 39: Remote sale and letting of crossbows: Northern Ireland

475. It is an offence under Article 3 of the Crossbows (Northern Ireland) Order 1988 ("the 1988 Order") to sell, or let on hire, a crossbow or a part of a crossbow to anyone under the age of 18. Subsection (3) inserts new Article 3A and 3B into the 1988 Order so that it is also an offence to sell or let on hire a crossbow or a part of a crossbow remotely without having taken 'all reasonable precautions and exercised all due diligence' to avoid committing the offence by meeting, as a minimum, certain conditions. A remote sale is any sale where the seller or a person acting on the seller's behalf was not in the presence of the buyer at the point of sale (new Article 3B(1)(b)). This includes, for example, when the sale was made online, by mail order or over the telephone, and applies to both individuals and companies. The conditions that must be met are:

- Condition 1 - That before the sale or letting on hire of a crossbow, the seller must either: obtain from the buyer a copy of an identity document issued to the buyer in a physical form, along with a photograph of the buyer; or take such steps to verify the buyer's age as may be prescribed in regulations made by the Department of Justice in Northern Ireland. The seller must be satisfied on the basis of these items, or those steps, that the buyer is 18 or over. The prescribed forms of identity are a passport (issued by any country), a Northern Ireland driving licence or a UK driving licence. The Department of Justice may, by regulations (subject to the negative resolution procedure) specify other identity documents for the purposes of this condition (new Article 3B(3) and (4)).

- Condition 2 - That when the package containing a crossbow, or part of a crossbow, was dispatched by the seller it was clearly marked to indicate that it contained a crossbow, or part of a crossbow, and that when finally delivered it should only be delivered into the hands of the buyer (new Article 3B(5)).

- Condition 3 - That the seller took all reasonable precautions and exercised all due diligence to ensure that the package would be delivered into the hands of the buyer (new Article 3B(6)).

- Condition 4 - That the seller did not deliver, or arrange for the delivery, of the package containing the crossbow, or parts of a crossbow, to a locker (new Article 3B(7) and (9)).

Section 40: Delivery of crossbows: Northern Ireland

476. This section creates offences relating to the delivery of crossbows to premises following a remote sale or letting on hire equivalent to the offences relating to knives in sections 38 to 42 of the 2019 Act. It inserts new Articles 3C to 3I of the 1988 Order.

477. New Article 3C of the 1988 Order creates two new offences. New Article 3C(2) provides for an offence, on the part of the seller, if they sell, or hire, remotely a crossbow, or part of a crossbow, and deliver or arrange for delivery to a residential premises. New Article 3C(3) provides for an offence, on the part of the seller, if they sell, or hire, remotely a crossbow, or part of a crossbow, and deliver or arrange for delivery to a locker. A locker is a lockable

container to which the crossbow, or part of a crossbow, is delivered by the seller where the buyer, or a person acting on behalf of the buyer, can collect it (new Article 3C(4)). The maximum penalty, on summary conviction, is six months' imprisonment or a fine not exceeding level 5 on the standard scale (or both).

478. New Article 3D of the 1988 Order provides for defences to the new offences in new Article 1C. The defences apply where a seller makes a remote sale of or lets on hire a crossbow, or part of a crossbow, and delivers, or arranges to deliver, it to a residential premises or a locker. New Article 3D(1) provides a defence to the offence under new Article 3C(2)(a) where the seller can show that the delivery conditions were met. New Article 3D(2) provides a defence to the offence under new Article 3C(2)(b) where the accused can show that arrangements were in place such that a crossbow or part of a crossword was only delivered to residential premises where all of the delivery conditions were met and that the accused took all reasonable precautions and exercised all due diligence to ensure that the crossbow, or part of a crossbow, would not be delivered to a residential premise unless the delivery conditions were met. New Article 3D(3) provides for a defence to the offence in new Article 3C(3) (which relates to delivery to a locker) where the accused can show that they took all reasonable precautions and exercised all due diligence to ensure that the crossbow, or part of a crossbow, would not be delivered to a locker. New Article 3D(4) defines the delivery conditions, namely that the person "P" to whom the crossbow, or part of a crossbow, is handed showed the person delivering it a prescribed identity document, issued to the person in physical form, and on the basis of that document a reasonable person would have been satisfied that P was 18 or over, and, if the person to whom the crossbow or part of a crossbow was sold or let on hire was an individual, that P was that individual or took such steps to verify P's age as may be prescribed by regulations.

479. The prescribed forms of identity are a passport (issued by any country) or a Northern Ireland or UK driving licence. The Department of Justice in Northern Ireland may, by regulations (subject to the negative resolution procedure), specify other identity documents for the purposes of condition. In addition, the Department of Justice may, by regulations (subject to the draft affirmative procedure), prescribe steps to be taken to verify the buyer's age.

480. These defences impose a reverse evidential burden on a defendant (new Article 3J(5)). This means they must adduce sufficient evidence to raise a particular issue, for example in the case of the Article 3D(1) defence that the delivery conditions were met. Having brought forward sufficient evidence, it then falls to the prosecution to satisfy the justices, beyond reasonable doubt, that the evidence put forward does not establish the defence.

481. New Article 3E of the 1988 Order deals with cases where a UK-based seller makes remote sales of crossbows, or parts of a crossbow, and has arrangements with a contractor to deliver such product to residential premises. In such a case, the contractor commits an offence if the crossbow, or part of a crossbow, is not delivered to a person who is aged 18 or over and, if the person to whom the crossbow or part of the crossbow was sold or let on hire is an individual, is that individual (new Article 3E(2)).

482. New Article 3E(4) provides for a defence for the offence in new Article 3E(2) where the courier can show that the delivery conditions (as defined in new Article 3D(4)) were met. New Article 3E(5) provides a defence for the offence in new Article 3E(3) where the person delivering on behalf of the courier can show that the delivery conditions (as defined in new Article 3D(4)) were met or that they did not know, and a reasonable person would not have known, that they were delivering a crossbow, or part of a crossbow.

483. These defences impose a reverse evidential burden on a defendant (new Article 3J(6)), namely that the offence is made out unless they adduce sufficient evidence, for example in the case of the Article 3E(5) defence that the delivery conditions were met. Having brought forward sufficient evidence, it then falls to the prosecution to satisfy the justices, beyond reasonable doubt, that the evidence put forward does not establish the defence (new Article 3J(6)).

484. New Article 3F creates a new offence in the case of a UK seller or hirer, delivering (or arranging the delivery of) a crossbow, or part of a crossbow to a collection point in Northern Ireland following a remote sale or hire. In such a case, the seller or hirer commits an offence if they deliver, or arrange the delivery, a crossbow, or part of a crossbow, to a collection point (new Article 3F(2)). A "collection point" is defined in new Article 3F(5), the definition includes any place where the crossbow, or part of a crossbow, may be collected by the buyer or (if the buyer is not an individual) a person acting on behalf of the buyer, and given to them by a person. New Article 3F(3) and (4) provide defences for the seller or hirer who delivers or the seller or hirer who arranges delivery that the package was clearly marked to indicate that it contained a crossbow, or part of a crossbow, and should only be given to a person who is 18 or over and, if the buyer is an individual, is the buyer; and that the seller took all reasonable precautions and exercised all due diligence to ensure that it would be given to such a person.

485. New Article 3G creates a new offence of a contractor delivering a crossbow, or part of a crossbow, to a collection point following a remote sale or letting. In such a case, a contractor commits an offence if they deliver, pursuant to an arrangement with a seller, a crossbow, or part of a crossbow, to a collection point (new Article 3G(2)). New section 3G(3) provides for a defence that the package was clearly marked to indicate that it contained a crossbow, or part of a crossbow, and should only be given to a person who is 18 or over and, if the buyer or hirer is an individual, is the buyer or hirer; and that the courier took all reasonable precautions and exercised all due diligence to ensure that it would be given to such a person. New Article 3G(4) provides a defence that the courier did not know, and a reasonable person would not have known, that the product was a crossbow, or part of a crossbow.

486. New Article 3H(4) and (5) make it an offence for a collection point operator, or person acting on behalf of a collection point operator, to hand over a crossbow, or part of a crossbow, to a person who is not an eligible person, following a remote sale or letting. An eligible person must be 18 or over and, if the buyer or hirer is an individual, be the buyer. New Article 3H(7) provides for a defence that the person operating a collection point or person acting on their behalf, to show that the collection conditions were met. New Article 3H(8) defines the collection conditions namely that the person ("P") who collected the crossbow showed the individual giving them the crossbow an identity document and on the basis of that document a reasonable person would have been satisfied that "P" was 18 or over and if the buyer or hirer was an individual, that they were the buyer or hirer, or that they took such steps to verify P's age as prescribed by regulations.

487. New Article 3I of the 1988 Order makes analogous provision for remote sale or hire and delivery of a crossbow, or part of a crossbow by non-UK sellers to that made in new Article 3E in respect of UK-based sellers.

Section 41: Sale and delivery of crossbows: Northern Ireland: supplementary provision

488. New Article 3J provides interpretation of new Articles 3A to 3I. New Article 3K enables the Department of Justice Northern Ireland to bring forward regulations to provide for other defences for a person charged with an offence under any of Articles 3C, 3E, 3F, 3G or 3H. It sets out the maximum penalties for the new offences and sets out the Assembly procedure, for regulations made under the 1988 Order as amended. Subsection (4) amends section 66(3) of the 2019 Act so that the Department of Justice can issue statutory guidance, subject to consultation with affected persons (section 66(6)), on the existing and new offences in the 1988 Order.

Section 42: Duty to report remote sale of knives etc in bulk: England and Wales and Scotland

489. Subsection (1) inserts new section 141D into the 1988 Act which introduces a duty on sellers to report remote bulk sales of knives to the police and makes it an offence for a seller to fail to comply. New section 141D(2) to (4) define a bulk sale of knives as six or more knives sold in a single transaction, or to the same buyer or residential premises in two or more transactions in a 30-day period. There is a limited exception for a qualifying set of knives. A qualifying set is a set of at least three knives that differ in size or shape and are packaged for sale as a single item (such as a typical kitchen knife block). The purchase of one qualifying set is treated as the purchase a single knife. The purchase of two or more qualifying sets in a single transaction or in a 30-day period is treated as bulk sale. Sales where the buyer informs the seller that they are carrying on a business and that they are registered for VAT or as a company are not reportable (new section 141D(7)). The maximum penalty for the offence of failure to comply with the reporting requirement is an unlimited fine (new section 141D(11)).

490. New section 141D(1) confers a power on the Secretary of State to prescribe the details of the reports and the reporting process, that is to whom reports must be made. By virtue of new section 141D(13), such regulations (which are subject to the negative procedure) may in particular include requirements about:

(a) how reports are to be made (that is the method of submission and to whom (expected to be a central police unit)),

(b) when reports are to be made, and

(c) the information reports must include (expected to be the details of the purchase and the name, address and age of the purchaser).

491. New section 141D(15) confers a power on the Secretary of State, by regulations (subject to the draft affirmative procedure) to amend what constitutes a reportable sale by varying the number of bladed articles or qualifying sets specified in section 141D(2) or the period specified in section 141D(4).

492. Subsection (2) amends section 66 of the 2019 Act by adding new section 141D to the list of provisions to which the section applies Section 66 permits the Secretary of State (and the Scottish Ministers and the Department of Justice in Northern Ireland) to issue guidance about the operation of offences relating to the sale and delivery, importation and possession of offensive weapons and corrosive substances. The amendment to section 66 ensures that the power to issue guidance covers the reporting duty provided for in new section 141D of the 1988 Act.

Section 43: Duty to report remote sale of knives etc in bulk: Northern Ireland

493. Subsection (1) inserts new Article 54B into the Criminal Justice (Northern Ireland) Order 1996, which introduces a duty on sellers to report any reportable sales of bladed articles and makes it an offence for a seller to fail to comply. "Bladed article" means an article to which Article 54 applies, other than a knife which does not have a sharp point and is designed for eating food.

494. Subsections (2) to (4) define a reportable sale of bladed articles as six or more knives sold in a single transaction, or to the same buyer or residential premises in two or more transactions in a 30-day period. There is a limited exception for a qualifying set of knives. A qualifying set is a set of at least three knives that differ in size or shape and are packaged for sale as a single item (such as a typical kitchen knife block). The purchase of one qualifying set is treated as the purchase of a single knife. The purchase of two or more qualifying sets in a single transaction or in a 30-day period is treated as bulk sale. Sales where the buyer informs the seller that they are carrying on a business and that they are registered for VAT or as a company are not reportable (new Article 54B(7)). The maximum penalty for the offence of failure to comply with the reporting requirement is a fine not exceeding level 5 on the standard scale (new Article 54B(11)).

495. New Article 54B(1) confers a power on the Department of Justice in Northern Ireland to prescribe by Order the details of the reports and the reporting process. By virtue of new Article 54B(13), such an Order (which would be subject to the negative procedure) may in particular include requirements about: (a) how reports are to be made (that is the method of submission and to whom (expected to be a central police unit)), (b) when reports are to be made, and (c) the information reports must include (expected to be the details of the purchase and the name, address, and age of the purchaser).

496. New Article 54B(14) confers a power on the Department of Justice in Northern Ireland, by Order (subject to the draft affirmative procedure) to amend what constitutes a reportable sale by varying the number of bladed articles or qualifying sets specified in new Article 54B(2) or the period specified in new Article 54B(4). Subsection (4) amends section 66(3) of the 2019 Act by adding new Article 54B to the list of provisions to which the section applies. Section 66 permits the Department of Justice in Northern Ireland to issue guidance about the operation of offences relating to the sale and delivery, importation and possession of offensive weapons and corrosive substances. The amendment to section 66 ensures that the power to issue guidance covers the reporting duty provided for in new Article 54B of the 1996 Order.

Section 44 and Schedule 5: Application of Firearms Acts to sound moderators etc

497. Section 44 amends the provisions in the 1968 Act which regulate the possession of a sound moderator or flash suppressor and introduces Schedule 5 which amends the exemptions in the Firearms Act 1968 and the Firearms (Amendment) Act 1988 to the requirement to hold a firearm or shotgun certificate.

498. Subsection (2) adds a new section 2A to the 1968 Act creating an offence of possessing a relevant accessory without having a valid firearm or shotgun certificate, or without an exemption applying. A "relevant accessory" Is defined as an accessory to a firearm to which section 1 applies which is designed or adapted to diminish the noise or flash caused by firing the firearm.

499. Consequentially, subsection (3) removes paragraph (d) in section 57(1) of the 1968 Act which included in the definition of "firearm" an accessory to a lethal barrelled weapon or a prohibited weapon where the accessory is designed or adapted to diminish the noise or flash caused by firing the weapon. The words "and accessories to" in the words which follow

paragraph (d) are omitted. Consequential changes are also made to the definitions in section 57(4) to include the meaning of "relevant accessory" as given in the new section 2A. Also to remove in the definition of "shot gun" the words "any accessory to a shotgun designed or adapted to diminish the noise or flash caused by firing the gun" in so far as they relate to the definition and activities of a firearms dealer.

500. Subsection (4) adds the new section 2A offence to Schedule 6 of the 1968 Act (which specifies the mode of trial and maximum penalties for offences provided for in the 1968 Act) and specifies it as a summary offence subject to a fine of Level 3 on the standard scale.

501. The 1968 Act and the Firearms (Amendment) Act 1988 provide for a number of situations where a person is allowed to possess a firearm without holding a firearm or shotgun certificate. Subsection (5) inserts Schedule 5 which adds to these exemptions to also allow possession of a relevant accessory.

502. Schedule 5 amends the following provisions to allow a person to possess a relevant accessory as well as a firearm without holding a certificate:

Firearms Act 1968

- Section 7(1) – a person who has obtained from the chief officer of police for the area in which he resides a permit in the prescribed form.
- Section 8(1) and (1A) – a person carrying on the business of a firearms dealer and registered as such under this Act, or a servant of such a person.
- Section 9(1) - a person carrying on the business of an auctioneer, carrier or warehouseman, or a servant of such a person.
- Section 11(1) - a person carrying a firearm or ammunition belonging to another person holding a certificate under instructions from, and for the use of, that other person for sporting purposes only.
- Section 11(4) - a person, other than the operator, at a rifle range or shooting gallery at which no firearms are used other than air weapons or miniature rifles which have been provided by the operator of the range or gallery.
- Section 11A - Authorised lending and possession of firearms on private premises for hunting etc.
- Section 12(1) - A person taking part in a theatrical performance or a rehearsal thereof, or in the production of a cinematograph film.
- Section 13(1)(a)(b)(c) - Equipment for ships and aircraft.

Firearms (Amendment) Act 1988

- Section 15 – Members of approved rifle clubs and muzzle-loading pistol clubs.
- Section 16A (1) - Possession of firearms on service premises.
- Section 16B (1) - Possession of firearms on Ministry of Defence Police premises.
- Section 17 - New subsection (1ZA) allows possession by the holder of a visitor's firearm permit.

- Section 25(4) - Provides for references in the 1968 Act to a person who is exempt from the certification provisions under that Act to include a person who is exempt under the provisions of the 1988 Act.
- Paragraphs 1(2)(a), (3) and (4) of the Schedule - Museum firearms licences to cover relevant accessories.

Part 3: Retail crime

Section 45: Assault of retail worker

503. This section introduces a new offence for assaulting a retail worker at work. This offence applies to England and Wales.

504. Subsection (2) defines a retail worker as someone working in or about retail premises, for or on behalf of the owner/occupier of the retail premises. They may also be the owner or occupier of the premises.

505. Subsection (3) defines retail premises for the purpose of this section. These are premises mainly or wholly used for the sale of anything by retail; and premises which are mainly used for wholesale purposes, but are also used for the sale of anything by retail.

506. 'Premises' include a stall, or a vehicle, for example an outdoor market or food truck. 'Working' includes unpaid work, for example those working voluntarily in a charity shop or working in a family business without pay.

507. Subsection (4) provides that this is a summary only offence, and that the maximum penalty is six months' imprisonment, an unlimited fine, or both.

508. Subsection (5) provides that when section 281(5) of the CJA 2003 comes into force, the maximum penalty will increase to 51 weeks, along with other for summary offences committed after that date.

509. Subsection (6) inserts the offence of assault retail worker into section 40 of the 1988 Act which permits for the offence to be included in an indictment if the charge (a) is founded on the same facts or evidence as a count charging an indictable offence; or (b) is part of a series of offences of the same or similar character as an indictable offence which is also charged.

510. This section is not intended to limit the existing offences of common assault and battery.

Section 46: Assault of retail worker: duty to make criminal behaviour order

511. This section inserts new section 331A into the Sentencing Code which places a duty on the court to impose a criminal behaviour order where someone has been convicted of the offence of assaulting a retail worker (section37).

512. New section 331A(1) specifies the conditions that must be met for the duty to apply namely that the offender has been convicted of the offence of assaulting a retail worker, is aged 18 or over, the prosecution has made an application to the court for an order to be made and the court does not impose a custodial sentence, a youth rehabilitation order, a community order or a suspended sentence order.

513. New section 331A(2) modifies the application of section 331 of the Sentencing Code (power to make CBO). The effect of section 331 as modified is that the court is under a duty to make a CBO (rather than has a power to make such an order), unless the court decides there are exceptional circumstances that relate to the offence or the offender, or that justify not making a CBO or if the courts make an order for absolute discharge (under section 79 of the Sentencing Code in respect of the offence).

514. New section 331A(3) modifies the application of section 332 of the Sentencing Code (proceedings on an application for an order). The effect of section 332 as modified is that in deciding whether there are exceptional circumstances to disapply the duty to make an order, the court must hear representations from the prosecution and the offender.

Section 47: Theft from shop triable either way irrespective of value of goods

515. Subsection (1) repeals section 22A of the Magistrates' Courts Act 1980 (inserted by section 176 of the 2014 Act), which provides, subject to one exception, that low-value shop theft (that is, where the value of the goods is £200 or less) is a summary offence. The one exception is where an adult defendant is to be given the opportunity to elect Crown Court trial, and if the defendant so elects, the offence is no longer summary and will be sent to the Crown Court (section 22A(2)). Otherwise, the effect of section 22A is that offences of low-value shop theft cannot be sent to the Crown Court for trial or committed there for sentence; they attract a maximum penalty of six months' imprisonment; and are within the procedure in section 12 of the Magistrates' Courts Act 1980 that enables defendants in summary cases to be given the opportunity to plead guilty by post. The effect of the repeal of section 22A is that low-value shop theft offences are tried as 'general theft' (an either way offence with a maximum custodial sentence of seven years' imprisonment), instead of summarily in a magistrates' court.

516. Subsection (2) makes consequential amendments and repeals (including section 176 of the 2014 Act) as a result of the repeal of section 22A of the Magistrates' Courts Act 1980.

517. Subsection (3) provides that the repeal of section 22A does not have retrospective effect.

Part 4: Criminal exploitation of children and others
Chapter 1: Child criminal exploitation

Section 48: Child criminal exploitation

518. This section creates a new offence of child criminal exploitation in England and Wales, Scotland and Northern Ireland.

519. Subsection (1) makes it a criminal offence for an adult (D) aged 18 or over to do anything to a child (C) or in respect of C, intending to cause C to engage in any criminal activity. It is also an offence for D to act towards or in respect of C, intending to make it easier to cause C to engage in any criminal activity in the future. D's state of mind in relation to whether C is a child is irrelevant.

520. The offence is aimed at adults who exploit children by intentionally using them to commit criminal activity. This could be, but is not limited to, where D recruits C into a criminal gang, or where D directs or controls C's offending. It could also cover the situation where D arranges or facilitates C's criminal behaviour but does not directly cause B to commit criminal activity. It also covers precursory acts, such as grooming, where there is the requisite intent. D will commit the offence regardless of any apparent consent given by C to the conduct done to or in respect of them, or to engage in the criminal activity. The offence is also made out regardless of whether C commits or intends to commit the criminal activity intended by D, or whether the child is prosecuted or found guilty of the criminal activity.

521. Where C is exploited to commit crime within the UK, it does not matter whether C is intended to engage in conduct which would be an offence in either the part of the UK (that is, England and Wales, Scotland or Northern Ireland) where D is or where C is intended to act. Where C is exploited to commit crime outside the UK, the conduct must be an offence in the part of the UK where D is.

522. Subsection (3)(a) provides that the offence can be made out where the intended behaviour of C is a failure to act, for example, where D intends to cause C to fail to comply with the conditions of an order. Subsection (3)(b) clarifies that, for the purposes of this offence, a child is a person under the age of 18.

523. Subsection (4) ensures that where D1 gets another person (D2) to use C to commit criminal activity, and D2 does so, A can also commit the offence. It does not matter whether D2 is themself an adult or a child. This covers, for example, a gang leader (D1) who instructs a member of his gang (D2) to direct a child (C) to commit a drug supply offence.

524. Subsection (5) provides that the offence is triable either-way and specifies the maximum penalties on summary conviction and conviction on indictment (namely, ten years' imprisonment, a fine, or both) in England and Wales, Scotland and Northern Ireland.

525. Subsection (6) excepts the offence of child criminal exploitation in England and Wales from the defence in section 45 of the 2015 Act. Section 45 of the 2015 Act provides for a defence for slavery or trafficking victims. The defence is intended to provide further encouragement to victims to come forward and give evidence without fear of being convicted for offences connected to their slavery or trafficking situation. The defence does not apply in the case of certain serious offences as specified in Schedule 4 to the 2015 Act.

526. This section is not intended to limit the potential scope and/or application of any existing offences (such as the inchoate offences) or override the age of criminal responsibility. It does not extend or transfer liability to the adult for the offence committed by the child but is a separate offence to reflect the harm done against the child by the adult by exploiting them and drawing them into a world of criminality.

Section 49: Proving an offence under section 48

527. This section provides further rules about what needs to be proved to establish guilt for an offence under section 48.

528. Subsections (2) to (4) make it clear that in order to establish that an adult (D) intended to cause, or facilitate the causing of a child (C) to offend, or do something outside the relevant part of the UK which would otherwise be an offence, it is sufficient to establish that D only intended for C to do an act which would amount to the commission of an offence, or would be an offence if (in so far as it is not the case) it had occurred in the relevant part of the UK. It is not necessary to prove that D intended C to satisfy all other elements of the intended criminality. For example, it is not necessary to prove that D intended for C to have the relevant mens rea for the intended offence, provided one of the requirements in subsection (5) can be proved.

529. Subsection (5)(a) makes it clear that, instead, it is sufficient to prove that, if the offence requires proof of fault, D believed that C would have the necessary fault, or, if D were to do the act themself, D would have the necessary fault. Subsection (5)(b) sets out that it is sufficient to prove that, if the offence requires proof of particular circumstances or consequences, D intended or believed that, were the act to be done, it would be done in those circumstances or with those consequences.

530. Subsection (6) ensures that where subsection (5)(a)(ii) is relied upon (that is, where D has the necessary fault element for the commission of the offence themself), D cannot escape liability purely because it is impossible for them to commit the offence.

531. Subsection (7) clarifies that A may commit the offence in respect of a child who is under the age of criminal responsibility.

Section 50: Power to make CCE prevention order

532. Subsections (1) and (2) set out the power for a court to make a child criminal exploitation prevention order ("CCEPO") in respect of a person over 18 ("the defendant"). A CCEPO is a new civil order, which enables prohibitions or requirements to be imposed by a court on individuals involved in criminally exploiting children in order to protected children from harm from criminal exploitation by preventing future offending.

533. Subsection (1) sets out the circumstances in which a court can make a CCEPO. They may be obtained through a variety of routes. An order may be made by a magistrates' court following an application by a chief officer of the police (including the BTP and the MDP) or Director General of the NCA (subsection (1)(a) and see section 44). An order may also be made by a court (namely, a magistrates' court, the Crown Court or in limited cases the Court of Appeal) on its own volition at the end of criminal proceedings, in situations where the defendant has been acquitted of the offence or the court has made a finding that the defendant is not guilty by reason of insanity, or is under a disability (such that they are unfit to be tried) but has done the act charged (subsection (1)(b) and (d)). Additionally, the Crown Court may make an order where it allows a defendant to appeal against their conviction (subsection (1)(c)).

534. Subsections (3) to (5) set out the three conditions that must be satisfied for a court to make a CCEPO. The first is that the court must be satisfied, on the balance of probabilities (that is, the civil standard of proof), that the defendant has engaged in child criminal exploitation or conduct associated with child criminal exploitation (subsection (3)(a)). In cases where the court is imposing an order at the end of criminal proceedings after a finding that the defendant is not guilty by reason of insanity or is not fit for trial but has done the acts charged, the first condition will also be met (automatically) if the offence the finding relates to is an offence of child criminal exploitation (subsection (3)(b)). The second condition is that the court considers that there is a risk that the defendant will engage in child criminal exploitation (subsection (4)), and the third condition is that the court considers the order necessary to prevent the defendant from engaging, or reduce the likelihood of the defendant engaging, in child criminal exploitation (subsection (5)).

535. Subsections (6) provides that a CCEPO may be made in relation to conduct, or a finding in relation to an offence, that occurred before this section comes into force.

536. Subsection (7) defines "engaging in child criminal exploitation" as doing anything that constitutes the offence of child criminal exploitation (under section 40), and "conduct associated with" CCE as doing things associated with that offence. That enables both past conduct targeted at identifiable individual children, and past conduct demonstrating a general risk of criminally exploiting children, to lead to a CCEPO. CCEPOs will be able to be sought based on conduct in any part of the UK, as long as it amounts to CCE conduct in the part of the UK where the order is being sought.

Section 51: CCE prevention orders

537. This section describes a CCEPO. CCEPOs are orders containing prohibitions or requirements on the subject of the order (subsection (1)). The court can only include prohibitions or requirements in the order which it is satisfied are necessary to prevent the defendant from engaging, or reduce the likelihood of them engaging, in child criminal exploitation (subsections (1) and (2)). The nature of any condition is a matter for the court to determine. These conditions could include limiting their ability to work with children, contact specific people online or in person, or go to a certain area, or requiring them to attend a drug awareness class. In particular, they can require the subject of the order to comply with the notification condition (set out in section 56).

538. These conditions must, so far as practicable, avoid conflict with the defendant's religious beliefs, interference with their work or education and must not conflict with requirements in any other court order or injunction that the respondent may be subject to (subsection (3)). A CCEPO therefore should not, for example, impose requirements to attend a drugs awareness class during the individual's hours of work which prevent them from attending their work.

539. Subsections (4) to (7) provide for the extent and duration of a CCEPO and the prohibitions and requirements in it. Prohibitions and requirements contained within the order will apply throughout the UK unless otherwise stated (subsection (4)).

540. A CCEPO must either specify the duration of the order (which must be for at least two years) or provide that it remains in force until further order (subsection (5)). Different prohibitions or requirements may last for different lengths of time (subsection (6)). Where a person is made subject to a new CCEPO any existing CCEPO will cease to apply (subsection (7)).

Section 52: Applications for CCE prevention orders

541. This section covers the steps to be taken by the police, or NCA, to apply for a CCEPO to a magistrates' court. Subsections (1) and (2) enable the following persons to apply for a CCEPO: a relevant chief officer of police (being the chief officer police for the police area where the defendant lives or for a police area where they believe the defendant is in or about to enter), the Chief Constable of the BTP, the Chief Constable of the MDP and the Director General of the NCA. Police areas take the meaning in section 1 of and Schedule 1 to the Police Act 1996.

542. If the BTP, MDP or NCA make an application for a CCEPO, they must notify the chief officer of police where the defendant lives or where they believe they defendant is or is intending to come to, that they have made an application as soon as practicable (subsection (3)). This ensures local police forces are kept fully informed of risks relating to child criminal exploitation in their areas.

Section 53: Applications without notice

543. Applications for a CCEPO will normally be made following the giving of notice to the defendant, however this section allows the applicant to make an application for a CCEPO without giving notice to the defendant (subsection (1)). This allows for an order to be imposed, where appropriate, in exceptional or urgent situations such as where an immediate risk to specific or general children is present and where serving notice would cause unacceptable delay or risk the defendant absconding or causing imminent harm to potential victims or witnesses. The applicant will need to produce evidence to the court as to why a without notice hearing is necessary.

544. The court has three options when an application is made without notice: to adjourn the proceedings and make an interim order, adjourn the proceedings without making an interim order or dismiss the application (subsection (2)). Section 54 deals with interim orders.

Section 54: Interim CCE prevention orders

545. This section deals with the court's powers to grant an interim CCEPO where it is considering an application for a CCEPO but adjourns the hearing. An interim order may be made following an application made either with or without notice to the defendant. An adjournment may be necessary to enable further information to be gathered ahead of a full hearing, or to enable a defendant to attend a full hearing.

546. The court can only grant an interim CCEPO where it considers it necessary to do so (subsection (2)). Interim orders can only last for a fixed period or until the full order is either granted or dismissed (subsection (2)).

547. Subsection (3) provides that while an interim CCEPOs may contain prohibitions, the only requirement they may contain is the notification condition (see section 56). Therefore, other positive requirements, such as attending a drug awareness class, cannot be part of an interim CCEPO.

548. If an interim CCEPO is made at a hearing without notice, it only takes effect upon being served on the defendant (subsection (5)). Subsection (6) makes clear that an interim CCEPO may be varied (or discharged) under section 57 (in the same way as a full CCEPO may).

Section 55: Procedural powers where no application made

549. This section sets out additional procedural powers of the court where a CCEPO is being considered at the end of criminal proceedings, in circumstances other than on conviction. This is where the defendant has been acquitted, allowed to appeal their conviction, found guilty by reason of insanity, or found to be under a disability but to have done the act charged.

550. Subsections (2) and (3) make clear that the court may consider, for the purpose of deciding whether to make a CCEPO, evidence by the prosecution and defendant, and this can be evidence that would not have been admissible in the preceding criminal trial. Subsections (4) to (7) set out the court's powers to adjourn proceedings and the powers of the court where a defendant fails to appear for any adjourned proceedings (including a power to issue a warrant for the defendant's arrest or hear the proceedings without the defendant being present). None of these limits any other powers of the court.

Section 56: Notification requirements

551. This section sets out that a CCEPO may include a requirement for the defendant to notify the police of their name(s), including any aliases, and home address, although this is not a mandatory requirement. It sets out where and how that notification is to occur and the requirement for the police to acknowledge it.

552. If this requirement is included in the order, the defendant must notify their local police of their name(s) and home address within three days (subsection (2)). Changes of name or home address must also be notified within three days of the change (subsections (3) and (4)). Such information will assist the police in monitoring compliance with the CCEPO and in managing the risk posed by the defendant.

553. As CCEPOs extend UK-wide, subsection (5) specifies that the notification may be given either by attending at a police station or in the way specified in the order. This is to enable the court (and consequently, the police) to allow someone to notify their name and address via another means (for example, email) should in person notification be inappropriate. The police must acknowledge the notification in writing (subsection (7)).

554. The defendant's "home address" for these purposes is defined in subsection (7), as meaning either the person's sole or main residence in England and Wales or, where they have no such residence, the address or location in England and Wales they can regularly be found. If a person can regularly be found at two or more locations (for example, at a family home at the weekend and at a flat near their work during the week) they would need to select one of these places and provide details of its address. Equally, if a person is homeless, they would need to provide details of one location where they can regularly be found.

555. The three-day period within which notification must be given does not take into account time when the defendant is lawfully detained, or otherwise lawfully deprived of their liberty, or outside the UK (for example, in police detention, prison or service detention) (subsection (9)).

Section 57: Variation and discharge of CCE prevention orders

556. This section sets out how a CCEPO may be varied or discharge, who may apply for such variation or discharge, and to which court an application should be made. A variation could include simply extending the duration of an order which has been made for a specified period.

557. A court may vary or discharge a CCEPO on an application by the original applicant, the defendant, or the chief officer of police for the area the defendant lives or is in, or is intending to come to (subsections (1) and (2)). This ensures that the order can be modified to reflect the changing circumstances, both to ensure that it remains effective to manage the risk posed by activities related to CCE and that the order remains necessary for that purpose.

558. The court must hear from the defendant and, where relevant, the original applicant for the order and/or relevant chief officer of police (if they wish to be heard) before making a decision to vary or discharge an order (subsection (3)).

559. The court, in determining an application under this section, may make such order as it considers appropriate, subject to subsection (7) (subsection (3)). In particular, a variation may include the addition of a new prohibition or requirement or the removal of an existing one, or the extension or reduction of the duration of an existing prohibition or requirement (subsection (4)). The variations must be necessary to prevent the defendant from engaging, or reduce the likelihood of the defendant engaging, in child criminal exploitation (subsection (5)). Subsection (6) makes clear that any additional prohibitions or requirements must, so far as practicable, avoid conflict with any religious beliefs of the defendant, interference with their work or education, or conflict with any other court order or injunction; that such additional prohibitions or requirements apply throughout the UK (unless specified otherwise); and different lengths of time may be specified for different prohibitions or requirements (that is, the provisions in section 43(3), (4) and (6) apply).

560. A CCEPO must not be discharged within two years of it being made without the consent of the defendant and the relevant chief officer of police (subsection (7)).

561. Where an application to vary or discharge an order is made by the BTP, MDP or NCA, they must notify the chief officer of police for the area the defendant lives or is in, or is believed to be coming to (subsection (8)).

562. Subsection (9) sets out which court the variation or discharge application is to be made to. Where the Crown Court or Court of Appeal made the order, an application is to be made to the Crown Court. In any other case, an application is to be made to a magistrates' court.

Section 58: Appeals

563. This section sets out the circumstances in which an affected person may appeal against a decision of a court in respect of a CCEPO.

564. A relevant person (as defined in subsection (2)) may appeal against decisions made on an application to make a CCEPO or interim CCEPO or an application to vary or discharge a CCEPO. This permits appeal against a court's decision to make, or to decline to make, an order (or interim order), and such appeal can be brought by the defendant, the applicant for the order or a relevant chief officer of police (that is, for the area in which the defendant lives or is in, or is intending to come).

565. Appeal is to the Crown Court (where a magistrates' court decision is appealed) or Court of Appeal (where a Crown Court decision is appealed) (subsection (2)). Subsection (3) sets out the powers of the court when determining an appeal. The court may make such orders as it considers necessary to give effect to the determination of the appeal and such incidental and

consequential orders as it considers appropriate. For example, it will be open to the court to revoke the order or to amend its provision (either the duration or the prohibitions or requirements contained in it).

566. Where an order was made at the end of criminal proceedings, it can be appealed by the defendant as if it was a sentence passed on the defendant for that offence (subsection (4)).

567. The effect of subsection (5) is that where an appellate court makes a CCEPO on appeal, subsequent proceedings in relation to further variation or discharge of the order should be issued in the lower court. For example, an order by the Crown Court on an appeal from a decision of a magistrates' court is treated as if it was an order of a magistrates' court for the purposes of a subsequent application to vary or discharge that order.

568. Subsection (6) provides that rules of court may make provision for appeals of a court decision following a without notice application may be made without notice being given to the defendant. In practice, such "without notice" appeals will occur only in exceptional or urgent cases (as outlined above).

Section 59: Offence of breaching CCE prevention order

569. Subsections (1) and (2)(a) make it an offence to breach (that is, to do anything which is prohibited by or fail to do anything which is required by) a CCEPO (including an interim CCEPO), without reasonable excuse. The court must be satisfied beyond reasonable doubt the individual has, without reasonable excuse, breached the order. It will be for the court to decide what constitutes a reasonable excuse in a particular case.

570. Subsections (2)(b) and (c), and (8) provide that it is an offence in England and Wales to breach a CCEPO made in Scotland or Northern Ireland. A regulation-making power (subject to the draft affirmative resolution procedure) is conferred on the Secretary of State to amend the list of relevant UK orders breach of which constitutes an offence in England and Wales (subsection (7)).

571. This is an either way offence, meaning that it can be heard in either a magistrates' court or Crown Court depending on the seriousness of the offence. The maximum penalty for the offence is imprisonment for the general limit in a magistrates' court (currently six months for a single offence) or a fine, or both, on summary conviction, or five years' imprisonment, a fine, or both on conviction on indictment (subsection (3)). The court cannot give an order for conditional discharge for a conviction for a breach of a CCEPO (subsection (4)).

572. Subsection (5) ensures that, in proceedings for an offence of breaching a CCEPO, a certified copy of the original CCEPO, is admissible as evidence of it having been made and its contents (avoiding the need for oral evidence on those matters).

573. Subsection (6) provides that it is not possible for a court to issue a conditional discharge for the offence of breaching a CCEPO.

Section 60: Offences relating to notifications

574. This section provides that, where a CCEPO includes a notification requirement (in line with section 56), it is an offence both to fail to comply with the notification, requirement without reasonable excuse and to knowingly provide the police with false information to satisfy this requirement (subsection (2)).

575. This is an either way offence, meaning that it can be heard in either a magistrates' court or Crown Court depending on the seriousness of the offence. The maximum penalty for the offence on summary conviction is imprisonment for the general limit in a magistrates' court (currently six months for a single offence) or a fine, or both, and on conviction on indictment is five years' imprisonment, a fine, or both (subsection (2)).

576. In relation to the offence of failing to notify, the subject of an order will commit an offence on the first day of them failing (without reasonable excuse) to comply with the requirement. They continue to commit the offence throughout the period where they fail to notify their name and address; but can only be prosecuted once for the same ongoing failure (subsections (4) to (7)).

Section 61: Special measures for witnesses

577. This section provides that the special measures for vulnerable and intimidated witnesses as set out in Chapter 1 of Part 2 of the Youth Justice and Criminal Evidence Act 1999 apply to relevant CCE prevention order proceedings. Special measures may include, for example, screening of the witness from the accused or giving evidence by live link or in private.

Section 62: Interpretation and supplementary provision

578. Subsection (1) defines terms for the purposes of the CCEPO provisions in Chapter 1 of Part 4. In particular, it defines "CCE prevention order", "defendant" and "engaging in child criminal exploitation".

579. This section also makes supplementary provision in relation to court procedure. Subsection (2) provides that applications (for the making, variation or discharge of CCEPOs) are to be made by complaint to a magistrates' court or in accordance with rules of court in any other case. Subsection (3) disapplies the six-month time limit for making an application made by complaint to a magistrates' courts, enabling the police or NCA to apply for a CCEPO (or its variation or discharge) more than six months after the conduct giving rise to the application occurred.

580. Subsection (4) disapplies magistrates' courts powers, on the hearing of an application for the making, variation or discharge of a CCEPO, to summons a witness or issue a warrant for their arrest (under section 97 of the Magistrates' Courts Act 1980) in relation to any person for whose protection the order is sought (that is, children at risk of being criminally exploited), except where the person has already given oral or written evidence at the hearing.

Section 63 and Schedule 6: Orders made on conviction

581. This section introduces Schedule 6 which inserts new Chapter 2A into Part 11 of the Sentencing Code (comprising new sections 358A to 358I), to introduce CCEPOs (new civil orders) on conviction. It makes broadly equivalent provision for CCEPO to that in sections 42 to 54 in relation to orders made on application or on acquittal etc. New Chapter 2A does not make provision for interim CCEPOs.

582. New section 358A of the Sentencing Code provides the power to make a CCEPO where it is dealing with an offender for the offence that may result in a CCEPO made. New section 358A(1) provides that CCEPOs can be made by a court dealing with a person aged 18 or over and convicted of an offence. New section 358A(2) to (5) set out the three conditions that must be satisfied for a court to make a CCEPO. The first is that either (a) the court must be satisfied, on the balance of probabilities (that is, the civil standard of proof), that the defendant has engaged in child criminal exploitation or conduct associated with child criminal exploitation, or (b) the offender is convicted of a CCE offence. The second condition is that the court considers that there is a risk that the offender will engage in child criminal exploitation, and the third condition is that the court considers the order necessary to prevent the offender from engaging, or reduce the likelihood of them engaging, in child criminal exploitation. New section 358A(6) and (7) provide that a CCEPO may be made in relation to conduct, or an offence, that occurred before Schedule 6 comes into force, and that references to a person engaging in child criminal exploitation, or conduct associated with CCE, is to a person doing anything, in England and Wales, that constitutes, or is associated with, an offence under section 48.

583. New section 358B provides for the requirements and prohibitions imposed by a CCEPO. New section 358B(1) and (2) define a CCEPO as an order made in respect of an offender which imposes such prohibitions or requirements on the offender as the court considers necessary for the purpose of preventing, or reducing the likelihood of, the offender engaging in child criminal exploitation. These conditions must, so far as practicable, avoid conflict with the defendant's religious beliefs, interference with their work or education and must not conflict with requirements in any other court order or injunction the defendant is subject to (new section 358B(3)). New section 358B(5) to (8) provides for the duration and extent of a CCEPO: prohibitions and requirements apply throughout the UK, unless stated otherwise and a CCEPO must either specify the duration of the order or provide that it remains in force until further order. Different prohibitions or requirements may have different durations, and any existing CCEPO ceases to apply if the person is made subject to a new CCEPO. Subsection (6) makes clear that an order can take effect upon the subject's release from custody.

584. New section 358C makes provision for notification requirements, which a court may decide to impose as a condition of the order (it is not a mandatory condition of all CCEPOs). If a court does impose such notification condition, new section 358C(2) sets out the information that the offender must provide to the police within three days of the order being served. The information is the name, or names, of the offender and their home address. New section 358C(3) provides that the offender must notify the police if they change their name or home address, within three days of such change. Home address is defined in new section 358C(7), and means the address of the offender's sole or main residence and, if they have no such residence (for example, because they live between two addresses or are homeless), the address or a location of a place in England and Wales where they can be regularly found. The three day period within which notification must be given does not include time when the defendant is lawfully detained or otherwise lawfully deprived of their liberty (for example, are in police custody, prison or service detention), or outside the UK (new section 358C(8)). Notification is to be given orally to the police, at a police station in the offender's local area or the area in which the court which made the order is located, and the police must acknowledge the notification in writing (new section 358C(5) and (6)).

585. New section 358D sets out additional procedural powers from the criminal court considering imposing a CCEPO. New section 358D(1) and (2) make clear that the court may consider, for the purpose of deciding whether to make a CCEPO, evidence led by the prosecution and defendant and this can be evidence that would not have been admissible in the preceding criminal trial. New section 358D(3) to (6) sets out the court's powers to adjourn proceedings and the powers of to the court where a defendant fails to appear for any adjourned proceedings (including a power to issue a warrant for the defendant's arrest or hear the proceedings without the defendant being present). None of these limits any other powers of the criminal court (new section 358D(7)).

586. New section 358E sets out how a CCEPO may be varied or discharged, who may apply for such variation or discharge and to which court an application should be made. New section 358E(1) and (2) provide that a court may vary or discharge a CCEPO on an application by the original applicant, the defendant, or the chief officer of police for the area the defendant lives or is in, or is intending to come to. The application is to be made to the Crown Court (where the Crown Court or Court of Appeal made the order) or magistrates' court (in any other case) (new section 358E(8)). The court must hear from the defendant and, where relevant, the original applicant for the order and/or relevant chief officer of police (if they wish to be heard) before making a decision to vary or discharge an order (new section 358E(3)). In determining the application, the court may make such order as it considers appropriate, which may include the addition of new prohibitions or requirements or the removal or the extension of the duration of any existing ones (new section 358E(4)). As with the making of any order, the

variations must be necessary to prevent the offender from engaging, or reduce the likelihood of the offender engaging, in child criminal exploitation (new section 358E(5)), and the same safeguards and provisions as to extent and duration apply as for imposition when making an order (new section 358E(6)). A CCEPO must not be discharged within five years of it being made without the consent of the defendant and the relevant chief officer of police (new section 358(7)).

587. New section 358F sets out the circumstances in which an affected person may appeal against a decision of a court in respect of a CCEPO. Existing appeal routes exist for an offender to appeal against the making of an order imposed on conviction by way of appeal against sentence (under section 50(1) of the Criminal Appeal Act 1968 or section 108(3) of the Magistrates' Courts Act 1980). A relevant person (as defined in new section 358F(2), being the applicant, offender, or relevant chief officer of police) may appeal against a decision made on an application to vary or discharge a CCEPO. Such appeal is to be made to the Crown Court or, where the variation or discharge application was made to the Crown Court, to the Court of Appeal. On such appeal, the Crown Court may make such orders as may be necessary to give effect to its determination of the appeal and such incidental and consequential orders as appear appropriate.

588. New section 358G makes it an offence to breach (that is, to do anything which is prohibited by or fail to do anything which is required by) a CCEPO (including an interim CCEPO), without reasonable excuse. It will be for the court to decide what constitutes a reasonable excuse in a particular case. This is an either way offence with a maximum penalty on summary conviction of imprisonment for the general limit in a magistrates' court (currently six months for a single offence) or a fine, or both, and on conviction on indictment to five years' imprisonment, a fine, or both (new section 358G(2)). The court is precluded from giving an order for conditional discharge for a conviction under this section (new section 358G(3)).

589. New section 358H makes it an offence, where a CCEPO includes a notification requirement, for a person to fail to comply with the notification without reasonable excuse or to knowingly provide the police with false information to satisfy this requirement (new section 358H(2)). This is an either way offence with a maximum penalty on summary conviction of imprisonment for the general limit in a magistrates' court (currently six months for a single offence) or a fine, or both, and on conviction on indictment to five years' imprisonment, a fine, or both (new section 358H(3)). The subject of an order commits an offence on the first day they fail (without reasonable excuse) to comply with the notification requirement. They continue to commit the offence throughout the period where they fail to notify their name and address but can only be once for the same ongoing failure (subsections (4) to (6)).

590. New section 358I defines terms for the purposes of the CCEPO provisions in Chapter 2A of Part 11 of the Sentencing Code. In particular, it defines "CCE prevention order", ""defendant" and "engaging in child criminal exploitation". It also makes supplementary provision in relation to court procedure: it provides that applications under this Chapter are to be made by complaint to a magistrates' court, or in accordance with rules of court, in any other case; disapplies the six-month time limit (from the date of the relevant conduct) for making an application by complaint to a magistrates' court; and precludes a magistrates' court from issuing a witness summon, or warrant for an individual's arrest, for the purpose of compelling a witness to give evidence in relation to an application where that witness is a person for whose protection the order s sought (except where the person has already given evidence at the hearing) (new section 358I(2) to (4)). A conditional discharge is not available for breach of a CCEPO (new section 358I(5)).

Section 64: Child criminal exploitation prevention orders: Scotland and Northern Ireland

591. Section 64 introduces Schedules 7 and 8 which make provision about child criminal exploitation prevention orders for Scotland and Northern Ireland respectively analogous to the provisions for England and Wales made by sections 50 to 63 and Schedule 6. These include provision for cross-border enforcement of CCEPOs. Breach of a prohibition or requirement imposed by a CCEPO made in any part of the UK is criminalised in England and Wales, Scotland and Northern Ireland through the treatment of CCEPOs as "relevant UK orders" for the purposes of the offence provisions in each jurisdiction.

Schedule 7: CCE prevention orders: Scotland

592. Schedule 7 makes provision about child criminal exploitation prevention orders in Scotland. It makes broadly equivalent provision for CCEPOs to that in sections 50 to 63 and Schedule 6 for England and Wales in relation to orders made on application or at the end of criminal proceedings.

593. Paragraph 1(1) and (2) set out the power for a court to make a CCEPO in respect of a person aged 18 years or over ("the adult"). A CCEPO is a new civil order, which enables prohibitions or requirements to be imposed by a court on individuals involved in criminally exploiting children in order to protect children from harm from criminal exploitation by preventing future offending.

594. Paragraph 1(1) sets out the circumstances in which a court can make a CCEPO. They may be obtained through a variety of routes. An order may be made by a Sheriff Court following an application by the Chief Constable of the Police Service of Scotland (sub-paragraph (1)(a)). An order may also be made by a court (namely, a Sheriff Court or High Court) at the end of criminal proceedings in situations where the adult has been acquitted of an offence by reason of the special defence set out in section 51A of the Criminal Procedure (Scotland) Act 1995 or is unfit for trial but has done the act charged against them (sub-paragraph (1)(c) and (d)) and where an adult has been convicted of an offence (sub-paragraph (1)(e)). Additionally, the Sheriff Appeal Court or the High Court may make an order where it allows an adult to appeal against their conviction (sub-paragraph (1)(b)).

595. Paragraphs 1(3) to (5) set out the three conditions that must be satisfied for a court to make a CCEPO. The first is that the court must be satisfied, on the balance of probabilities (that is, the civil standard of proof), that the adult has engaged in child criminal exploitation or conduct associated with child criminal exploitation (sub-paragraph (3)(a)). In cases where the court is imposing an order at the end of criminal proceedings after a finding that the adult is not guilty by reason of insanity or is unfit for trial but has done the acts charged, or where the adult is convicted of an offence, the first condition will also be met (automatically) if the offence is an offence of child criminal exploitation under section 48 (sub-paragraph (3)(b)). The second condition is that the court considers that there is a risk that the adult will engage in child criminal exploitation (sub-paragraph (4)), and the third condition is that the court considers the order necessary to prevent the adult from engaging, or reduce the likelihood of the adult engaging, in child criminal exploitation (sub-paragraph (5)).

596. Paragraph 1(6) provides that a CCEPO may be made in relation to conduct, or a finding in relation to an offence, that occurred before this paragraph comes into force.

597. Paragraph 1(7) defines "engaging in child criminal exploitation" as doing anything that constitutes the offence of child criminal exploitation under section 48 (as it has effect in Scotland) or doing anything in England and Wales or Northern Ireland that would constitute an offence under section 48 (as it has effect in Scotland) if done in Scotland, and "conduct

associated with" CCE as doing things in any part of the UK associated with that offence. That enables both past conduct targeted at identifiable individual children, and past conduct demonstrating a general risk of criminally exploiting children, anywhere in the UK to lead to a CCEPO.

598. Paragraph 2(1) describes a CCEPO. CCEPOs are orders containing prohibitions or requirements on the subject of the order. The court can only include prohibitions or requirements in an order which it is satisfied are necessary to prevent the adult's from engaging, or reduce the likelihood of them engaging, in child criminal exploitation (sub-paragraph (2)). The nature of any condition is a matter for the court to determine. These conditions could include limiting the adult's ability to work with children, contact specific people online or in person, or go to a certain area, or requiring them to attend a drug awareness class. In particular, the court can require the subject of the order to comply with the notification requirements set out in paragraph 6.

599. These conditions must, so far as practicable, avoid conflict with the adult's religious beliefs, interference with their work or education and must not conflict with requirements in any other court order or interdict that the adult may be subject to (sub-paragraph (3)). A CCEPO therefore should not, for example, impose requirements to attend a drugs awareness class during the individual's hours of work which prevent them from attending their work.

600. Paragraphs 2(4) to (7) provide for the extent and duration of a CCEPO and the prohibitions and requirements in it. Prohibitions and requirements contained within the order will apply throughout the UK unless otherwise stated (sub-paragraph (4)).

601. A CCEPO must either specify the duration of the order (which must be for at least two years) or provide that it remains in force until further order (sub-paragraph (5)). Paragraph 2(6) makes it clear that an order can take effect upon the adult's release from custody. Different prohibitions or requirements may last for different lengths of time (sub-paragraph (7)). Where a person is made subject to a new CCEPO, any existing Scottish CCEPO will cease to apply (sub-paragraph (8)).

602. Paragraph 3 enables the Chief Constable of the Police Service of Scotland to apply for a CCEPO. Applications are made to a sheriff in whose sheriffdom the adult lives; or where the Chief Constable of the Police Service of Scotland believes the adult is in or is intending to come to.

603. Paragraph 4 deals with the court's powers to grant an interim CCEPO where it is considering an application for a CCEPO but adjourns the hearing. An adjournment may be necessary to enable further information to be gathered ahead of a full hearing, or to enable an adult to attend a full hearing.

604. The court can only grant an interim CCEPO where it considers it necessary to do so (sub-paragraph (2)). Interim orders can only last for a fixed period or until the full order is either granted or dismissed.

605. Paragraph 4(3) provides that while an interim CCEPOs may contain prohibitions, the only requirement they may contain is the notification condition (see paragraph 6). Therefore, other positive requirements, such as attending a drug awareness class, cannot be part of an interim CCEPO.

606. Paragraph 4(5) makes clear that an interim CCEPO may be varied (or discharged) under paragraph 7 (in the same manner as a full CCEPO).

607. Paragraph 5 sets out additional procedural powers of the court where a CCEPO is being considered at the end of criminal proceedings (i.e. under paragraph 1(1)(b), (c), (d) or (e)). This is where the adult has been allowed to appeal their conviction, acquitted of any offence by reason of the special defence set out in section 51A of the Criminal Procedure (Scotland) Act 1995, is unfit for trial but has done the act charged against them, or where an adult has been convicted of an offence.

608. Paragraph 5(2) provides that the court may make a CCE prevention order at its own instance or on the motion of the Lord Advocate, Crown Counsel or procurator fiscal (or any person duly authorised to represent or act for them).

609. Paragraph 5(3) and (4) makes clear that the court may consider, for the purpose of deciding whether to make a CCEPO, evidence by the prosecution and adult, and this can be evidence that would not have been admissible in the preceding criminal trial. Paragraph 5(5) to (8) sets out the court's powers to adjourn proceedings and the powers of the court where an adult fails to appear for any adjourned proceedings (including a power to issue a warrant for the adult's arrest or hear the proceedings without the adult being present). None of these limits any other powers of the court (sub-paragraph (9)).

610. Paragraph 6 sets out that a CCEPO may include a requirement for the adult to notify the Police Service of Scotland of their name(s), including any aliases, and home address, although this is not a mandatory requirement. It sets out where and how that notification is to occur and the requirement for the police to acknowledge it.

611. If this requirement is included in an order, the adult must notify the police of their name(s) and home address within three days (sub-paragraph (2)). Changes of name or home address must also be notified within three days of the change (sub-paragraphs (3) and (4)). Such information will assist the police in monitoring compliance with the CCEPO and in managing the risk posed by the adult. A notification under paragraph 6 may be made by attending at a police station in Scotland that is specified in a document published by the Chief Constable of Police Scotland and giving an oral notification to a constable or an authorised person, or alternatively in a way specified in the CCEPO (sub-paragraph (5)).

612. Paragraph 6(6) states that the Chief Constable of the Police Service of Scotland must publish a document containing the name and address of each police station at which a person may give a notification. The Chief Constable of the Police Service of Scotland must keep the document under review and publish a revised version as they see fit.

613. The adult's "home address" for these purposes is defined in sub-paragraph (9), as meaning either the person's sole or main residence in the United Kingdom or, where they have no such residence, the address or location in the United Kingdom they can regularly be found. If a person can regularly be found at two or more locations (for example, at a family home at the weekend and at a flat near their work during the week) they would need to select one of these places and provide details of its address. Equally, if a person is homeless, they would need to provide details of one location where they can regularly be found.

614. The three-day period within which notification must be given does not take into account time when the adult is lawfully detained, or otherwise lawfully deprived of their liberty (for example, in police detention or service detention), or when the adult is outside the UK (sub-paragraph (10)). Notification must be given orally to the police, and the police must acknowledge the notification in writing (sub-paragraph (8)).

615. Paragraph 7 sets out how a CCEPO made on application may be varied or discharged, who may apply for such variation or discharge, and the appropriate sheriff that an application should be made to. A variation could include simply extending the duration of an order which has been made for a specified period.

616. An appropriate sheriff (as defined in sub-paragraph (8)) may vary or discharge a CCEPO on an application by the adult, or the Chief Constable of the Police Service of Scotland (sub-paragraphs (1) and (2)). This ensures that the order can be modified to reflect changing circumstances; both to ensure that it remains effective to manage the risk posed by activities related to CCE and that the order remains necessary for that purpose.

617. The appropriate sheriff must hear from the adult and, where relevant, the Chief Constable of the Police Service of Scotland (if they wish to be heard) before making a decision to vary or discharge an order (sub-paragraph (3)).

618. The appropriate sheriff, in determining an application under this paragraph, may make such order as it considers appropriate, subject to sub-paragraph (7) (sub-paragraph (3)). In particular, a variation may include the addition of a new prohibition or requirement or the removal of an existing one, or the extension or reduction of the duration of an existing prohibition or requirement, or extend the period for which the order has effect (sub-paragraph (4)). The variations must be necessary to prevent the adult from engaging, or reduce the likelihood of the adult engaging, in child criminal exploitation (sub-paragraph (5)). Sub-paragraph (6) makes clear that any additional prohibitions or requirements must, so far as practicable, avoid conflict with any religious beliefs of the adult, interference with their work or education, or conflict with any other court order or interdict; that such additional prohibitions or requirements apply throughout the UK (unless specified otherwise); and different lengths of time may be specified for different prohibitions or requirements (that is, the provisions in paragraph 2(3), (4) and (7) apply).

619. The court must not discharge a CCEPO within two years without the consent of the adult and the Chief Constable of the Police Service of Scotland (sub-paragraph (7)).

620. Paragraph 8 sets out how a CCEPO made in criminal proceedings may be varied or discharged, who may apply for such variation or discharge of a CCEPO made in the circumstances mentioned in paragraph 1(1)(b), (c), (d) or (e) , and to which court an application should be made. A variation could include simply extending the duration of an order which has been made for a specified period.

621. A court may vary or discharge a CCEPO on an application by the adult, or the Lord Advocate, Crown Counsel or Procurator Fiscal (and any person duly authorised to represent or act for them) (sub-paragraphs (1) and (2)). This ensures that the order can be modified to reflect the changing circumstances, both to ensure that it remains effective to manage the risk posed by activities related to CCE and that the order remains necessary for that purpose.

622. The court must hear from the adult and, where relevant, the Lord Advocate, Crown Counsel or Procurator Fiscal (and any person duly authorised to represent or act for them) (if they wish to be heard) before making a decision to vary or discharge an order (sub-paragraph (3)).

623. The court, in determining an application under this paragraph, may make such order as it considers appropriate, subject to sub-paragraph (7) (sub-paragraph (3)). In particular, a variation may include the addition of a new prohibition or requirement or the removal of an existing one, or the extension or reduction of the duration of an existing prohibition or requirement, or extend the period for which the order has effect (sub-paragraph (4)). The variations must be necessary to prevent the adult from engaging, or reduce the likelihood of the adult engaging, in child criminal exploitation (sub-paragraph (5)). Sub-paragraph (6) makes clear that any additional prohibitions or requirements must, so far as practicable, avoid conflict with any religious beliefs of the adult, interference with their work or education, or conflict with any other court order or interdict; that such additional prohibitions or requirements apply throughout the UK (unless specified otherwise); and different lengths of time may be specified for different prohibitions or requirements (that is, the provisions in paragraph 2(3), (4) and (7) apply).

624. The court must not discharge a CCEPO within two years without consent of the adult and the Chief Constable of the Police Service of Scotland (sub-paragraph (7)).

625. Paragraph 8(8) sets out which court the variation or discharge application is to be made to. Where the High Court made the order, an application is to be made to the High Court. If a sheriff made an order, then the application should be made to the sheriff.

626. Paragraph 9 sets out the circumstances in which the adult or the Chief Constable of the Police Service of Scotland may appeal against a decision of a court in respect of a CCEPO.

627. An appeal may be made to the relevant court against decisions made on an application to make a CCEPO, or interim CCEPO, or an application to vary or discharge a CCEPO made on application or in criminal proceedings. This permits an appeal against a court's decision to make, or to decline to make, an order (or interim order), and such appeal can be brought by the adult or the Chief Constable of the Police Service of Scotland (sub-paragraph (1)).

628. Appeal is to the Sheriff Appeal Court (where a decision of the Sheriff Court is appealed) or in the case of a decision of the High Court, then the appeal is to the High Court (sub-paragraph (2)). Sub-paragraph (3) sets out the powers of the court when determining an appeal. The court may make such orders as it considers necessary to give effect to the determination of the appeal and such incidental and consequential orders as it considers appropriate. For example, it will be open to the court to revoke the order or to amend its provision (either the duration or the prohibitions or requirements contained in it).

629. Where an order was made at the end of criminal proceedings, it can be appealed by the adult as if it was a sentence passed on the adult for that offence (sub-paragraphs (4) and (5)).

630. The effect of sub-paragraph (5) is that where an appellate court makes a CCEPO on appeal, subsequent proceedings in relation to further variation or discharge of the order should be issued in the lower court. For example, an order by the High Court on an appeal from a decision of a Sheriff Court is treated as if it was an order of a Sheriff Court for the purposes of a subsequent application to vary or discharge that order.

631. Paragraph 10(1) makes it an offence to breach (that is, to do anything which is prohibited by or fail to do anything which is required by) an order mentioned in sub-paragraph (2), without reasonable excuse. The court must be satisfied beyond reasonable doubt the individual has, without reasonable excuse, breached the order. It will be for the court to decide what constitutes a reasonable excuse in a particular case.

632. Paragraph 10(2) makes clear that an order includes a CCEPO (including an interim CCEPO) in Scotland, a CCEPO in England and Wales, and a CCEPO in Northern Ireland.

633. Paragraph 10(3) makes provision about the maximum penalties in relation to this offence. The maximum penalty for the offence on summary conviction is imprisonment for a term not exceeding 12 months for a single offence or a fine not exceeding the statutory maximum, or both, or five years' imprisonment, a fine, or both on conviction on indictment (sub-paragraph (3)).

634. Paragraph 10(4) provides Scottish Ministers with the power to make regulations, to amend sub-paragraph (2), so as to add or remove from the list of orders any relevant UK order (as defined in sub-paragraph (6)).

635. Paragraph 10(5) ensures that, in proceedings for an offence of breaching a CCEPO, a certified copy of the original CCEPO, is admissible as evidence of it having been made and its contents (avoiding the need for oral evidence on those matters).

636. Paragraph 11 provides that, where a CCEPO includes a notification requirement (in line with paragraph 6), it is an offence both to fail to comply with the notification requirement without reasonable excuse and to knowingly provide the police with false information to satisfy this requirement (sub-paragraph (2)).

637. Sub-paragraph (3) provides for the maximum penalty in relation to this offence. The maximum penalty for the offence on summary conviction is imprisonment for a term not exceeding 12 months for a single offence or a fine not exceeding the statutory maximum or both, and five years' imprisonment, a fine, or both on conviction on indictment (sub-paragraph (3)).

638. In relation to the offence of failing to notify, the subject of an order will commit an offence on the first day of them failing (without reasonable excuse) to comply with the requirement. They continue to commit the offence throughout the period where they fail to notify their name and address; but can only be prosecuted once for the same ongoing failure (sub-paragraphs (4) to (7)).

639. Paragraph 12 defines terms for the purposes of the CCEPO provisions in this Schedule.

Schedule 8: CCE prevention orders: Northern Ireland

640. Schedule 8 makes provision about child criminal exploitation prevention orders in Northern Ireland. It makes broadly equivalent provision for CCEPOs to that in sections 50 to 63 and Schedule 6 for England and Wales in relation to orders made on application or at the end of criminal proceedings.

641. Paragraph 1(1) and (2) set out the power for a court to make a CCEPO in respect of a person aged 18 years or over ("the defendant"). A CCEPO is a new civil order, which enables prohibitions or requirements to be imposed by a court on individuals involved in criminally exploiting children in order to protect children from harm from criminal exploitation by preventing future offending.

642. Paragraph 1(1) sets out the circumstances in which a court can make a CCEPO. They may be obtained through a variety of routes. An order may be made by a magistrates' court following an application by the Chief Constable of the Police Service of Northern Ireland (sub-paragraph (1)(a)). An order may also be made by a court (namely, a magistrates' court, the Crown Court or in limited cases the Court of Appeal) on its own volition at the end of criminal proceedings, in situations where the defendant has been acquitted of the offence or the court has made a finding that the defendant is unfit to plead but has done the act charged (sub-paragraph (1)(b) and (d)). Additionally, the County Court may make an order where it allows a defendant to appeal against their conviction (sub-paragraph (1)(c)). An order may also be made by a Court dealing with a person aged 18 or over and convicted of an offence (sub-paragraph (1)(e).

643. Paragraphs 1(3) to (5) set out the three conditions that must be satisfied for a court to make a CCEPO. The first is that the court must be satisfied, on the balance of probabilities (that is, the civil standard of proof), that the defendant has engaged in child criminal exploitation or conduct associated with child criminal exploitation (sub-paragraph (3)(a)). In cases where the court is imposing an order at the end of criminal proceedings after a finding that the defendant is not guilty by reason of insanity or is unfit to plead but has done the acts charged, or where the offender is convicted of an offence, the first condition will also be met (automatically) if the offence is an offence of child criminal exploitation under section 40 (sub-paragraph (3)(b)). The second condition is that the court considers that there is a risk that

the defendant will engage in child criminal exploitation (sub-paragraph (4)), and the third condition is that the court considers the order necessary to prevent the defendant from engaging, or reduce the likelihood of the defendant engaging, in child criminal exploitation (sub-paragraph (5)).

644. Paragraph 1(6) provides that a CCEPO may be made in relation to conduct, or a finding in relation to an offence, that occurred before this paragraph comes into force.

645. Paragraph 1(7) defines "engaging in child criminal exploitation" as doing anything that constitutes the offence of child criminal exploitation under section 48 (as it has effect in Northern Ireland) or doing anything in England and Wales or Scotland that would constitute an offence under section 40 (as it has effect in Northern Ireland) if done in Northern Ireland, and "conduct associated with" CCE as doing things in any part of the UK associated with that offence. That enables both past conduct targeted at identifiable individual children, and past conduct demonstrating a general risk of criminally exploiting children, anywhere in the UK to lead to a CCEPO.

646. Paragraph 2(1) describes a CCEPO. CCEPOs are orders containing prohibitions or requirements on the subject of the order. The court can only include prohibitions or requirements in an order which it is satisfied are necessary to prevent the defendant from engaging, or reduce the likelihood of them engaging, in child criminal exploitation (sub-paragraphs (1) and (2)). The nature of any condition is a matter for the court to determine. These conditions could include limiting the defendant's ability to work with children, contact specific people online or in person, or go to a certain area, or requiring them to attend a drug awareness class. In particular, they can require the subject of the order to comply with the notification requirements (set out in paragraph 7).

647. These conditions must, so far as practicable, avoid conflict with the defendant's religious beliefs, interference with their work or education and must not conflict with requirements in any other court order or injunction that the respondent may be subject to (paragraph 2(3)). A CCEPO therefore should not, for example, impose requirements to attend a drugs awareness class during the individual's hours of work which prevent them from attending their work.

648. Paragraphs 2(4) to (7) provide for the extent and duration of a CCEPO and the prohibitions and requirements in it. Prohibitions and requirements contained within the order will apply throughout the UK unless otherwise stated (sub-paragraph (4)).

649. A CCEPO must either specify the duration of the order (which must be for at least five years in a case where the offender is convicted of an offence of child criminal exploitation (under section 48), or at least two years in any other case) or provide that it remains in force until further order (sub-paragraph (5)). Sub-paragraph (6) makes it clear that an order can take effect upon the subject's release from custody. Different prohibitions or requirements may last for different lengths of time (sub-paragraph (7)). Where a person is made subject to a new CCEPO any existing Northern Irish CCEPO will cease to apply (sub-paragraph (8)).

650. Paragraph 3 enables the Chief Constable of the Police Service of Northern Ireland to apply for a CCEPO. Applications are made to a magistrates' court.

651. Applications for a CCEPO will normally be made following the giving of notice to the defendant, however paragraph 4 allows the applicant (the Chief Constable) to make an application for a CCEPO without giving notice to the defendant (sub-paragraph (1)). This allows for an order to be imposed, where appropriate, in exceptional or urgent situations such as where an immediate risk to specific or general children is present and where serving notice would cause unacceptable delay or risk the defendant absconding or causing imminent harm to potential victims or witnesses. The applicant will need to produce evidence to the court as to why a without notice hearing is necessary.

652. The court has three options when an application is made without notice: to adjourn the proceedings and make an interim order, adjourn the proceedings without making an interim order or dismiss the application (sub-paragraph (2)). Paragraph 5 deals with interim orders.

653. Paragraph 5 deals with the court's powers to grant an interim CCEPO where it is considering an application for a CCEPO but adjourns the hearing. An interim order may be made following an application made either with or without notice to the defendant. An adjournment may be necessary to enable further information to be gathered ahead of a full hearing, or to enable a defendant to attend a full hearing.

654. The court can only grant an interim CCEPO where it considers it necessary to do so (sub-paragraph (2)). Interim orders can only last for a fixed period or until the full order is either granted or dismissed (sub-paragraph (2)).

655. Paragraph 5(3) provides that while an interim CCEPO may contain prohibitions, the only requirement they may contain is the notification condition (see paragraph 7). Therefore, other positive requirements, such as attending a drug awareness class, cannot be part of an interim CCEPO.

656. If an interim CCEPO is made at a hearing without notice, it only takes effect upon being served on the defendant (sub-paragraph (5)). Sub-paragraph (6) makes clear that an interim CCEPO may be varied (or discharged) under paragraph 8 (in the same way as a full CCEPO may).

657. Paragraph 6 sets out additional procedural powers of the court where a CCEPO is being considered at the end of criminal proceedings (i.e. under paragraph 1(1)(b), (c), (d) or (e)). This is where the defendant has been acquitted, allowed to appeal their conviction, is not guilty by reason of insanity or is unfit to plead but has done the act charged, or where an offender has been convicted of an offence.

658. Paragraph 6(2) and (3) make clear that the court may consider, for the purpose of deciding whether to make a CCEPO, evidence by the prosecution and defendant, and this can be evidence that would not have been admissible in the preceding criminal trial. Sub-paragraphs (4) to (7) set out the court's powers to adjourn proceedings and the powers of the court where a defendant fails to appear for any adjourned proceedings (including a power to issue a warrant for the defendant's arrest or hear the proceedings without the defendant being present). None of these limits any other powers of the court (sub-paragraph (8)).

659. Paragraph 7 sets out that a CCEPO may include a requirement for the defendant to notify the Police Service of Northern Ireland of their name(s), including any aliases, and home address, although this is not a mandatory requirement. It sets out where and how that notification is to occur and the requirement for the police to acknowledge it.

660. If this requirement is included in an order, the defendant must notify the police of their name(s) and home address within three days (sub-paragraph (2)). Changes of name or home address must also be notified within three days of the change (sub-paragraphs (3) and (4)). Such information will assist the police in monitoring compliance with the CCEPO and in managing the risk posed by the defendant. A notification under paragraph 7 may be made by attending at any police station in Northern Ireland and giving an oral notification to a constable or an authorised person, or alternatively in a way specified in the CCEPO (sub-paragraph (5)).

661. The defendant's "home address" for these purposes is defined in sub-paragraph (7), as meaning either the person's sole or main residence in the UK or, where they have no such residence, the address or location in the UK they can regularly be found. If a person can

regularly be found at two or more locations (for example, at a family home at the weekend and at a flat near their work during the week) they would need to select one of these places and provide details of its address. Equally, if a person is homeless, they would need to provide details of one location where they can regularly be found.

662. The three-day period within which notification must be given does not take into account time when the defendant is lawfully detained, or otherwise lawfully deprived of their liberty (for example, in police detention or service detention), or when the defendant is outside the UK (sub-paragraph (8)). Notification must be given orally to the police, and the police must acknowledge the notification in writing (sub-paragraph (6)).

663. Paragraph 8 sets out how a CCEPO may be varied or discharged, who may apply for such variation or discharge, and to which court an application should be made. A variation could include simply extending the duration of an order which has been made for a specified period.

664. A court may vary or discharge a CCEPO on an application by the defendant, or the Chief Constable of the Police Service of Northern Ireland (sub-paragraphs (1) and (2)). This ensures that the order can be modified to reflect the changing circumstances, both to ensure that it remains effective to manage the risk posed by activities related to CCE and that the order remains necessary for that purpose.

665. The court must hear from the defendant and, where relevant, the Chief Constable of the Police Service of Northern Ireland (if they wish to be heard) before making a decision to vary or discharge an order (sub-paragraph (3)).

666. The court, in determining an application under this paragraph, may make such order as it considers appropriate, subject to sub-paragraph (7) (sub-paragraph (3)). In particular, a variation may include the addition of a new prohibition or requirement or the removal of an existing one, or the extension or reduction of the duration of an existing prohibition or requirement, or extend the period for which the order has effect (sub-paragraph (4)). The variations must be necessary to prevent the defendant from engaging, or reduce the likelihood of the defendant engaging, in child criminal exploitation (sub-paragraph (5)). Sub-paragraph (6) makes clear that any additional prohibitions or requirements must, so far as practicable, avoid conflict with any religious beliefs of the defendant, interference with their work or education, or conflict with any other court order or injunction; that such additional prohibitions or requirements apply throughout the UK (unless specified otherwise); and different lengths of time may be specified for different prohibitions or requirements (that is, the provisions in paragraph 2(3), (4) and (7) apply).

667. A CCEPO must not be discharged without the consent of the defendant and the Chief Constable of the Police Service of Northern Ireland, before five years (where paragraph 1(1)(e) applies), or within two years in any other case (sub-paragraph (7)).

668. Paragraph 8(8) sets out which court the variation or discharge application is to be made to. Where the Crown Court or Court of Appeal made the order, an application is to be made to the Crown Court. In any other case, an application is to be made to a magistrates' court.

669. Paragraph 9 sets out the circumstances in which the defendant or the Chief Constable of the Police Service of Northern Ireland may appeal against a decision of a court in respect of a CCEPO.

670. An appeal may be made to the relevant court against decisions made on an application to make a CCEPO, or interim CCEPO, or an application to vary or discharge a CCEPO. This permits an appeal against a court's decision to make, or to decline to make, an order (or interim order), and such appeal can be brought by the defendant or the Chief Constable of the Police Service of Northern Ireland. (sub-paragraph (1)).

671. Appeal is to the Court of Appeal (where a Crown Court decision is appealed) or in any other case, to the County Court (sub-paragraph (2)). Sub-paragraph (3) sets out the powers of the court when determining an appeal. The court may make such orders as it considers necessary to give effect to the determination of the appeal and such incidental and consequential orders as it considers appropriate. For example, it will be open to the court to revoke the order or to amend its provision (either the duration or the prohibitions or requirements contained in it).

672. Where an order was made at the end of criminal proceedings, it can be appealed by the defendant as if it was a sentence passed on the defendant for that offence (sub-paragraphs (4) and (5)). Existing appeal routes exist for an offender to appeal against the making of an order imposed on conviction by way of appeal against sentence (under section 30(1) of the Criminal Appeal (Northern Ireland) Act 1980 or article 140(2) of the Magistrates' Courts (Northern Ireland) Order 1981).

673. The effect of sub-paragraph (6) is that where an appellate court makes a CCEPO on appeal, subsequent proceedings in relation to further variation or discharge of the order should be issued in the lower court. For example, an order by the County Court on an appeal from a decision of a magistrates' court is treated as if it was an order of a magistrates' court for the purposes of a subsequent application to vary or discharge that order.

674. Sub-paragraph (7) provides that rules of court may make provision for appeals of a court decision following a without notice application may be made without notice being given to the defendant. In practice, such "without notice" appeals will occur only in exceptional or urgent cases (as outlined above).

675. Paragraph 10(1) makes it an offence to breach (that is, to do anything which is prohibited by or fail to do anything which is required by) an order mentioned in sub-paragraph (2), without reasonable excuse. The court must be satisfied beyond reasonable doubt the individual has, without reasonable excuse, breached the order. It will be for the court to decide what constitutes a reasonable excuse in a particular case.

676. Paragraph 10(2) makes clear that an order includes a CCEPO (including an interim CCEPO) in Northern Ireland, a CCEPO in England and Wales, and a CCEPO in Scotland.

677. This is an either way offence, meaning that it can be heard in either a magistrates' court or Crown Court depending on the seriousness of the offence. The maximum penalty for the offence is imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum (currently £5,000), or both, on summary conviction, or five years' imprisonment, a fine, or both on conviction on indictment (sub-paragraph (3)). The court cannot give an order for conditional discharge for a conviction for a breach of a CCEPO (sub-paragraph (4)); sub-paragraph (8) makes a consequential amendment to Article 4(1) of the Criminal Justice (Northern Ireland) Order 1996 to the same end.

678. Paragraph 10(5) ensures that, in proceedings for an offence of breaching a CCEPO, a certified copy of the original CCEPO is admissible as evidence of it having been made and its contents (avoiding the need for oral evidence on those matters).

679. Paragraph 10(6) provides the Department of Justice in Northern Ireland with the power to make regulations, to amend sub-paragraph (2), so as to add or remove from the list of orders any relevant UK order. Sub-paragraph (7) defines 'relevant UK order'.

680. Paragraph 11 provides that, where a CCEPO includes a notification requirement (in line with paragraph 7), it is an offence both to fail to comply with the notification requirement without reasonable excuse and to knowingly provide the police with false information to satisfy this requirement (sub-paragraph (2)).

681. This is an either way offence, meaning that it can be heard in either a magistrates' court or Crown Court depending on the seriousness of the offence. The maximum penalty for the offence on summary conviction is imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum (currently £5,000), or both, and on conviction on indictment is five years' imprisonment, a fine, or both (sub-paragraph (3)).

682. In relation to the offence of failing to notify, the subject of an order will commit an offence on the first day of them failing (without reasonable excuse) to comply with the requirement. They continue to commit the offence throughout the period where they fail to notify their name and address; but can only be prosecuted once for the same ongoing failure (sub-paragraphs (4) to (7)).

683. Paragraph 12 provides that the special measures for vulnerable and intimidated witnesses as set out in Part 2 of the Criminal Evidence (Northern Ireland) Order 1999 (S.I. 1999/2789 (N.I. 8)) apply to relevant proceedings under this Schedule (as defined in sub-paragraph (3)). Special measures may include, for example, screening of the witness from the accused or giving evidence by live link or in private.

684. Paragraph 13(1) defines terms for the purposes of the CCEPO provisions in this Schedule.

685. This paragraph also makes supplementary provision in relation to court procedure. Sub-paragraph (2) provides that applications (for the making, variation or discharge of CCEPOs) are to be made by complaint to a magistrates' court or in accordance with rules of court in any other case. Sub-paragraph (3) disapplies the time limit for civil complaints, making an application made by complaint to a magistrates' courts, enabling the Chief Constable of the Police Service of Northern Ireland to apply for a CCEPO (or its variation or discharge) more than six months after the conduct giving rise to the application occurred.

686. Paragraph 13(4) disapplies magistrates' courts powers, on the hearing of an application for the making, variation or discharge of a CCEPO, to summons a witness or issue a warrant for their arrest (under article 118 of the Magistrates' Courts (Northern Ireland) Order 1981) in relation to any person for whose protection the order is sought (that is, children at risk of being criminally exploited), except where the person has already given oral or written evidence at the hearing.

Chapter 2: Cuckooing

Section 65 and Schedule 9: Controlling another's home for criminal purposes

687. Section 65, together with interpretation section 66 and Schedule 9, creates an offence of cuckooing.

688. Subsection (1) sets out that a person (A) commits an offence if they: exercise control over the dwelling of another person (B); and do so for the purpose of enabling that dwelling to be used in connection with the commission (by any person) of one or more of the offences listed in Schedule 5 and B does not consent to A exercising control for that purpose. All three elements (control for criminal purposes without consent) must be met for the offence to have been

committed. The effect of subsection (1)(a) is to criminalise the control however it is exercised. Subsection (1)(b) requires only that control is exercised for the purpose of enabling the dwelling to be used in connection with the commission of a relevant offence. It does not require the specified underlying offence to necessarily have been committed and includes offences committed or intended to be committed by other persons. Subsection (1)(c) specifies that control of another person's dwelling for criminal purposes is an offence if that person does not consent to that control for that criminal purpose. Therefore, in cases where the control is exercised in connection with more than one criminal offence and person B consents to control of their dwelling in relation to some of these offences but not others, a cuckooing offence will only have been committed in relation to the criminal offences that B did not consent to.

689. The cuckooing offence extends to England and Wales, Scotland and Northern Ireland, therefore subsection (2) explains that 'relevant offence' refers to the offences for each jurisdiction listed in Parts 1, 2 and 3 of Schedule 9.

690. Subsection (3) signposts to the interpretation provisions for the offence contained in interpretation section 66.

691. Subsection (4) sets out the maximum penalties for this offence. Subsection (4)(a) sets out that the maximum penalty on summary conviction in England and Wales is imprisonment for the general limit in a magistrates' court (currently six months for a single offence), or a fine, or both. Subsection (4)(b) sets out that the maximum penalty on summary conviction in Scotland is imprisonment for 12 months, or a fine not exceeding the statutory maximum (currently £5,000), or both. Subsection (4)(c) sets out that the maximum penalty on summary conviction in Northern Ireland is six months imprisonment, or a fine not exceeding the statutory maximum (currently £5,000), or both.

692. The maximum penalty on conviction on indictment is five years' imprisonment, or a fine, or both (subsection (4)(d)).

Section 66: Section 65: Interpretation

693. Subsection (1) specifies that the interpretive provisions in section 66 apply to the cuckooing offence contained in section 65.

694. Subsections (2) and (3) define the meaning of 'dwelling of a person' as any structure or part of a structure occupied by the person as their home or other living accommodation (whether occupied alone or shared with others), together with any yard, garden, grounds, garage or outhouse belonging to or used with it. For example, this includes a house or a room in shared accommodation, provided it is occupied as their home or other living accommodation, or part of a property such as a shed connected to the home. Structure includes a tent, caravan, vehicle, vessel or other temporary or moveable structure.

695. Subsection (4) sets out circumstances in which a person may be deemed to 'exercise control' over a dwelling of another person. It is a non-exhaustive list and includes where the person exercises control over who is able to enter, leave, occupy or use the dwelling or part of the dwelling, the delivery of things to, or the collection of things from, the dwelling, the way the dwelling is used and/or the ability of the occupier to use the dwelling. The control may be temporary or permanent.

696. Subsection (5) clarifies that A can exercise control over B's dwelling via another person (C).

697. Subsection (6) provides clarification as to when consent will be validly given by the occupier (person B) to person A to exercise control over the property. For consent to be given for the purposes of section 65(1)(c) the occupier (person B) must:

- be an adult (aged 18 or over). This means that a child cannot consent to the cuckooing of their dwelling;
- have capacity to give consent to the exercise of control for the specified criminal purpose. This may include people who are unable to make an informed decision about the control of their dwelling for the criminal purpose due to disability, illness and/or the effects of substance misuse. This applies to both permanent and short-term lack of capacity. For example, consent given while a person is temporarily incapacitated due to the effect of alcohol or drugs would not have capacity to give consent;
- have sufficient information to enable them to make an informed decision about whether to consent. For example, a person will not have made an informed decision about whether to consent where they were not given sufficient information or were given misleading or false information about the exercise of control for the criminal purpose;
- have given consent freely. This means a person will not have given consent "freely" where, for example, the consent was obtained by coercion, or other forms of abusive behaviour; and
- not have withdrawn their consent at any point. This means that consent must be ongoing for the whole period of control. If it is withdrawn (whether by, for example, words or actions) at any stage the offence will be made out.

Section 67: Power to amend definition of "relevant offence"

698. Subsection (1) confers power on the Secretary of State to amend, by regulations, the list of relevant offences in Schedule 9, with the exception of offences that relate to a devolved or transferred matter which can only be amended by the relevant devolved administration.

699. Subsections (2) and (3) confer power on the Scottish Ministers and the Northern Ireland Department of Justice to amend relevant offences in Parts 2 and 3 of Schedule 9 respectively which are within the legislative competence of the relevant devolved administration. These provisions ensure that the legislation can be adapted to reflect any future changes to the types of criminality associated with cuckooing.

Chapter 3: Internal concealment

Section 68: Causing internal concealment of item for criminal purpose

700. This section creates two offences of internal concealment: one in relation to child victims (subsections (1) to (3)) and one in relation to adult victims (subsections (4) to (7)).

701. Subsections (1) to (3) provide for an offence where the victim is a child. They provide that a person commits an offence if they intentionally causes a child to conceal a specified item inside the child's body, irrespective of whether the item gets inside the child's body by an act of the perpetrator, the child themselves, or another person; and the person intends, knows or reasonably suspects that the specified item has been or may be used in connection with criminal conduct.

702. The effect of subsection (1) is to criminalise where a person intentionally causes the concealment of a specified item (as specified in subsection (8)) inside the body of a child and the condition in subsection (3) is met. Intentionally causing a child to internally conceal a specified item inside their body could include physically inserting (for example, through force) an item into the child's body or using means such as compulsion, coercion or deception to cause the child to conceal an item inside their own body. It is irrelevant how the child is caused to conceal the item and so may also include acts such as facilitation, encouragement or giving of gifts/money, where the child is caused to conceal the item and the perpetrator intended to cause them to do so. An offence is committed regardless of any apparent consent given by the child to the internal concealment. The offence covers concealment of a specified item through penetration, ingestion or any other method inside any part of the body including but not limited to the anus, vagina, foreskin, mouth, digestive system and wounds/lesions.

703. Subsection (2) sets out that it is irrelevant who internally conceals the item inside the child, whether it is the perpetrator, the child, or another person.

704. Subsection (3) sets out that, for the offence to be made out, the person must also know or reasonably suspect that the concealed item has been used, or intend that the concealed item be, or know or reasonably suspect that the concealed item may be, used in connection with criminal conduct. The criminal conduct does not have to have been committed yet and can have been, or can be intended to be, committed by persons other than the perpetrator and/or victim. "Criminal conduct" is defined in subsection (11) as "a criminal offence or anything done outside England and Wales which would constitute a criminal offence if done in England and Wales". The effect is that the offence may be made out irrespective of where the criminal conduct for which the item is concealed occurs, provided it would be a criminal offence if done in England and Wales (for example, the intended drugs supply could occur in Scotland or Northern Ireland, or another country).

705. Subsection (4) provides for an offence where the victim (B) is an adult (aged 18 or over) and where a person (A) compels B to conceal a specified item inside B's body, or coerces or deceives B into concealing a specified item inside B's body, or A engages in controlling or manipulative behaviour towards B which results in B concealing a specified item inside B's body; and the condition in subsection (3) is met. This may include, for example, the use of threats, violence, blackmail, misinformation or withholding of information.

706. Subsection (5) sets out that it is irrelevant who internally conceals the item inside the adult, whether it is the perpetrator, the adult, or another person.

707. Subsection (6) clarifies that the offence relating to adult victims at subsection (4)(a) can be carried out via another person. It sets out that where a person (A) intentionally causes another person (either adult or child) to act in a way specified in subsection (4)(a)), they (A) will also be committing an offence under subsection (4)(a). In many cases, particularly within the county lines drug supply model, vulnerable individuals, including children, are used by criminals, including gang leaders, to recruit and exploit other children or vulnerable adults. There is no need for such express clarification in relation to the offence at subsection (1)(a) where A uses a third person to intentionally cause a child to conceal a specified item as causation may, by its nature, be direct or indirect (including through another).

708. Subsection (7) sets out that when considering whether a person's behaviour towards B is controlling or manipulative, the nature of the relationship between the person and B and any of B's personal circumstances which may make B more vulnerable than other persons may be taken into account. The purpose of this subsection is to seek to ensure that full consideration is given to the complex nature of exploitative relationships in cases of internal concealment. For example, where there is an imbalance of power between A and B and/or whether, due to B's

personal circumstances, B is more easily controlled or manipulated into internally concealing than other people. Whilst regard may be had to these factors in particular; other factors may also be relevant.

709. Subsection (8) specifies the items for the purposes of this section. This is an exhaustive list of the items most likely to be concealed internally in connection with criminality. The list of items includes controlled drugs, psychoactive substances and mobile telephones. It follows engagement with stakeholders on the items most likely to be concealed internally in connection with criminality.

710. Subsection (9) confers a power on the Secretary of State, by regulations (subject to the draft affirmative procedure), to amend the section for the purpose of changing the items which are specified items. This gives the Secretary of State the power to add, remove or amend the list of items in subsection (8) and make any other relevant consequential amendments to the section for those purposes.

711. Subsection (10) provides that this is a triable either-way offence with a maximum penalty on summary conviction of imprisonment for a term not exceeding the general limit in a magistrates' court (currently six months for a single offence) or a fine (or both) and on conviction on indictment to imprisonment for a term not exceeding 10 years or a fine (or both).

712. Subsection (11) defines terms used in this section.

713. Subsection (12) adds the new offences to the list of offences in Schedule 4 to the Modern Slavery Act 2015 for which the defence for slavery or trafficking victims in criminal proceedings, provided under section 45 of the Act, does not apply.

Chapter 4: Supplementary provision

Section 69: Secretary of State guidance

714. This section confers a power on the Secretary of State to issue statutory guidance to relevant officers (defined in subsection (3)), including chief officers of police, about the exercise of their functions in connection to the prevention, detection and investigation of the new offences of child criminal exploitation, cuckooing and internal concealment and the new child criminal exploitation prevention orders.

715. Subsection (2) requires relevant officers to have regard to any guidance issued under this section. This means that they must take the statutory guidance into account when exercising relevant functions, for example, investigating the relevant offences or applying for child criminal exploitation prevention orders. Subsection (3) defines a relevant officer and includes the chief officers of the 43 territorial police forces in England and Wales, the chief constables of the MDP and the BTP and the Director General of the NCA.

716. Subsection (4) specifies that the statutory guidance does not apply to the BTP or the NCA in Scotland. The practical effect of this section is that any guidance issued may apply, to the extent the offences extend to the relevant jurisdictions (the CCE and cuckooing offences extend UK wide) and as specified by the Secretary of State in any guidance issued, to: all "relevant officers" (as defined in subsection (3)) in England and Wales; the chief constable of the MDP and Director General of the NCA in Northern Ireland; and to the MDP (only) in Scotland.

717. Subsection (5) provides a power to revise any guidance.

718. Subsection (6) requires the Secretary of State to consult persons they consider appropriate before issuing or revising any guidance. Subsection (7) provides that this does not apply if the revision of the guidance is considered insubstantial by the Secretary of State.

719. Subsection (8) requires that the guidance be published.

Section 70: Department of Justice guidance

720. This section confers a power on the Department of Justice in Northern Ireland to issue statutory guidance to the Chief Constable of the Police Service of Northern Ireland about the exercise of their functions in connection with the prevention, detection and investigation of the child criminal exploitation offence and the cuckooing offence and the new child criminal exploitation prevention orders in Northern Ireland.

721. Subsection (2) requires the Chief Constable of the Police Service of Northern Ireland to have regard to the guidance. Subsection (3) provides a power to revise the guidance.

722. Subsection (4) requires the Department of Justice to consult persons they consider appropriate before issuing or revising any guidance, unless they consider the revisions are not substantial (subsection (5)).

723. Subsection (6) requires that the guidance be published.

Section 71: Protections for witnesses, and lifestyle offences

724. Subsection (1) amends the Youth Justice and Criminal Evidence Act 1999 (which applies to England and Wales) to provide for the child criminal exploitation, cuckooing and internal concealment offences to be added to the list of offences which provide for victims and witnesses of the listed offences to be automatically eligible for "special measures" when giving evidence to court. It also adds the child criminal exploitation, cuckooing and internal concealment offences as relevant offences in section 33(6) of the 1999 Act to which a presumption as to the witness's age applies, where the age of the witness is uncertain and there are reasons to believe the witness is under 18, and as an offence to which section 35 of the 1999 Act applies which prohibits defendants from cross examining protected witnesses in criminal proceedings. Subsections (2) and (3) amend the Criminal Evidence (Northern Ireland) Order 1999 to provide for the child criminal exploitation and cuckooing offences to be added to the list of offences which provide for victims and witnesses of the listed offences to be automatically eligible for special measures when giving evidence to court. Special measures may include, for example, screening of the witness from the accused or giving evidence by live link or in private.

725. Subsection (4) provides for the child criminal exploitation, cuckooing and internal concealment offences to be included in the list of 'lifestyle offences' in Part 2 of POCA (which applies to England & Wales) and for the child criminal exploitation and cuckooing offences to be added to the list of lifestyle offences in Part 4 of POCA (which applies to Northern Ireland). The practical effect of this is that a person found guilty of the offences of internal concealment in England and Wales, and child criminal exploitation and cuckooing in England and Wales, and/or Northern Ireland will automatically be considered to have a criminal lifestyle. It is for the courts to then decide if the person has benefited from their general criminal conduct and make a confiscation order accordingly under POCA. Ultimately this may result in a higher amount of assets potentially subject to confiscation, which reflects the serious nature of this type of offending.

Part 5: Sexual offences and offenders
Chapter 1: Child sexual abuse

Section 72: Child sexual abuse image-generators: England and Wales

726. Subsection (1) inserts new sections 46A to 46C into the 2003 Act. New section 46A makes it an offence to make, adapt, possess, supply or offer to supply a CSA image generator. The term 'CSA image generator' is defined in new section 46A(6) as anything which is made or adapted for use for creating, or facilitating the creation of, CSA material. This definition captures AI models that have been optimised to create child sexual abuse material ("CSAM") (for example, models that have been trained on existing child sexual abuse content) as well as wider technologies that can be used to create this content, such as CGI programmes.

727. New section 46A(2) and (3) provide for several defences. They are that the person had not asked for the item - it having been sent without request - and that he or she had not kept it for an unreasonable period of time; this covers those who are sent unsolicited material and who act quickly to delete it or otherwise get rid of it; and that the person did not know or had cause to suspect that the item was a CSA image-generator.

728. New section 46A(5) provides for the maximum penalty for the offence namely, on conviction on indictment, five years' imprisonment, or a fine, or both.

729. New section 46A(6) defines terms used in new section 46A.

730. New section 46B(1) provides additional defences. New section 46B(1)(a) sets out a defence for a person who can prove that any offence in section 46A was committed for the purposes of preventing, detecting or investigating crime, or to assist criminal proceedings in any part of the world. New section 46B(1)(b) and (c) set out defences for the intelligence agencies (the Security Service, the Secret Intelligence Service and GCHQ) and Ofcom employees who commit offences under new section 46A in the course of their online safety functions. New section 46B(2) to (6) exempts from liability for the CSA image-generator offence a provider of an internet service who acts as a mere conduit for, or who caches or unknowingly hosts, a CSA image-generator provided by a user, protecting internet intermediaries performing these technical processes.

731. New section 46B(7) provides that a body incorporated (or an unincorporated association formed) in the UK may commit the CSA image-generator offence by doing an act outside the UK which would amount to the CSA image-generator offence if committed in England and Wales.

732. New section 46C provides that where a body commits the CSA image-generator offence, and the offence is committed with the consent or connivance of a person who manages the body (or a partner in a partnership), that person is liable for the offence (as well as the body).

733. Subsection (2) adds the CSA image-generator offence to Schedule 2 to the 2003 Act, the effect of which is to make it an offence in England and Wales for a British citizen or UK resident (subject to section 72(2)) to commit child sexual abuse or exploitation offences or offences related to indecent photographs or pseudo-photographs overseas.

734. Subsection (3) adds the CSA image-generators offence to Schedule 3 to the 2003 Act, the effect of which is that a person convicted of the offence and sentenced to a term of imprisonment for at least 12 months is subject to the notification requirements in Part 2 of that Act.

735. Subsection (4) excepts the offence about child sexual abuse image-generators from the defence in section 45 of the 2015 Act. Section 45 of the 2015 Act provides for a defence for slavery or trafficking victims. The defence is intended to provide further encouragement to victims to come forward and give evidence without fear of being convicted for offences connected to their slavery or trafficking situation. The defence does not apply in the case of certain serious offences as specified in Schedule 4 to the 2015 Act.

Section 73: Child sexual abuse image generators: Northern Ireland

736. This section makes provision for Northern Ireland equivalent to that made by section 72 for England and Wales.

Section 74: Child sexual abuse image generators: Scotland

737. This section makes provision for Scotland equivalent to that made by section 72 for England and Wales.

Section 75: Possession of advice or guidance about creating CSA images: England and Wales and Northern Ireland

738. This section amends section 69 into the Serious Crime Act 2015 to make it an offence to be in possession of any item that contains advice or guidance about creating CSA images. This augments the so-called 'paedophile manual' offence contained in that section, which criminalises possession of any item that possesses advice or guidance about abusing children sexually. This offence excludes pseudo-photographs and thereby excludes guidance on producing AI generated CSAM. It also excludes prohibited images (for example manga or anime stylised images depicting child sexual abuse).

739. The definition of a CSA image (new section 69(2A)) covers an indecent pseudo-photograph of a child (as per the Protection of Children Act 1978) or a prohibited image (as per section 62 of the Coroners and Justice Act 2009). AI generated CSAM could fall into either of these categories depending on the realism of the image.

740. The existing defences in section 69 of the Serious Crime Act 2015 apply. These are:

- that the person had a legitimate reason for being in possession of the item; this would be a question of fact for the jury to decide on the individual circumstances of a case. It could cover, for example, those who are investigating whether an offence has been committed so need to examine the item;
- that the person had not seen (or listened to) the item in his or her possession and therefore neither knew, nor had cause to suspect, that it contained advice or guidance about abusing children sexually; and
- that the person had not asked for the item - it having been sent without request - and that he or she had not kept it for an unreasonable period of time; this covers those who are sent unsolicited material and who act quickly to delete it or otherwise get rid of it.

741. These defences place a reverse legal burden on the defendant, that is the legal burden of proof is on the defendant (not the prosecution) to prove, on the balance of probabilities, that they had a legitimate reason for being in possession of the item, that they had not seen the item or that they had not asked for the item, as the case may be.

742. As with the existing section 69 offence, the maximum penalty for the expanded offence is, on conviction on indictment, three years' imprisonment, or a fine, or both.

743. As now, proceedings for the expanded offence must be instituted by or with the consent of the Director of Public Prosecutions.

744. Subsection (6) excepts the offence of possession a paedophile manual from the defence in section 45 of the 2015 Act. Section 45 of the 2015 Act provides for a defence for slavery or trafficking victims. The defence is intended to provide further encouragement to victims to come forward and give evidence without fear of being convicted for offences connected to their slavery or trafficking situation. The defence does not apply in the case of certain serious offences as specified in Schedule 4 to the 2015 Act.

Section 76: Possession of advice or guidance about child sexual abuse or CSA images: Scotland

745. This section makes provision for Scotland equivalent to that made for England and Wales and Northern Ireland by section 69 of the Serious Crime Act 2015, as amended by section 75.

Section 77 and Schedule 10: Online facilitation of child sexual exploitation and abuse

746. Subsection (1) provides for a new offence of carrying out relevant activity with the intention of facilitation child sexual exploitation and abuse. This is designed to cover individuals who are colloquially known as 'moderators' or 'administrators' of websites containing CSAM. The term 'child sexual exploitation and abuse' is defined in subsection (5) and covers conduct in the UK that would constitute one of the offences listed in Schedule 10 to the Act or conduct outside the UK which, had it been undertaken in the UK, would have constituted such an offence.

747. Subsection (2) defines 'relevant internet activity'. Subsection (2)(a) refers to 'providing an internet service', which is defined in accordance with section 226 of the OSA 2023 (as per subsection (3)). Subsections (2)(b), (c) and (d) provides further conduct that would constitute 'relevant internet activity', including providing or maintaining an internet service or administration, moderating or otherwise controlling access to content on an internet service as well as facilitating the sharing of content on an internet service.

748. Subsection (4) provides for the maximum penalty for the offence. The maximum penalty on conviction on indictment is 10 years' imprisonment, a fine, or both.

749. Subsections (6) to (8) enables the Secretary of State to amend, by regulations (subject to the affirmative procedure), the list of child sexual exploitation and abuse offences specified in Schedule 10 for the purposes of section 65, subject to consultation requirements if the amendments concern offences under the law of Scotland or Northern Ireland.

Section 78: Offence under section 77 outside the United Kingdom

750. This section provides for the offence in section 77 to have extra-territorial application in certain circumstances. In doing so, it makes analogous provision to section 72 of the 2003 Act which provides for the extra-territorial application of the offences in Schedule 2 to that Act.

751. Subsections (2) and (3) make it an offence in England and Wales, Scotland and Northern Ireland for a British citizen, UK body or UK resident to undertake conduct overseas which if committed in the UK would constitute an offence under section 77. In the case of a UK resident, the conduct must also constitute an offence in the country where it took place. Subsections (4) and (5) extends the extra-territorial application of the offence to non-UK citizens, bodies and residents in cases where they have become a UK citizen, body or resident at the time proceedings are brought in the UK.

Section 79: Liability for offence under section 77 committed by a body

752. This section sets out the circumstances in which an offence under section 77 is committed by a body corporate, partnership or unincorporated association. Subsection (2) provides that if an offence is committed under section 77 with the consent or connivance of a person in relation to the body or a person purporting to act as a relevant person in relation to the body, both the person as well as the body would have committed the offence and would be liable to be proceeded against.

753. Subsection (3) defines a 'relevant person' in relation to a body depending on whether it is a body corporate, limited liability partnership or other body corporate whose affairs are managed by its members, a limited partnership, any other partnership or any other kind of body.

Section 80: Section 77: supplementary provision

754. Subsections (2) to (4) insert the new section 65 offence into the lists of offences in Schedule 3 to the 2003 Act which apply to England and Wales, Scotland and Northern Ireland respectively. The effect of these amendments is that a person convicted of the offence and sentenced to imprisonment for a term of at least 12 months is subject to the notification requirements in Part 2 of that Act.

755. Subsection (6) excepts the offence of online facilitation of child sexual exploitation and abuse from the defence in section 45 of the 2015 Act. Section 45 of the 2015 Act provides for a defence for slavery or trafficking victims. The defence is intended to provide further encouragement to victims to come forward and give evidence without fear of being convicted for offences connected to their slavery or trafficking situation. The defence does not apply in the case of certain serious offences as specified in Schedule 4 to the 2015 Act.

Section 81 and Schedule 11: Sexual offences against children under 16

756. Subsection (2) inserts new sections 8A, 8B and 8C into the 2003 Act which introduces specific offences of rape, assault by penetration, and causing or inciting sexual activity involving penetration, which apply where the complainant is under 16 and the perpetrator is aged 18 or over. Absence of consent, or reasonable belief in consent, is not an element of these new offences.

757. New section 8A of the 2003 Act sets out a new offence of rape of a child under 16; this will apply where a person aged 18 or over (that is, an adult) intentionally penetrates the vagina, anus or mouth of a child with their penis and either the child is under 13, or the child is under 16 and the adult does not reasonably believe the child is 16 or over. The offence carries a maximum penalty of life imprisonment.

758. New section 8B of the 2003 Act sets out a further offence of assault of a child under 16 by penetration; this will apply where an adult intentionally and sexually penetrates a child's vagina or anus with a part of the adult's body or anything else (such as an object). This will apply when either the child is under 13, or the child is under 16 and the adult does not reasonably believe the child is 16 or over. The offence carries a maximum penalty of life imprisonment.

759. New section 8C of the 2003 Act sets out a further offence of causing or inciting a child under 16 to engage in sexual activity involving penetration; this will apply where an adult intentionally caused or incited a child to engage in specified acts of penetrative sexual activity. New section 8C(2) sets out these specified activities: penetration of the child's anus or vagina (whether by the adult or anyone else); penetration of the child's mouth with a person's penis; penetration of a person's anus or vagina with a part of the child's body (or by the child, with anything else), or penetration of a person's mouth with the child's penis. The offence will

apply when either the child is under 13, or the child is under 16 and the adult does not reasonably believe the child is 16 or over. The offence carries a maximum penalty of life imprisonment.

760. These new offences will be available to prosecutors alongside existing child sex offences. Whether to bring charges in any individual case, and which offence to charge, will always be a decision for the independent Crown Prosecution Service. However, the Government's intention is that these three new offences would be used to prosecute cases involving sexual activity involving penetration between adults and children aged 13, 14 or 15 in most cases, and that cases involving children under 13 will continue to be prosecuted under sections 5 to 8 of the 2003 Act.

761. Where, on the facts of the case, charges under the new offences are not considered appropriate, the offending behaviour will continue to fall within sections 9 or 10 of the 2003 Act and may be charged accordingly. The Government's view is that this may include, for example, where cases meet the CPS' tests to prosecute and the defendant and complainant are close in age with no evidence of grooming, coercion, manipulation or a power imbalance; where the defendant has a recognised neurodevelopmental condition or significantly delayed maturity affecting their understanding; or where the defendant is themselves a victim of abuse, exploitation or coercion.

762. Subsection (3) amends section 73(2) of the 2003 Act to include offences under new sections 8A and 8B in the list of offences to which the exceptions relating to aiding, abetting and counselling apply. This means that where a person acts for the purpose of protecting the child from sexually transmitted infection, protecting the physical safety of the child, preventing the child from becoming pregnant, or promoting the child's emotional well-being by the giving of advice, and not for the purpose of obtaining sexual gratification, or causing or encouraging the activity in question to take place, they will not be guilty of aiding, abetting or counselling the commission of an offence under new sections 8A or 8B.

763. Subsection (4) and Schedule 11 make consequential amendments arising from the insertion of the new offences.

Section 82: Sexual activity in the presence of child etc

764. This section amends the 2003 Act to modify the scope of the various offences therein relating to sexual activity in the presence of a child or a person with a mental disorder. At present, the offence is only committed where the person knows or believes that the child or person with a mental disorder is aware of the activity, or the person intends that the child or person with a mental disorder be aware of the activity. The provisions amend the mental elements of these offences by removing this requirement in order to capture situations where for the purpose of sexual gratification, a person intentionally engages in sexual activity in the presence of a child or person with a mental disorder, even if they do not necessarily intend the child or the person with mental disorder to be aware of the activity or do not know or believe that the child/person with a mental disorder is aware.

765. Subsection (2) amends section 11(1) of the 2003 Act which provides for an offence of engaging in sexual activity in the presence of a child. The effect of the amendment is that it is an offence for a person aged 18 or over (A) to intentionally engage in sexual activity (as defined in section 78 of the 2003 Act) for the purposes of obtaining sexual gratification, they do so when another person (B) is present or is in a place from which A can be observed and B is under 13, or B is under 16 and A does not reasonably believe that B is 16 or over. The offence will now be committed whether or not A knows or believes that B is aware of the activity, or intends that B be aware of the activity. This offence would cover, for example, where A was masturbating in the presence of a sleeping child for the purpose of obtaining sexual gratification from the child's presence.

766. Subsection (3) amends section 18(1) of the 2003 Act such that it is an offence for a person aged 18 or over (A) to intentionally engage in sexual activity where for the purpose of obtaining sexual gratification, they do so when another person (B) is present or is in a place from which A can be observed, A is in a position of trust in relation to B (as defined by sections 21 to 22A of the 2003 Act), and B is under 13, or B is under 18 and A does not reasonably believe that B is 18 or over. The offence will now be committed whether or not A knows or believes that B is aware of the activity, or intends that B be aware of the activity.

767. Subsection (4) amends section 32(1) of the 2003 Act such that it is an offence for a person (A) to intentionally engage in sexual activity where for the purpose of obtaining sexual gratification, they do so when another person (B), is present or is in a place from which A can be observed, B is unable to refuse because of or for a reason related to a mental disorder, and A knows or could reasonably be expected to know that B has a mental disorder and that because of it or for a reason related to it B is likely to be unable to refuse. The now offence will be committed whether or not A knows or believes that B is aware of the activity, or intends that B be aware of the activity.

768. Subsection (5) amends section 36(1) of the 2003 Act such that it is an offence for a person (A) to intentionally engage in sexual activity where for the purpose of obtaining sexual gratification, they do so when another person (B) is present or is in a place from which A can be observed, because of A's inducement, threat or deception, B has a mental disorder and A knows or could reasonably be expected to know this. The offence will now be committed whether or not A knows or believes that B is aware of the activity, or intends that B be aware of the activity.

769. Subsection (6) amends section 40(1) of the 2003 Act such that it is an offence for a person (A) to intentionally engage in sexual activity where for the purpose of obtaining sexual gratification, they do so when another person (B), who has a mental disorder, is present or is in a place from which A can be observed, B has a mental disorder, A knows or could reasonably be expected to know this, and A is involved in B's care in a way that falls within section 42 of the 2003 Act. The offence will now be committed whether or not A knows or believes that B is aware of the activity, or intends that B be aware of the activity.

770. Subsection (7) excepts the offence of engaging in sexual activity in the presence of a child from the defence in section 45 of the 2015 Act. Section 45 of the 2015 Act provides for a defence for slavery or trafficking victims. The defence is intended to provide further encouragement to victims to come forward and give evidence without fear of being convicted for offences connected to their slavery or trafficking situation. The defence does not apply in the case of certain serious offences as specified in Schedule 4 to the 2015 Act.

Section 83: Child sex offences: grooming aggravating factor

771. Subsection (1) inserts new section 70A in Part 4 of the Sentencing Act 2020 (exercise of court's discretion). It introduces a new aggravating factor to be applied when the court is considering the seriousness of a specified child sex offence and where the offence being considered was facilitated by, or involved, the grooming of a person under 18. The grooming itself need not be sexual and may be undertaken by the offender or a third-party and committed against the victim of the underlying offence or a third-party.

772. New section 70A(1) sets out that section 70A applies where the court is considering the seriousness of a specified child sex offence which is aggravated by grooming, and where the offender was 18 or over when the offence was committed.

773. New section 70A(2) provides that the court must treat the fact that the offence is aggravated by grooming as an aggravating factor and must state this in open court.

774. New section 70A(3) provides that the offence is considered to be aggravated by grooming if the offence was facilitated by, or involved, the offender grooming a person aged under 18 or the offence was facilitated by, or involved, a person other than the offender grooming a person aged under 18 and the offender knew, or could reasonably be expected to have known, about the grooming when the offence took place. This ensures that an offence will be aggravated where grooming behaviour by any person helped the offence to take place provided that the offender knew, or could be expected to have known about the grooming when the offence took place. An offence will not be so aggravated where grooming by a third party led to the offence and the offender could not be reasonably expected to know about the grooming behaviour.

775. The person groomed need not be a victim of the offence. This is to allow for instances where, for example, child A is groomed and pressurised into recruiting child B against whom an offence is committed.

776. New section 70A(4) provides that a 'specified child sex offence' is an offence listed in subsections (5) to (7), or an inchoate offence for one of those offences. An inchoate offence is an offence relating to actions or agreements undertaken in preparation for a substantive offence which has not, or not yet, been committed (see section 398 of the Sentencing Act 2020).

777. New section 70A(5) lists the child sex offences within subsection (1) and to which new section 70A applies.

778. New section 70A(6) lists the offences within the 2003 Act that are within new subsection (1) if the victim, or intended victim, was aged under 18.

779. New section 70A(7) sets out that the offence of sexual activity in a public lavatory is "specified child sex offence", if a person involved in the activity in question is under the age of 18.

780. New section 70A(8) sets out that nothing prevents the court from treating the fact that an offence involved, or was facilitated by, grooming of a person as an aggravating factor in relation to an offence not within new subsection (1). This means that a court can still treat grooming behaviour as an aggravating factor in circumstances that are not covered by new section 70A.

781. New section 70A(9) provides that new section 70A applies where a person is convicted of an offence after the coming into force of the section.

782. Subsection (2) inserts in section 238 of the Armed Forces Act 2006 (deciding the seriousness of an offence) the same provision so that the statutory aggravating factor applies in the service justice system when sentencing service offences which correspond to the child sex offences specified in new section 70A(5) to (7) of the Sentencing Code.

Section 84: Power of scan for child sexual abuse images at the border

783. This section establishes a power for Border Force to compel individuals reasonably suspected of posing a sexual risk to children to unlock their digital devices (such as a mobile phone or laptop) in furtherance of a search against the Child Abuse Image Database ("CAID") to identify known CSAM.

784. The section inserts new section 164B into the Customs and Excise Management Act 1979 ("the 1979 Act"). New section164B provides that the power to scan an electronic device for CSAM applies where a Border Force officer has reasonable grounds to suspect that 'a person to whom section 164 applies' is carrying a device storing CSAM. Section 164 of the 1979 Act applies to 'any person who is entering or about to leave the United Kingdom' (as well as other specified categories of person). This is the context in which the new power is most likely to be used.

785. The 'reasonable grounds to suspect' test may be satisfied, for example, where the person is the subject of an Interpol Notice for potential CSA offenders uploaded to the UK Border Watch List, is a UK Registered Sex Offender, intelligence provided by the NCA, UK police force or received from international partners, possession of child abuse paraphernalia in luggage, or travel history/profile corresponding with frequent visits to destinations on the list of countries in which the Secretary of State considered children to be at high risk of sexual abuse or sexual exploitation by UK nationals or residents (see section 172 of the 2022 Act). Should an individual fail to comply with a request by Border Force officers to unlock their digital devices for search, they may be arrested for the offence of wilful obstruction.

Chapter 2: Duty to report child sexual abuse

Section 85 and Schedule 12: Duty to report suspected child sex offences

786. This section places a duty on persons aged 18 or over engaged in "relevant activity" in England to notify suspected child sex offences (as listed in Part 1 of Schedule 12) to the police or local authority. The duty to report is subject to certain exceptions, as set out in or under sections 88 to 91. A failure to report child sex offences is not of itself be an offence, instead failing to comply with the duty imposed by section 85 is treated as conduct potentially giving rise to a person being subject to disciplinary action by their professional regulator (where applicable) and/or being included on the children's barred list maintained by the Disclosure and Barring Service.

787. Subsection (1) provides for the duty to report. The duty applies to adults engaged in relevant activity (as defined in subsection (12)) in England and is triggered when they have reason to suspect that a child sex offence (as listed in Part 1 of Schedule 12) may have been committed (see section 87 for the meaning of reason to suspect). The duty only applies while a person is acting in their professional or voluntary capacity, that is engaging in relevant activity, and not where a person acquires information which gives rise to a reason to suspect the commission of a child sex offence outside of working hours. The duty applies irrespective of how long ago the suspected offence occurred.

788. Subsection (2) sets out the requirements of a notification made under subsection (1). These are: that the notification is made to a relevant police force or local authority (terms defined in subsection (12)), or both; that the notification sets out each person who the person making the notification believes is involved in the suspected offence (where known) and explains why the notification has been made; that it be made as soon as is practicable (subject to subsections (5) and (6)); and that a notification can either be made orally or in writing.

789. Subsection (3) sets out that if the person making the notification believes that none of the children included in the report live in England and Wales, then subsection (2)(a) applies to the police force only. For example, if the only child included in the notification lives in Scotland, then the notification would only be given to the relevant police force which the person making the notification considers appropriate.

790. Subsection (4) confers a power on the Secretary of State to make regulations specifying the way in which notifications are to be made, whether orally or in writing.

791. Subsections (5) and (6) set out temporary qualifications to the requirement to make a notification 'as soon as is practicable'. Subsection (5) provides that in situations where an individual subject to the duty reasonably believes that the act of making a notification could present a risk to the life or safety of a child, the notification may be delayed for a period of up to seven days in order to manage that risk. For example, where the person reasonably believes that the child, at the particular time, may self-harm if a notification is made. Subsection (6)

provides that a notification need not be made by an individual if they have reason to believe another person will make a notification on their behalf within seven days of the 'reason to suspect' arising.

792. Subsection (7) provides for circumstances in which the duty is disapplied. The duty is disapplied if the person who is subject to the duty has received confirmation from another person that a notification has been made in connection with the same suspected child sex offence. For example, where a teacher has reason to believe a child sex offence may have been committed, they can pass this information to a school's designated safeguarding lead expecting for the safeguarding lead to make a notification on their behalf. The teacher's duty to make a notification will be satisfied when the safeguarding lead provides confirmation to the teacher that a notification has been made on their behalf to the police and/or local authority.

793. Subsection (8) clarifies that reports made by another person under subsections (6) and (7) can be treated as being made on behalf of the person who is under the duty to report. This means the former individual does not have to personally satisfy the requirements of subsection (1) to make a notification under this section.

794. Subsection (9) signposts further exceptions to the duty as set out in sections 88 to 91.

795. Subsection (10) sets out that a notification made under this duty does not breach any previous obligation of confidence or restriction on the disclosure of information. For example, a notification made on the basis of a disclosure received in a healthcare setting involving patient confidentiality.

796. Subsection (11) defines the seven-day period referred to in subsections (5) and (6) and clarifies that suspected offences requiring notification under the duty include offences involving indecent images of children. It also signposts to the definition of "relevant local authority" and "relevant police force" given in section 86.

797. Subsection (12) defines "child" as a person under 18; and "relevant activity" as covering a regulated activity relating to children within the meaning of Part 1 of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006 (this includes, for example, healthcare professionals or teachers), or (b) an activity specified in Part 2 of Schedule 12 (this includes certain positions of trust not captured in that Act, and police officers). This subsection also defines the meaning of "child sex offence" as those offences set out in Part 1 of Schedule 12.

798. Subsection (13) sets out that the duty applies to individuals undertaking relevant activity in Crown employment (within the meaning of the Employment Rights Act 1996) in the same way that it applies to other persons.

Section 86: Section 85: meaning of "relevant local authority" and "relevant police force"

799. This section defines "relevant local authority" and "relevant police force" in relation to the areas in which a child involved is believed to reside, or in cases where the person making a notification does not have sufficient information, the local authority or police force they consider most appropriate. Subsection (4) also defines "local authority" within the meaning provided by section 65 of the Children Act 2004.

Section 87: Section 85: reasons to suspect child sex offence may have been committed

800. This section sets out the circumstances which oblige an individual who is subject to the duty to make a notification under section 85.

801. A reporter is considered to have been given reason to suspect that an offence has been committed when they witness abuse themselves (including through videos or audio recordings); or when they are told something by either a child or a perpetrator, that could reasonably lead them to suspect an offence had been committed. The duty to notify does not arise in any other circumstances.

Section 88: Exception for certain consensual sexual activities between children

802. This section disapplies the duty to report where certain conditions are met relating to consensual sexual activity among children aged 13 or over. Four conditions must be met for this exception to apply.

803. Subsection (2) sets out the first condition, that the child sex offence that is suspected of being committed is an offence under either:

- Section 13 of the 2003 Act, which makes it an offence for a person under the age of 18 to do something that would constitute an offence under sections 9 to 12 of that Act (sexual activity with a child, causing or inciting a child to engage in sexual activity, engaging in sexual activity in the presence of a child and causing a child to watch a sexual act).
- Section 1(1)(a) to (c) of the Protection of Children Act 1978, which makes it an offence to take, permit to take, distribute, show or possess indecent images of children.
- Section 160 of 1988 Act, which makes it an offence for someone to possess an indecent photograph of a child.

804. Subsection (3) sets out the second condition, that all of the children involved in the suspected offence are reasonably believed by the reporter to be aged 13 or over. Where the offence relates to an indecent photograph of a child, the person must also believe that the child in the photograph is aged 13 or older.

805. Subsection (4) sets out the third condition, that the reporter is satisfied that the children involved in the offence (except for the suspected offender) consented to the activity. Subsection (6) specifies that 'consent' means agreeing by choice, and having the freedom and capacity to make that choice.

806. Subsection (5) sets out the fourth condition, that the reporter is satisfied that making a report to the local authority or police would not be appropriate; taking into account the circumstances and risk of harm to those involved. This condition is included to ensure that, in cases where the reporter has concerns that the relationship between the children, for example, is abusive or includes an element of coercion, they should make a notification.

Section 89: Exception relating to commission of offence under section 14 of the Sexual Offences Act 2003 by a child in certain circumstances

807. This section provides an exception to the duty set out in section 85 in respect of instances where children aged 13 or over arrange or facilitate child sex offences in certain circumstances. For example, this exception might cover a situation where a teacher becomes aware that a young person is arranging to meet a boyfriend or girlfriend to engage in sexual activity. Four conditions must be met for this exception to apply.

808. Subsection (2) sets out the first condition, that the child sex offence that is suspected of being committed is an offence under section 14 of the 2003 Act – which makes it an offence for a person under the age of 18 to do something that would constitute an offence under section 13 of that Act (arranging or facilitating child sex offences).

809. Subsection (3) sets out the second condition, that the children involved in the suspected offence (or those intended or believed by the suspected offender to be involved) are believed by the reporter to be aged 13 or over.

810. Subsection (4) sets out the third condition, that the reporter is satisfied that those involved in the offence (except for the suspected offender) consented to the activity. Subsection (6) specifies that 'consent' means agreeing by choice, and having the freedom and capacity to make that choice.

811. Subsection (5) sets out the fourth condition, that the reporter is satisfied that making a report to the local authority or police would not be appropriate; taking into account the circumstances and risk of harm to those involved.

Section 90: Exception in respect of certain disclosures by children

812. Subsection (1) provides for an exception to the duty in respect of certain disclosures by children relating to their own behaviour. Where a young person discloses the commission of a potential sex offence and others involved in the offence are aged 13 and over, the duty under section 85 does not apply. The purpose of this exception is to ensure that children are not deterred from seeking support in relation to their own harmful sexual behaviour.

Section 91: Exception for persons providing specified services

813. This section confers a power on the Secretary of State to make regulations specifying that the duty does not apply to a person providing particular services. This may be engaged on an exceptional basis where confidentiality is deemed operationally necessary for services which relate to the safety and wellbeing of children.

Section 92: Preventing or deterring a person from complying with duty to report suspected child sex offence

814. Subsection (1) provides for an offence of preventing or deterring a person from complying with the duty imposed by section 85. The maximum penalty for the offence is seven years' imprisonment, a fine, or both (subsection (4)). A failure to report is not of itself a criminal offence but will instead be dealt with, as appropriate, though professional misconduct proceedings and/or by the person being added to the children's barred list maintained by the Disclosure and Barring Service.

815. Subsection (2) provides for a defence where the conduct in question is limited to making representations to a prospective reporter about the timing of a notification under section 85 in the light of the best of a child involved in the suspected offence (other than the suspected offender).

Section 93: Modification of Chapter for constables

816. This section makes specific provision to explain what a police officer needs to do in order to discharge their duty to notify suspected offences to their own force. A police officer is to be treated as having complied with the duty to report where they have recorded the matter in accordance with their police force's policy and procedure on recording criminal offences. A police officer may also discharge their duty by making a notification to the relevant local authority.

Section 94: Guidance

817. This section confers a power on the Secretary of State to issue statutory guidance to those subject to the duty to report.

818. Subsection (2) requires those undertaking relevant activities to have regard to any guidance issued under this section. This means that they must take the statutory guidance into account when discharging their responsibility to make a notification to the police or local authority, or in considering whether any of the permitted exceptions may be engaged to disapply the duty. It also means that, if they decide to depart from the statutory guidance, they must have good reasons for doing so. Relevant activity for these purposes is defined in section 86.

819. Subsection (3) requires the Secretary of State to consult such persons as they consider appropriate before issuing or revising guidance under this section. Subsection (4) requires the guidance and any subsequent revisions to be published.

820. Subsection (5) provides that guidance issued under this section may be subject to future revision. Subsection (6) sets out that subsections (2), (3) and (4) apply to revised guidance, but that the requirement to consult does not apply if the revision of the guidance is considered insubstantial by the Secretary of State.

Section 95: Powers to amend this Chapter, and consequential amendments

821. This section confers a power on the Secretary of State to make regulations (subject to the draft affirmative resolution procedure) to make certain amendments to the Crime and Policing Act in relation to the duty imposed by section 85. In particular, such regulations may amend:

- Chapter 2 of Part 5 of the Crime and Policing Act so as to change an exception to the duty under section 85 (such exceptions are provided for in sections 85(5) and (6) and 88 to 91); and
- Schedule 11 so as to: (i) add an offence to, change, or remove an offence from Part 1 of that Schedule; (ii) add an activity to or change an activity in Part 2 of that Schedule.

822. Subsection (2) amends Schedule 3 to the Safeguarding Vulnerable Groups Act 2006 (barred lists) to specify that failing to comply with the duty to report is a behaviour that should be considered relevant for considering inclusion on the children's barred list maintained by the Disclosure and Barring Service.

823. Subsection (3) excepts the offence of preventing or deterring a person from complying with the duty to report a suspected child sex offence from the defence in section 45 of the 2015 Act. Section 45 of the 2015 Act provides for a defence for slavery or trafficking victims. The defence is intended to provide further encouragement to victims to come forward and give evidence without fear of being convicted for offences connected to their slavery or trafficking situation. The defence does not apply in the case of certain serious offences as specified in Schedule 4 to the 2015 Act.

Chapter 3: Removal of limitation period in child sexual abuse cases

Section 96: Removal of limitation period in child sexual abuse cases

824. Subsection (2) amends the Limitation Act 1980 (the "1980 Act") by inserting new sections 11ZA and 11ZB. These new sections remove the limitation period for certain personal injury actions relating to child sexual abuse and make provision for those actions to be dismissed only where the defendant demonstrates that a fair trial is not possible.

825. New section 11ZA(1) provides that the time limits in section 11 of the 1980 Act, which ordinarily require certain personal injury actions to be brought within three years, do not apply to civil actions to which section 11ZA applies.

826. New section 11ZA(2) clarifies that this section applies to actions that would otherwise be subject to section 11 of the 1980 Act, provided that the conditions set out in subsections (3) to (5) are met.

827. New section 11ZA(3) sets the first condition to be met, that the action relates to a claim for damages for personal injury to the claimant.

828. New section 11ZA(4) sets the second condition to be met, that the person who sustained the personal injuries (that the action relates to) was under 18 years of age when the incident(s) of abuse causing the personal injury occurred.

829. New section 11ZA(5) sets the third condition to be met, that the act or omission that the personal injury was attributable to constituted sexual abuse.

830. New section 11ZA(6) clarifies that section 11ZA applies to qualifying cases which commenced before (as well as after) the section is to come into effect. Subsections (7) to (9) set out exceptions to this retrospective effect.

831. New section 11ZA(7) provides that new section 11ZA does not apply to claims which have been settled between the parties or determined by a court before the section comes into effect. This includes cases determined by a court but where an appeal has not yet been determined.

832. New section 11ZA(8) provides that, in line with the approach in section 11 of the 1980 Act, this provision does not apply to actions brought for damages under the Protection from Harassment Act 1997.

833. New section 11ZA(9) clarifies that claims may not be brought by the estates of a deceased person. This does not prevent an estate from continuing an action which was brought by that person before their death. This measure reflects the recommendation made by the IICSA for the scope of this reform in their final report.

834. New section 11ZB(1) explains that this section applies where an action is brought to which section 11ZA applies.

835. New section 11ZB(2) requires the court to dismiss an action if the defendant demonstrates that it would not be possible for a fair hearing to take place.

836. New section 11ZB(3) specifies that for the purposes of section 11ZB, 'the court' means the court in which that the action has been brought.

837. Subsection (3) addresses the risk that one effect of new section 11ZA may be to inadvertently amend the limitation regime for fatal accidents claims. As such, it amends section 12 of the 1980 Act so that in claims for fatal accidents, the question of whether the limitation period had expired would be determined by reference to the time limit which would have applied but for the effect of new section 11ZA. This does not prevent claimants from using section 33 of the 1980 Act as a means of disapplying the normal time limit.

838. Subsection (4) provides that new section 11ZA forms an exception to section 14B of the 1980 Act which sets a fifteen-year overriding time limit for actions for damage through negligence (including personal injury).

Chapter 4: Other provision about sexual offences

Section 97: Guidance about the disclosure of information by police for the purpose of preventing sex offending

839. This section confers a power on the Secretary of State to issue statutory guidance to chief officers of police about the disclosure of police information by police forces for the purposes of preventing relevant sexual offences. Such guidance is presently issued on a non-statutory basis with the Child Sex Offender Disclosure Scheme being the only guidance of this type currently. The term 'relevant sexual offence' is defined in subsection (7) as covering offences listed in Schedule 3 to the 2003 Act. Subsection (8) provides that the list of sexual offences in Schedule 3 to the 2003 Act is to apply notwithstanding any thresholds or age restrictions specified in that Schedule (for example, paragraph 25 of Schedule 3 to the 2003 Act refers to offences relating to the abuse of positions of trust where the offender has been sentenced to a specified minimum sentence). By disapplying any such thresholds or age restrictions the guidance could support the disclosure of police information as it pertains to any offence listed in Schedule 3 to the 2003 Act without being limited by these restrictions provided that the disclosure is compliant with Human Rights Act 1998, Data Protection Act 2018 and the UK General Data Protection Regulation.

840. Subsection (2) requires chief officers of police to have regard to any guidance issued under this section. This means that the police must take this statutory guidance into account when exercising relevant functions, for example, under the Child Sex Offender Disclosure Scheme if that Scheme were re-issued as statutory guidance, and that, if they decide to depart from the statutory guidance, they must have good reasons for doing so. A chief officer of police for these purposes is defined in subsection (7) and covers the chief officers of the 43 territorial police forces in England and Wales and the chief constable of BTP. Subsection (3) provides that the Secretary of State's power to issue guidance under this section does not apply in relation to BTP in Scotland.

841. Subsection (4) requires the Secretary of State to consult the NPCC and other persons they consider appropriate before issuing or revising guidance under this section. Subsection (4) sets out that this does not apply if the revision of the guidance is considered insubstantial by the Secretary of State. Subsection (6) requires that the guidance and any subsequent revisions to be published.

Section 98 and Schedule 13: Offences relating to semen-defaced images, intimate photographs or films and voyeurism

842. This section introduces Schedule 13 to the Act, which sets out the substantive amendments. Paragraph 2 of Schedule 13 inserts new section 66AA into the 2003 Act, and paragraph 3 inserts sections 66AB, 66AC, 66AD, 66AE and 66AF into the 2003 Act. These new sections create the following offences: an offence of sharing a semen-defaced image without consent; three new offences of taking or recording an intimate photograph or film without consent, two new offences of installing etc equipment to enable the taking or recording of an intimate photograph or film without consent; and an offence of copying without consent a temporarily-shared intimate image.

New section 66AA: Sharing semen-defaced image

843. New section 66AA(1) provides that it is an offence to intentionally share a semen-defaced image of another person without their consent or reasonable belief in consent. There is no requirement to prove the sharing was done for a particular reason.

844. New section 66AA(2) defines a "semen-defaced image" as either a photograph or film which shows or appears to show B, and has, or appears to have, semen on it or in its immediate vicinity; or a photograph or film of such a photograph or film. It includes where the photograph or film in question only appears to show B or appears to have semen on it or in its immediate vicinity, to capture images that have been digitally altered.

845. New section 66AA(3) provides that a photograph includes the negative version. Sharing a negative of a semen-defaced image is therefore also an offence.

846. New section 66AA(4) defines "film" as a moving image.

847. New section 66AA(5) provides that a photograph or film includes images which have been made or altered by computer graphics or any other way which appear to be a photograph or film, copies of such images, or data stored by any means which is capable of being converted into such an image. This provision is intended to include images which have been wholly or partially manufactured or manipulated, and copies of such images, within the offence.

848. New section 66AA(6) provides that a person 'shares' a semen-defaced image if they, by any means, give or show it to another person, or make it available to another person. This would include electronic sharing, for example by posting a semen-defaced image on a website or social media, sending the image to another person(s) by message or email, giving someone access to the location where it can be accessed (whether on or off-line). It would not include telling another person where they could find an image that had been posted by someone else. It would also include the sharing of a physical image, for example by giving a printed photograph to another person or displaying it in a place where other people would see it.

849. New section 66AA(7) provides that where an internet service provider is the means by which a semen-defaced image is shared, they are not to be regarded as a person who has 'shared' it, and therefore will not commit an offence.

850. New section 66AA(8)(a) provides that "consent" to the sharing of a semen-defaced image includes consent to share the semen-defaced image generally, and consent to the particular sharing in question. For example, B could give general consent to A to share "semen-defaced images of me anytime" or specific consent to share a particular semen-defaced image in a specific place and at a specific time.

851. New section 66AA(8)(b) provides that when determining whether or not A's belief in B's consent was reasonable, regard must be had to all of the circumstances, including any steps that A has taken to ascertain whether B consents.

852. New section 66AA(9) provides a defence to the offence in subsection (1) where the person charged had a reasonable excuse for sharing a semen-defaced image without consent or reasonable belief in consent. Examples of a reasonable excuse might include where sharing was necessary for the purpose of law enforcement (for example, sharing an image with the police to report it, or one law enforcement agency sharing an image with another); for journalistic purposes; to support victims (for example, finding an image and sharing with the victim so they can decide what to do).

853. New section 66AA(10) provides an exemption from the offence where either the semen-defaced image had been previously shared in public, or the person reasonably believed that it had been, and either B had consented to the previous sharing, or A reasonably believed they had consented. Therefore, in such circumstances no offence is committed. For example, if B publicly shares a semen-defaced image of themselves, and A re-shares the image, A will not have committed an offence.

854. New section 66AA(11) provides that the offence in subsection (1) is triable only summarily (that is, in a magistrates' court). The maximum penalty on conviction is imprisonment for a term not exceeding the maximum term for summary offences (currently six months), an unlimited fine, or both.

New section 66AB: Taking or recording an intimate photograph or film

855. New section 66AB(1) provides that it is an offence if a person (A) intentionally takes a photograph or records a film which shows another person (B) in an intimate state, without B's consent, or a reasonable belief in B's consent. There is no requirement to prove the taking or recording was done for a particular reason. Section 66D(5), as inserted by the OSA 2023, which sets out when a photograph or film shows another person in an intimate state, applies to this offence (and the other intimate image offences created by this Act). This includes images of someone doing a thing which a reasonable person would consider to be sexual, for example, images where the victim has semen on their body.

856. New section 66AB(2) provides that it is an offence if a person (A) intentionally takes a photograph or records a film which shows another person (B) in an intimate state, without B's consent, and with the intent to cause alarm, distress or humiliation to B.

857. New section 66AB(3) provides that it is an offence if a person (A) intentionally takes a photograph or records a film which shows another person (B) in an intimate state, without the consent or a reasonable belief in B's consent, for the purpose of obtaining sexual gratification (whether for the person taking or recording the image, or another person).

858. New section 66AB(4) provides for the offences in subsections (1) to (3) to be subject to section 66AB, which sets out a number of exemptions (not all of which would be applicable to all the offences).

859. New section 66AB(5) provides a defence to the offence in subsection (1) where the person charged had a reasonable excuse for taking or recording the photograph or film without consent or a reasonable belief in consent. Examples of a reasonable excuse might include where it was necessary for a police officer to take an intimate photo for the purpose of investigating a crime. It may also include images taken or recorded during undercover investigative journalism.

860. New section 66AB(6) provides that the presumptions relating to consent at sections 75 and 76 of the 2003 Act apply to all the "taking and recording" offences in section 66AB. Section 75 outlines specific circumstances under which a complainant is presumed not to have consented to a relevant sexual act, and the defendant is presumed not to have reasonably believed in the complainant's consent. These circumstances include the use of violence against the complainant, causing the complainant to fear violence against themselves or another person, and the complainant being unlawfully detained, unconscious, or asleep, having a physical disability that impeded their ability to communicate consent, or being drugged with a substance that stupefies or overpowers them. In these situations, the complainant is presumed not to have consented unless sufficient evidence is presented to raise an issue regarding consent. Section 76 provides that it is conclusively presumed that the complainant did not consent to the relevant act if the defendant intentionally deceived the complainant about the nature or purpose of the act, or induced the complainant's consent by impersonating someone personally known to the complainant.

861. New section 66AB(7) provides that the offence in subsection (1) is triable only summarily. The maximum penalty on conviction is imprisonment for a term not exceeding the maximum term for summary offences (currently six months), an unlimited fine, or both.

862. New section 66AB(8) provides for the offences under subsections (2) and (3) to be triable either way (that is, either in a magistrates' court or on indictment by the Crown Court). If convicted in a magistrates' court the maximum penalty on conviction is imprisonment for a term not exceeding the general limit in a magistrates' court. On conviction on indictment the maximum penalty would be imprisonment for a term no more than two years.

863. New section 66AB(9) confers a power on a magistrates' court or jury to find a person guilty of the offence in subsection (1) where they have been found not guilty of the more serious offence under subsections (2) or (3), for example because it has not been proven that the person took or recorded the photograph or film for the purpose of obtaining sexual gratification.

864. New section 66AB(10) provides that where this occurs in the Crown Court, the Court would have the same powers and duties when convicting a person of a subsection (1) offence by virtue of subsection (9) as a magistrates' court would have had (for example, the maximum penalty aligns with that set out in subsection (8)).

New section 66AC: Taking or recording an intimate photograph or film: exemptions

865. New section 66AC(1) provides for exceptions to the offences under section 66AB(1), (2) and (3), namely where the photograph or film that was taken or recorded is taken or recorded in a place to which the public, or a section of the public, have or are permitted to have access, or where A reasonably believes that this was the case; where B is voluntarily in the intimate state (or A reasonably believes they are); and where B does not have a reasonable expectation of privacy from the photograph or film being taken or recorded. All of these limbs have to be made out in order for the exemption to apply. If the exemption is found to apply to the case, the defendant will not be guilty of the offence.

866. New section 66AC(2) provides that whether or not B has a reasonable expectation of privacy from a photograph or film being taken or recorded in public is judged by the circumstances that the person (A) taking or recording the photograph or film reasonably believes to have existed at the time it is taken or recorded.

867. New section 66AC(3) provides for a further exception to the offence under section 66AB(1), namely where a person takes or records an intimate photograph or film of a child under 16 who lacks capacity to consent to the taking or recording (or the person taking or recording reasonably believes they lack capacity to consent), and it is taken or recorded by a healthcare professional acting in that capacity, or otherwise in connection with the child's care or treatment by a healthcare professional.

868. New section 66AC(4) provides for another exception to the offence under section 66AB(1), that is where a person (A) takes or records an intimate photograph or film which shows a child, A does not commit this offence if A is a member of the child's family or is a friend of the child, and the photograph or film of the child is of a kind which is normally taken or recorded by a family member or friend. This could include, for example, a family member taking a photograph of a group of toddlers in a paddling pool at a family barbeque.

New section 66AD: Installing etc. equipment to enable taking or recording of intimate photograph or film

869. New section 66AD of the 2003 Act provides that it is an offence for a person (A) to install, adapt, prepare or maintain equipment with the intention of enabling either A or another person to commit one of the three "taking" offences in new section 66AB(1), (2) or (3).

870. The two offences in subsections (1) and (2) complement the existing offence at section 67(4) of the 2003 Act of installing equipment, or constructing or adapting a structure or part of a structure, with the intent of enabling either the defendant or another person to commit an offence under section 67(1) of the 2003 Act (observing another person doing a private act, without consent and for the purpose of obtaining sexual gratification).

871. New section 66AD(1) provides that a person (A) commits an offence if they install, adapt, prepare or maintain equipment with the intention of enabling themselves or another person (B) to commit an offence under section 66AB(1): taking an intimate photograph or film where B does not consent and A does not reasonably believe that B consents.

872. New section 66AD(2) provides that a person (A) commits an offence if they install, adapt, prepare or maintain equipment with the intention of enabling themselves or another person (B) to commit one of the other two "taking offences": an offence of taking an intimate photograph or film with the intention of causing B alarm, humiliation or distress (as set out in new section 66AB(2)), or taking an intimate image for the purpose of sexual gratification and B does not consent and A does not reasonably believe that B consents (as set out in new section 66AB(3)).

873. New section 66AD(3) and (4) set out the maximum penalties for committing the offences at subsection (1) and (2). These penalties mirror the penalties of the "taking offence" to which they relate. An offence committed under subsection (1) is triable only summarily and a person will be liable on summary conviction to imprisonment for a term not exceeding the maximum term for summary offences (currently six months' imprisonment), or a fine, or both. An offence committed under subsection (2), is triable either way, and a person is liable: on summary conviction, to a conviction to imprisonment for a term not exceeding the general limit in a magistrates' court, or a fine, or both; or on conviction on indictment, to imprisonment for a term not exceeding two years.

874. New section 66AD(5) provides that if a defendant is found not guilty of an offence under subsection (2) (installing, adapting, preparing or maintaining equipment with the intention of enabling themselves or another person to commit an offence under section 66AB(2) or (3)), they may be found guilty of the lesser offence under subsection (1) instead (installing, adapting, preparing or maintaining equipment with the intention of enabling themselves or another person to commit an offence under section 66AB(1): taking an intimate photograph or film where B does not consent and A does not reasonably believe that B consents).

875. New section 66AD(6) provides that if a person is convicted of an offence under subsection (1) by virtue of the provision in subsection (5), then the Crown Court has the same powers and duties in relation to the defendant as a magistrates' court would have on convicting the person of that offence. For example, a person convicted by the Crown Court in this way will be liable on conviction to imprisonment for a term not exceeding the maximum term for summary offences, or a fine, or both.

New section 66AE: Creating a copy of intimate photography or film shared temporarily

876. New section 66AE(1) provides the requirements of the new offence of creating a copy of intimate photography or film shared temporarily.

877. New section 66AE(1)(a)(i) provides that that B (the victim) must have shared with A (the offender) a photograph or film that shows B in an intimate state, whether real or purported. This therefore covers 'deepfake' intimate images.

878. New section 66AE(1)(a)(ii) provides that B must have shared the photograph or film temporarily, i.e. they must have shared it using any method that is for a limited time and does not give A the ability to send it to another person. This includes digital forms of temporary

sharing, e.g., forms that allow A to view the image once, for a specified period, for a number of views or only in real time over a videocall; as well as non-digital forms, such as allowing someone to view pictures in a physical photo album.

879. New section 66AE(1)(b) provides that A must intentionally create a copy which they can view at other times, that is one that gives them a greater duration of access to the image. The method of copying is technology neutral and covers all forms of copying, both physical (such as, printing or photocopying) and digital (such as, screenshotting, screen recording, taking a photograph of the image on a screen, etc). There is no requirement to prove the sharing was done for a particular reason.

880. New section 66AE(1)(c) provides that A must know that the intimate image of B has been shared with A, by B. This requirement ensures that in creating the copy, A has knowingly overridden the duration of control than was granted by B.

881. New section 66AE(1)(d) provides that B must not have consented to the creation of the copy.

882. New section 66AE(1)(e) provides that A must not reasonably believe that B consented to the creation of the copy.

883. New section 66AE(2)(a) provides that the requirement at subsection (1)(a)(ii) for the image to have been shared temporarily includes situations where B provides indefinite, but revocable access to an intimate photograph or film. For example, where access to a view-only digital album is given, but B retains the ability to change the password or remove access entirely.

884. New section 66AE(2)(b) provides that the ability to 'show' the photograph or film to another person is not sufficient to constitute an ability to 'send' the image to another person under subsection (1)(a)(ii). Therefore, where B sends A an image, which A can 'show' but not otherwise share, this nevertheless fulfils the requirement at subsection (1)(a)(ii) that the image is shared in such a way that A cannot send it to another person, so A may still commit the offence if they create a copy of the image. A's ability to show an image received on a device, for example a phone or laptop, does not involve the grant of full control over the image to A, since A is unable to send it onwards, so in copying such an image, A is still knowingly overriding the degree of control which B granted them.

885. New section 66AE(3) provides that as long as the copy shows or appears to show B in the same intimate state as the original version, it is not necessary for the copy to be identical. Specifically, the copy may only be of part of the original image (for example, a cropped version of a photograph, or a still or clip from a film); or the copy may be digitally altered or modified.

886. New section 66AE(4) provides for the offences in subsections (1) to be subject to section 66AF, which sets out a number of exemptions to the offence.

887. New section 66AE(5) provides a defence to the offence in subsection (1) where the person charged had a reasonable excuse for creating a copy of an intimate photograph or film shared temporarily without consent, or reasonable belief in consent. Examples of this might include capturing evidence of an offence for the purposes of sharing it with the police (for example, where B sends A a temporary image of B sexually assaulting C, and A creates a copy to share with the police).

888. New section 66AE(6) provides that the presumptions relating to consent at section 76 of the 2003 Act apply to the "copying" offence in section 66AE. Section 76 provides that it is conclusively presumed that the complainant did not consent to the relevant act if the defendant intentionally deceived the complainant about the nature or purpose of the act, or induced the complainant's consent by impersonating someone personally known to the complainant.

889. New section 66AE(7) provides that the offence in subsection (1) is triable only summarily (that is, in a magistrates' court). The maximum penalty on conviction is imprisonment for a term not exceeding the maximum term for summary offences (currently six months' imprisonment), an unlimited fine, or both.

New section 66AF: Creating a copy of intimate photograph or film shared temporarily: exemptions

890. New section 66AF(1) provides for an exemption to the offence under new section 66AE(1), namely where the photograph or film that was copied, was taken or recorded in a place to which the public, or a section of the public, had or were permitted to have access, or where A reasonably believed that this was the case; where B was voluntarily in the intimate state (or A reasonably believed they were); and where B did not have a reasonable expectation of privacy from such a photograph or film being taken or recorded. All of these limbs have to be made out in order for the exemption to apply. If the exemption is found to apply to the case, the defendant will not be guilty of the offence. The intended effect of these provisions is that A will not be liable for copying a photograph or film of B in an intimate state, if in the same circumstances, A would not be liable for taking such a photograph or film of B in an intimate state due to section 66AC. For example, where B streaks at a football match, just as it would not be an offence for A to photograph B, it would not be an offence for A to screenshot a videocall from B of them streaking.

891. New section 66AF(2) provides that whether or not B had a reasonable expectation of privacy from a photograph or film being taken or recorded in public is judged by the circumstances that the person (A) copying the photograph or film reasonably believed to have existed at the time the original was taken or recorded.

892. New section 66AF(3) provides that where A copies an intimate photograph or film, and that photograph or film had either been previously shared in public, or A reasonably believed that it had been, and either B had consented to the previous sharing, or A reasonably believed they had consented, this is not an offence. For example, where B shares an image of themselves in their underwear on their public social media account, and then separately sends it as a view-once image to B, it is not an offence for A to copy the image.

Paragraph 4: amendments to section 66B of the Sexual Offences Act 2003

893. Sub-paragraph (1) makes amendments to the provisions at section 66B of the 2003 Act (as inserted by the OSA 2023). Sub-paragraph (2) provides that the presumption relating to consent at section 76 of the 2003 Act apply to the "sharing" offences in new section 66B(1), (2) and (3). Section 76 provides that it is conclusively presumed that the complainant did not consent to the relevant act if the defendant intentionally deceived the complainant about the nature or purpose of the act, or induced the complainant's consent by impersonating someone personally known to the complainant.

894. Sub-paragraph (3) repeals subsection (6) of section 66B which relates to "general and specific" consent as it applies solely to the "sharing" offence, as this is replaced by the new provision at section 66D(10) as inserted by this Act, which applies to both the "sharing" and "taking" offences (see paragraph 5(4) of Schedule 13).

895. This sub-paragraph also repeals the definition of "maximum term for summary offences" from section 66D(11). Paragraph 10 inserts the same definition into section 79 of the 2003 Act.

Paragraph 5: amendments to section 66C of the Sexual Offences Act 2003

896. This paragraph amends the exemption in section 66C(1) to capture circumstances where a person shares a photograph or film that they reasonably believed was taken in a place to which the public, or a section of the public, had or were permitted to have access. Section 66C(2) is also amended to make it clear that the recording of a film is also covered by this exemption.

Paragraph 6: amendments to section 66D of the Sexual Offences Act 2003

897. This paragraph amends section 66D to ensure that the definitions it contains also apply to new sections 66AB to 66AD.

898. Sub-paragraph (3) amends section 66D(3), so that where an internet service provider is the means by which a photograph or film is shared, they are not to be regarded as a person with whom it is shared, and therefore will not commit an offence under new section 66AE if the create a copy of such an image.

899. Sub-paragraph (4) removes the previous cross-reference in section 66D(4) to the definition of "photograph" and "film" in section 66A of the 2003 Act, and instead incorporates that definition into section 66D itself. The amendment makes clear (in new section 66D(4B)) that the expanded meaning of "photograph" and "film" (by including images which have been altered by computer graphics or any other way which appears to be a photograph or film, copies of an image altered in this way or data stored by any means which is capable of being converted into an altered image) apply to sections 66AE, 66AF, 66B and 66C (and do not apply to sections 66AB to 66AD).

900. Sub-paragraph (5) amends section 66D of the 2003 Act to insert a new subsection (10)(a) which provides that "consent" to the taking, recording, sharing or taking a copy of a photograph or film includes general consent covering the particular act of taking, recording or sharing in question, as well as specific consent to that act. For example, B could give general consent to A to take "photos of me whenever I get changed" or specific consent to take the photograph at a specific time. As noted above, paragraph 3(3) omits subsection (6) from section 66B, which made similar provision for the sharing offences in section 66B.

901. Sub-paragraph (5) also amends section 66D by inserting a new subsection (10)(b) which provides that when determining whether or not a person's belief in B's consent was reasonable, regard must be had to all of the circumstances, including any steps that the person has taken to ascertain whether B consents.

Paragraph 7: amendment to section 66G of the Sexual Offences Act 2003

902. This paragraph removes a definition from section 66G that applies for the purposes of sections 66E and 66F. This is because the same definition is inserted by paragraph 13 to section 79, and will be of general application to Part 1 of the 2003 Act.

Paragraph 8: time limits for summary only intimate image offences

903. This paragraph extends the time limit for prosecuting the offences in existing sections 66B(1), 66E and 66F of the 2003 Act (the summary-only offences of 'sharing', 'creating' and 'requesting' offences), new sections 66AB(1) and 66AD(1) added by Schedule 13 to this Act (the summary-only 'taking' and 'installing' offences), and new sections 66AA and 66AE (the summary-only 'copying' and 'semen defaced images' offences) beyond the default position for summary-only offences (within six months of the commission of the offence) to within both three years of the commission of the offence, and six months of the prosecutor having sufficient evidence to justify a prosecution. This aligns with the time limits for prosecuting the existing 'creating' intimate image offences at sections 66E and 66F of the 2003 Act.

Paragraph 9: repeal of the offence at section 67(3) of the Sexual Offences Act 2003

904. This paragraph repeals the offence of "recording another person doing a private act" in section 67(3) as this is replaced by the new "taking or recording" offences inserted by section 66AB.

Paragraph 10: repeal of the offence at section 67A(2) of the Sexual Offences Act 2003

905. This paragraph repeals the offence of "recording an image beneath the clothing of another person" in section 67A(2) (commonly known as the "upskirting" offence) as it is replaced by the new "taking or recording" offences inserted at section 66AB.

906. Paragraph 7(b) also provides that the presumption relating to consent at section 76 of the 2003 Act applies to the offence at section 67A(2B), to ensure consistency with the other intimate image abuse offences. Section 76 of the 2003 Act provides that it is conclusively presumed that the complainant did not consent to the relevant act if the defendant intentionally deceived the complainant about the nature or purpose of the act, or induced the complainant's consent by impersonating someone personally known to the complainant.

Paragraph 11: amendments to section 77 of the Sexual Offences Act 2003 – relevant acts

907. This paragraph makes several amendments to section 77 to set out the "relevant acts" relating to the intimate image offences, at the time of which the circumstances set out in the presumptions in sections 75 and 76 are to be considered.

Paragraph 12: definition of "sexual"

908. This paragraph provides that the definition of "sexual" in section 78 of the 2003 Act does not apply to the new intimate image offences because a separate definition applies to those offences.

Paragraph 13: maximum term for summary offences

909. This paragraph inserts a definition relating to the maximum penalty on summary conviction into section 79 of the 2003 Act.

Paragraph 14: closure orders

910. This paragraph adds a reference to certain of the new offences of taking or recording an intimate photograph or film, and installing etc. equipment, into section 136A(3A) of the 2003 Act (offences specified as child sex offences for the purposes of Part 2A of that Act when committed against a person under 18).

Paragraph 15: extraterritorial jurisdiction

911. This paragraph amends Schedule 2 to the 2003 Act to ensure that the offences under new section 66AB(2) and (3) and section 66AD(2) (as inserted by paragraph 2) and section 66B(2), (3) and (4) have extraterritorial application and ensure that in some circumstances a UK national or UK resident can be prosecuted for these offences in England and Wales even when committed abroad.

Paragraph 16: notification requirements

912. This paragraph amends Schedule 3 to the 2003 Act to ensure that where certain criteria are met, notification requirements can be applied to those convicted of the new offence of taking or recording an intimate photograph or film for the purpose of obtaining sexual gratification (section 66AB(3) or the new offence of installing etc. equipment with the intent to enable the commission of the section 66AB(3) offence (new section 66AC(3)).

Part 2: consequential amendments

913. Part 2 of Schedule 13 makes amendments to several Acts consequential upon the provisions in Part 1.

914. Paragraph 17 inserts a reference to the new offences of taking or recording an intimate photograph or film in section 66AB and the new installing offences in section 66AD into Schedule 1 to the Children and Young Persons Act 1933 (offences to which certain provisions of that Act apply).

915. Paragraph 18 inserts a reference to the new offences of taking or recording an intimate photograph or film in section 66AB(2) and (3) as well as the installing etc offence in section 66AD(2) into section 65A(2) of PACE, which sets out all "qualifying offences" for the purposes of Part 5 of that Act.

916. Paragraph 19 inserts a reference to the new offences of taking or recording an intimate photograph or film in section 66AB(2) and (3) as well as the installing etc. offence in section 66AD(2) into Part 2 of Schedule 15 to the CJA 2003 (specified sexual offences for the purposes of section 325 of that Act).

917. This paragraph also inserts a reference to the new offences of taking or recording an intimate photograph or film in section 66AB(2) and (3) as well as the installing etc. offence in section 66AD(2) into paragraph 10 of Schedule 34A to the CJA 2003 (child sex offences for the purposes of section 327A of that Act).

918. Paragraph 20(2) amends section 177DA of the Armed Forces Act 2006 so that it provides that, for the purposes of the power to make a deprivation order under section 177C(3) of that Act, where a person commits an offence under section 42 of that Act as respects which the corresponding offence under the law of England and Wales is an offence under sections 66AB(1), (2) or (3), 66AE, 66E, 66F or 67(2B), the image to which the offence relates is to be considered as property which has been used for the commission of an offence for the purposes of section 177C(3), including where it is committed by aiding, abetting, counselling or procuring. This ensures that where a person commits a service offence, as respects which the corresponding offence under the law of England and Wales is one of the listed offences, courts within the Service Justice System have the power to make a deprivation order in respect of such images, and anything containing them. Such an order could be used to deprive the offender of ownership of the image or anything containing the image, such as a mobile phone, laptop or hard drive.

919. Paragraph 21 inserts a reference to certain of the new offences of taking or recording an intimate photograph or film in section 66AA(2) and (3) and the installing etc. offence in section 66AD(2) into section 116(8)(c) of the Anti-social Behaviour, Crime and Policing Act 2014 (conduct amounting to "child sexual exploitation at hotels" when committed against a person under 18 for the purposes of that section).

920. Paragraph 22 inserts a reference to certain of the new offences of taking or recording an intimate photograph or film in section 66AB(2) and (3) and the installing etc. offence in section 66AD(2) into paragraph 33 of Schedule 4 to the Modern Slavery Act 2015 (offences to which the defence in section 45 does not apply).

921. Paragraph 23 amends section 154A of the Sentencing Code so that it provides that, for the purposes of the power to make a deprivation order under section 153 of that Act, the image to which an offence under sections 66AB(1), (2) or (3), 66AE, 66E, 66F or 67(2B) relates is to be considered as property which has been used for the commission of an offence for the purposes of section 153, including where it is committed by aiding, abetting, counselling or procuring. This ensures that where a person commits one of the listed offences, courts have the power to

make a deprivation order in respect of such images, and anything containing them. Such an order could be used to deprive the offender of ownership of the image or anything containing the image, such as a mobile phone, laptop or hard drive.

922. Paragraph 23 also inserts new sub-paragraphs into paragraph 38, after sub-paragraph (axa) (inserted by paragraph 20 of Schedule 14 to the OSA 2023), of Part 2 of Schedule 18 to the Sentencing Code to refer to certain of the new offences of taking or recording an intimate photograph or film in section 66AB(2) and (3) and the installing etc. offence in section 66AD(2) (specified sexual offences for the purposes of section 306). Paragraph 24 amends Schedule 7 to the OSA 2023 to make the new offences of creating a purported intimate image of an adult (new section 66E of the 2003 Act) and of requesting the creation of a purported intimate image of an adult (new section 66F of the 2003 Act) priority offences under the OSA Act 2023.

Section 99: Purported intimate image generators

923. Subsection (2) inserts new sections 66I, 66J, 66K, and 66L into the 2003 Act, creating offences of making, adapting, supplying or offering to supply something for use as a generator of purported intimate images (that is, a "nudification" tool or application). This measure supplements other intimate image offences by targeting the making and supply of tools which facilitate intimate image offences.

924. Sharing intimate images of a person without their consent, or threatening to share such images, constitute offences under sections 66B to 66D of the 2003 Act. Creating, or requesting the creation of, purported intimate images of a person without their consent are offences under sections 66E and 66F of that Act respectively.

925. New section 66I provides that a person commits an offence if they make, adapt, supply or offer to supply a thing for use as a generator of purported intimate images. The offence is made out where a reasonable person having regard to all the circumstances would consider that the thing was made or supplied etc. "for use as" a thing for creating, or facilitating the creation of, purported intimate images of a person. New section 66I(7) provides that a "thing" includes a program, information in electronic form and a service. New section 66I utilises the definition provided in section 66E of the 2003 Act for "purported intimate image", which in turn relies on a definition for "person in an intimate state" provided by section 66D of the 2003 Act. "Purported intimate image" means an image which appears to be, or to include, a photograph or film of the person but is not, or is not only, a photograph or film of the person and appears to show the person in an intimate state. The definition does not cover images of children as the criminal law already captures separately the making of indecent images (including deepfake images) of children (that is, those under the age of 18). Section 72 of the Crime and Policing Act 2026 also inserts section 46A to 46C into the 2003 Act, creating offences in relation to child sexual abuse image-generators.

926. New section 66I(4) provides a defence where a person can prove that they took all reasonable steps to prevent the generator's misuse to create, or facilitate the creation of, non-consensual intimate images.

927. New section 66I(5) sets out the maximum penalty for this either way offence. On indictment the maximum penalty is three years' imprisonment and/or an unlimited fine.

928. New section 66I(6) of the 2003 Act (in combination with section 99(4) of the Crime and Policing Act) ensures that section 72 of the 2003 Act, which provides for extraterritorial application, applies to new section 66I in relation to natural persons, bodies incorporated under UK law and unincorporated associations formed under UK law.

929. New section 66J provides further defences to the offence. These defences apply to people involved in law enforcement activities such as the prevention, investigation, and prosecution of crime, the exercise of any function of a security body (defined as the Security Service, Secret Intelligence Service, and GCHQ), and the exercise of any OFCOM online safety functions.

930. New section 66K provides exemptions for internet service providers, ensuring that they are not criminally liable for the offence where they act only as intermediaries performing standard technical processes such as hosting without knowledge, caching and transmitting information. Internet service providers will also not commit an offence when hosting user generated information, provided they had no knowledge that it contained a generator of purported intimate images and promptly remove or disable access once aware.

931. New section 66L sets out corporate liability for the offence. Where the offence is committed with the consent or connivance of a relevant person or a person purporting to act in that capacity, the person as well as the body corporate commits the offence and can be prosecuted.

932. Subsection (3) adds new section 66I to the excepted sections listed in section 79(5) of the 2003 Act. This means that for the purposes of new section 66I references to an image of a person do not include references to an image of an imaginary person. As a result, a purported image that appears to be a likeness of a real person is captured, but a purported intimate image of an entirely fictional character is not in scope.

933. Subsection (5) adds new section 66I to Schedule 3 to the 2003 Act, to apply the notification requirements in Part 2 of that Act to a person convicted of an offence under new section 66I and sentenced to imprisonment for a term of at least 12 months.

Section 100: Taking down intimate image content

934. Subsection (2) inserts new subsections (3A) and (3B) into section 10 of the OSA 2023 to create a new duty on regulated user-to-user services to use proportionate systems and processes designed to remove content in relation to which an 'intimate image content report' is made (and any content which is the same, or substantially the same), as soon as reasonably practicable and no later than 48 hours after the report is received. The duty will not apply if the service provider considers that either the content is not 'intimate image content', or the person making the report is not the subject of the content or acting on their behalf.

935. Subsection (5) inserts new subsections (3A) and (3B) into section 27 of the OSA 2023, imposing a corresponding duty in relation to regulated search services. The duty will require search services to use proportionate systems and processes designed to ensure that individuals are no longer able to encounter intimate image content as 'search content'.

936. Subsection (8) inserts new subsection (10A) into section 59 (meaning of "illegal content") of the OSA 2023 to include "intimate image content" which is defined as "content that amounts to an offence under section 66B(1), (2) or (3) of the 2003 Act (sharing intimate image of a person without consent)".

937. Subsections (3) and (6) respectively insert new sections 20A and 31A into the OSA 2023 to establish the statutory reporting mechanism under which an affected person may easily give an "intimate image content report" to a provider. New section 20A deals with reports to user-to-user services whilst new section 31A deals with reports to search services. In both cases the reporting mechanism is the same. New sections 20A(2) and 31A(2) set out what is meant by an "intimate image content report". Subparagraphs (a) to (d) in each case specify the matters which a valid report will contain: (a) a declaration that content present on the service is intimate image content; (b) a declaration that the report is made by the subject of the content or a person acting on their behalf; (c) sufficient information about the content for the provider to identify it; and (d) contact details for the person making the report. New sections 20A(2)(e) and 31A(2)(e) confer identical powers for the Secretary of State, by regulations, to specify

other requirements for reports. New sections 20A(3) and 31A(3) confer identical powers for the Secretary of State to make regulations for provision about how the report requirements set out at new sections 20A(2) and 31A(2) are to be met.

938. Subsections (4) and (7) respectively insert new subsection (2A) into sections 21 (user-to-user services) and 32 (search services) of the OSA 2023, requiring providers to operate an expedited complaints procedure where complaints are made by users or affected persons who have made an intimate image content report, and where those complaints relate to the content to which the report relates.

939. Subsections (9) and (10) make provision in relation to enforcement, including enabling Ofcom to designate certain requirements imposed by a confirmation decision as "intimate image content requirements", and creating an offence where a provider fails, without reasonable excuse, to comply with such a requirement.

Section 101: Taking down intimate image content: consequential amendments

940. This section makes further amendments to the OSA 2023 consequential on the provisions in section 100, including amendments to provisions relating to record-keeping, complaints procedures and enforcement to ensure these operate effectively in relation to the new duties on intimate image content.

Section 102: Image deletion orders

941. Subsection (2) amends the Sentencing Code to insert, in Part 7 (financial orders and orders relating to property), new Chapter 4A on image deletion orders (comprising new sections 161ZA to 161ZE).

942. New section 161ZA(1) provides a definition of "image deletion order", stating that it is an order which can be made in respect of an offender of an offence, requiring them to take steps specified in the order to put beyond use a photograph or film which is in that offender's possession or control. New section 161ZA(2) explains that putting a photograph or film beyond use, as set out in section 161ZA(1), can refer to a physical copy of an image being destroyed, a digital copy being deleted, or content uploaded onto an internet service online being taken down or permanently hidden. The intention is to prevent the offender from having control and/or access to the image of the victim.

943. New section 161ZA(3) therefore, defines something as 'deleted' if it is irrecoverable. New section 161ZA(3) also defines "content" as anything communicated by means of an internet service, whether publicly or privately, including written material or messages, oral communications, photographs, videos, visual images, music and data of any description (as set out in section 236(1) of the OSA 2023). "Internet service" is defined as a service made available using the internet (as set out in sections 228 and 204(1) of the OSA 2023).

944. New section 161ZB(1) provides that image deletion orders will be available where an offender is convicted of the following offences in the 2003 Act: sharing semen-defaced images (section 66A), taking or recording an intimate image without consent (section 66AB), creating a copy of an intimate image shared temporarily (section 66AE), sharing or threatening to share an intimate image without consent (section 66B), creating a purported intimate image of an adult (section 66E), requesting the creation of a purported intimate image of an adult (section 66F) and recording breastfeeding voyeurism (section 67A(2B)).

945. New section 161ZB(2) provides that image deletion orders will also be available when someone commits an inchoate offence relating to one of the offences specified in 161ZB(1). New section 161ZB(3) provides that the court can order the deletion or destruction of the photograph or film related to the offence and any other relevant intimate image, semen-defaced image or breastfeeding voyeurism image or film of the same victim.

946. New section 161ZB(4) sets out that the following provisions of the 2003 Act apply to the terms referenced in this section:

- A "semen-defaced image" is a photograph or film (or a photograph or film of a photograph or film) which shows, or appears to show, a person and has, or appears to have, semen on it or in its immediate vicinity (as defined in section 66A(2) of the Act).
- A photograph or film "shows, or appears to show, a person in an intimate state" if it shows or appears to show a person engaging in a sexual act, if all or part of the person's buttocks, genitals or breasts are exposed, if the person is urinating or defecating or if the person is carrying out an act of personal care associated with the person's urination, defecation or genital or anal discharge (as defined in sections 66D(5) to (9) of the Act).
- A reference to a person breast-feeding a child includes re-arranging their clothing while preparing to breastfeed or after having just finished breastfeeding, regardless of whether or not they were in a public place, or whether their breasts were exposed during breastfeeding (section 67A(3A) and (3B) of the Act).

947. New section 161ZB(5) sets out that, in cases relating to requesting the creation of a purported image of an adult (section 66F), a photograph or film falls withing the scope of this section if it appears to be of a person who was subject to the request (whether or not it is what was requested) and if it was under the offender's possession or control as a result of that request.

948. New section 161ZB(6) provides that image deletion orders are not available if the offence for which the offender is convicted was committed before the day on which this section of the Crime and Policing Act 2026 comes into force.

949. New section 161ZC(1) provides that an image deletion order must specify the date by which each step of the order must be taken.

950. New section 161ZC(2) provides that the court must not require the offender to take any steps that would result in the image or film being permanently deleted until the period for giving notice of an appeal is over and, where an appeal is made, the offender is not required to delete or destroy the image until the outcome of the appeal is determined.

951. New section 161ZD(1) provides that failure to comply with the order without reasonable excuse is an offence. New section 161ZD(2) provides that a person found guilty for failing to comply with an image deletion order is liable, on summary conviction, for a term not exceeding the general limit in ae magistrates' court, and/or a fine not exceeding the statutory limit, and, on indictment, to imprisonment for up to five years and/or a fine.

952. New section 161ZE provides that the interpretation of key terms in this section applies for the purposes of new Chapter 4A. New section 161ZE(2) defines "photograph" as both the negative and positive version of an image. New section 161ZE(3) defines "film" as a moving image. New section 161ZE (4) provides s that references to a photograph or film also include references to an image, whether made or altered by computer graphics, which appears to be a photograph or film, a copy of such a photograph or film and/or data stored in a way that could be converted into such a photograph or film.

953. Subsection (3) amends the Sentencing Code to insert new section 55A into Chapter 5 of Part 3 (duties to explain or give reasons), which requires courts to give reasons if it decides not to make an image deletion order in cases where the order is available.

Section 103 and Schedule 14: intimate image material: reporting and registration

954. Section 103 introduces Schedule 14 which makes provision about reporting and registration of intimate image material, providing enabling powers to address online dissemination of intimate images shared without consent. This supports the establishment of a statutory registry of hashes (unique identifiers for images based on visual content) of non-consensual intimate material, which facilitates the reporting, identification and (where relevant) sharing of hashes of intimate images shared without consent, to aid in swift removal and to prevent recirculation of that content.

955. Part 1 of Schedule 14 concerns the designation of trusted flaggers. Paragraph 1 provides the Secretary of State with a power to designate by regulations (subject to the negative procedure) one or more trusted flaggers who can make intimate image reports to providers of internet services and internet access services, to assist those providers in judging whether content is intimate image content. This power must be exercised unless the Secretary of State makes regulations under Part 2 of Schedule 14. Paragraph 1 also sets out what an intimate image report is, including where the report identifies content that appears to show a person in an intimate state and the person (or someone acting on their behalf) has said they do not consent to the sharing of the photograph or film.

956. Paragraph 2 provides the Secretary of State with a power to amend the OSA 2023 through regulations (subject to the draft affirmative procedure) to impose duties on providers of regulated services to share their intimate image information with a trusted flagger (for example in the form of a hash code), supporting more consistent and quicker identification of intimate image content.

957. Part 2 of Schedule 14 concerns the intimate image register. Paragraph 3 enables the Secretary of State to make regulations (subject to the draft affirmative procedure) regarding an intimate image register covering intimate image material. "Intimate image material" includes content that is intimate image content, as well as material that would be intimate image content if it were shared on an internet service (for example, where a victim proactively hashes images that they suspect will be shared). For the purposes of the register, the definition of intimate image content is applied with a modification so that it is not limited to user-generated content on user-to-user services, as is generally the case under the OSA 2023.

958. Paragraphs 4 and 5 enable regulations to make provision for the maintenance and operation of the register including: who maintains the register ("the registrar"); how the registrar is appointed and how it would operate, including: the terms of appointment for the registrar; how material is reported to the registrar; how the registrar assesses whether material is intimate image material; rights of appeal; and the sharing of information on the intimate image register with internet services (for example, a social media platform) and internet access services (for example, a broadband provider) as well as other people. For example, where an intimate image is identified and recorded on the register using a hash code, regulations could require relevant providers to use that information to help identify matching content and take steps such as taking it down or preventing users encountering it. Under paragraph 6, regulations may require providers of internet services and internet access services to pay fees to the registrar as a means of cost recovery.

959. Paragraph 7 enables regulations to impose duties on providers of internet services to: provide information that they have generated for the purpose of identifying intimate image material to the registrar; take down content recorded on the register; and prevent persons from encountering content recorded on the register. Duties may also be imposed on providers of internet access services to prevent access to content recorded on the register. Regulations may make provision about how providers are to assess whether material is intimate image material.

960. Under paragraph 8, regulations may establish enforcement arrangements, including conferring functions on specified enforcement authorities (which can include the registrar and the Secretary of State). Functions which may be conferred include powers to require information; powers to impose monetary penalties; and powers to issue compliance notices. Penalties must be capped at a maximum set in regulations (not exceeding £3 million) and must be proportionate, having regard to matters such as the nature of the failure, previous penalties imposed on the provider, and the provider's size and resources. Regulations may make provision for compliance notices to be enforceable by injunction. Regulations must provide for appeal routes in relation to monetary penalties and compliance notices and may also address appeals against other decisions of an enforcement authority. Paragraph 9 provides regulatory powers regarding fee recovery for enforcement authorities from providers of internet services and internet access services.

961. Under paragraph 11, regulations may require OFCOM to have regard to the intimate image register when preparing codes of practice under the OSA 2023 or exercising its supervision and enforcement functions to ensure non-discriminatory treatment of traffic in the provision of internet access services ("net neutrality") under Article 5(1) of Regulation (EU) 2015/2120 of the European Parliament and of the Council. Regulations may also amend the OSA 2023 or Regulation 2015/2120 in this regard.

962. Part 3 of Schedule 14 provides powers to amend the OSA 2023 in connection with the intimate image register. The Secretary of State may by regulations (subject to the draft affirmative procedure) amend the OSA 2023 to impose duties on providers of regulated services corresponding to the register (including provision of information generated by providers to identify intimate image information, takedown, and preventing persons encountering register content).

963. Part 4 of Schedule 14 concerns extra-territoriality and interpretation. Paragraph 13 provides that references to an internet service include services provided from outside the UK where there is a significant number of UK users or where UK users are a target market. It defines "United Kingdom user" for individuals and entities.

Section 104: Pornographic images of strangulation or suffocation: England and Wales and Northern Ireland

964. Subsection (1) inserts new sections 67A to 67D into the Criminal Justice and Immigration Act 2008 ("the CJIA 2008").

965. New section 67A(1) makes it an offence in England and Wales and Northern Ireland to possess an image if: the image is pornographic, meaning that the image is of such a nature that it must reasonably be assumed to have been produced solely or principally for the purpose of sexual arousal; the image portrays, in an explicit and realistic way, a person strangling or suffocating another person; and a reasonable person looking at the image would think that the persons were real. Given the persons must look real, the offence would not capture a cartoon image, however it could capture realistic AI-generated images. The terms "strangle" and "suffocate" are not defined so carry their ordinary meaning.

966. New section 67A(2) makes it an offence to publish an image of the kind mentioned in new section 67A(1). New section 67A(3) sets out that publishing an image includes giving or making it available to another person by any means. This would include uploading, sending, sharing or transmitting an image.

967. New section 67A(4) removes excluded images, within the meaning of section 64 of the CJIA 2008 (that is, images contained within work that has been given a classification certificate by a designated authority), from the scope of the new possession and publication offences.

968. New section 67A(5) makes clear that "image" has the same meaning as in section 63 of the CJIA 2008. That being a moving or still image (produced by any means) or data (stored by any means) which is capable of conversion into an image.

969. New section 67A(6) provides that proceedings for the offences can only be instituted by or with the consent of, in England and Wales, the Director of Public Prosecutions and in Northern Ireland, the Director of Public Prosecutions for Northern Ireland.

970. New sections 67B(1) and 67B(2) set out the defences available for the possession offence under new section 67A(1). Under new section 67B(2)(a) it is a defence for the defendant to prove that that they had a legitimate reason for being in possession of the image concerned. For example, for the purposes of training or education, law enforcement (by the police or Crown Prosecution Service), regulation (such as by a communications regulator or a classification authority) or academic research. Under new section 67B(2)(b) it is a defence if the person had not seen the image concerned and did not know, nor have cause to suspect, that the image be of the kind mentioned. Under new section 67B(2)(c) it is a defence if they were sent the image without prior request and did not keep it for an unreasonable time; this covers those who are sent unsolicited material and who act quickly to delete it or otherwise get rid of it. Under new section 67(B)(2)(d) it is a defence if the person directly participated in the act portrayed and that act did not involve any infliction of non-consensual harm. Assuming the conditions are met, the defence is available to a person who possesses their own image. New section 67B(5) provides that the definition of non-consensual harm is the same as in section 66, meaning that the strangulation or suffocation must be consensual and must not cause serious harm.

971. New sections 67B(3) and 67B(4) set out the defences available for the publication offence under new section 67A(2). Under new section 67B(4)(a) it is a defence for the defendant to prove that they had a legitimate reason for publishing the image concerned. For example, if one law enforcement agency shared an image with another in the course of an investigation or prosecution (such as between police forces). Under new section 67B(4)(b) that they had not seen the image concerned and did not know, nor have cause to suspect, that the image be of the kind mentioned. Under new section 67B(3)(c) that the person directly participated in the act portrayed, the act did not involve the infliction of non-consensual harm, and that they only published the image to other persons who directly participated.

972. New section 67C(1) provides for the maximum penalty for the possession offence under new section 67A(1). On summary conviction in England and Wales, this is imprisonment for a term not exceeding the general limit in a magistrates' court or a fine (or both). On summary conviction in Northern Ireland, to imprisonment for a term not exceeding six months or a fine (or both). On conviction on indictment in England and Wales or Northern Ireland, to imprisonment for a term not exceeding two years or a fine, or both.

973. New section 67C(2) provides for the maximum penalty for the publication offence under new section 67A(2). On summary conviction, in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine (or both). On summary conviction in Northern Ireland, to imprisonment for a term not exceeding six months or a fine (or both). On conviction on indictment in England and Wales or Northern Ireland, to imprisonment for a term not exceeding five years or a fine, or both.

974. New section 67D is an alternative verdict provision. It allows a magistrates' court, if a person has been charged with possessing extreme pornography under section 63 of the CJIA 2008 but found not guilty, to find the person guilty of the possession offence at new section 67A(1).

975. Subsections (2) and (3) amend section 68 of and Schedule 14 to the CJIA 2008 to apply the special rules relating to providers of information society services to the new possession and publication offences. This provides specific exceptions for service providers who are mere conduits and those who cache or host.

976. Subsection (4) amends Schedule 34A to the CJA 2003, so that if the person shown in the pornographic image is under 18 the disclosure of information requirements under section 327A apply.

977. Subsection (5) amends Schedule 7 to the OSA 2023 to make the new possession and publication offences priority offences under that Act.

Section 105: Pornographic images of strangulation or suffocation: Scotland

978. Subsection (1) inserts new sections 51D to 51G into the Civic Government (Scotland) Act 1982. This makes provision for Scotland equivalent to that made by section 104 (and new sections 67A to 67D of the CJIA 2008) for England and Wales and Northern Ireland. Subsection (2) makes related consequential amendments to the Extreme Pornography (Electronic Commerce Directive) (Scotland) Regulations 2011 (S.S.I. 2011/137).

Section 106: Pornographic images of sex between relatives

979. Subsection (1) inserts new sections 67E to 67G into the CJIA 2008.

980. New section 67E(1) makes it an offence in England and Wales to possess an image if: the image is pornographic, meaning that the image is of such a nature that it must reasonably be assumed to have been produced solely or principally for the purpose of sexual arousal; the image portrays, in an explicit and realistic way, penetrative sex (A sexually penetrating the vagina or anus of B with a part of A's body or anything else, or A penetrating B's mouth with A's penis); a reasonable person looking at the image would think that the persons were real; and a reasonable person looking at the image and taking into account any sound or information associated with the image would think the persons were related, or pretending to be related at set out in new subsections (2) or (3).

981. New section 67E(1)(c) means that this offence would not capture a cartoon image, however it could capture AI-generated images which look real.

982. New section 67E(1)(d) requires that a reasonable person must think that the persons are related or pretending to be related from looking at the image, but also considering any sound or information associated with the image. This would include, for example, the audio of a video or the title or description of an image. Under new section 67E(6) only the wider context associated with the image that is in the Defendant's possession, or they publish with the image can be taken into account when undertaking the reasonable person test.

983. New sections 67E(2) and 67E(3) define the familial relationships that are relevant to the offence. New section 67E(2) sets out that the persons can be related or pretending to be related as parent, grandparent, child, grandchild, siblings (including half-siblings), uncles, aunts, nephews and nieces. New section 67E(8) makes clear that this includes an adoptive parent and adopted child and only uncles / aunts / nephews / nieces that are blood relatives.

984. New section 67E(3) sets out that the persons can be related or pretending to be related as present or former step-parent and step-child, step-sibling, foster parent and foster child, so long as one of the persons was or was pretending to be a child under the age of 18.

985. New section 67E(4) makes it an offence to publish an image of the kind mentioned in new section 67E(1). New section 67E(5) sets out that publishing an image includes giving or making it available to another by any means. This would include uploading, sending, sharing or transmitting an image.

986. New section 67E(7) sets out that for the purposes of new subsections (2) and (3), A and B are not to be taken as pretending to be related if it is fanciful that they are actually were or had been related in the way pretended. For example, the offences will not capture a pornographic image of an adult who is dressed in a nappy and pretending to be another person's baby.

987. New section 67E(10) sets out the relevant definitions. "Image" has the same meaning as in section 63 of the CJIA 2008. That being a moving or still image (produced by any means) or data (stored by any means) which is capable of conversion into an image. Penetration is a continuing act from entry to withdrawal, "vagina" includes vulva, and references to a part of the body include references to surgically constructed parts.

988. New section 67E(11) removes excluded images, within the meaning of section 64 of the CJIA 2008 (that is, images contained within work that has been given a classification certificate by a designated authority), from the scope of the new possession and publication offences.

989. New section 67E(13) provides that proceedings for the offences can only be instituted by or with the consent of the Director of Public Prosecutions.

990. New sections 67F(1) and (2) set out the defences available for the possession offence under new section 67E(1). Under new section 67F(2)(a) it is a defence for the defendant to prove that that they had a legitimate reason for being in possession of the image concerned. For example, for the purposes of training or education, law enforcement (by the police or Crown Prosecution Service), regulation (such as by a communications regulator or a classification authority) or academic research. Under new section 67F(2)(b) it is a defence if the person had not seen the image concerned and did not know, nor have cause to suspect, that the image be of the kind mentioned Under new section 67F(2)(c) it is a defence if they were sent the image without prior request and did not keep it for an unreasonable time; this covers those who are sent unsolicited material and who act quickly to delete it or otherwise get rid of it. Under new section 67F(2)(d) it is a defence if they directly participated in the act portrayed as person A or B, the act did not involve the infliction of any non-consensual harm on any person, and the persons are not in fact related as described in new sections 67E(2) or 67E(3). Assuming the conditions are met, this defence is available to a person who possesses their own image. New section 67F(5) provides that the definition of non-consensual harm is the same as in section 66, meaning the act was consensual and did not cause serious harm.

991. New sections 67F(3) and (4) set out the defences available for the publication offence under new section 67E(2). Under new section 67F(4)(a) it is a defence for the defendant to prove that they had a legitimate reason for publishing the image concerned. For example, if one law enforcement agency shared an image with another in the course of an investigation or prosecution (such as between police forces). Under new section 67F(4)(b) that they had not seen the image concerned and did not know, nor have cause to suspect, that the image be of the kind mentioned. Under new section 67(F)(3)(c) that they directly participated in the act portrayed as person A or B, that the act did not involve the infliction of any non-consensual harm on any person, that the persons are not in fact related as described in new sections 67E(2) and 67E(3), and that they only published the image to persons who directly participated.

992. New section 67G(1) provides for the maximum penalty for the possession offence under new section 67E(1). On summary conviction, this is imprisonment for a term not exceeding the general limit in a magistrates' court or a fine, or both. On conviction on indictment, to imprisonment for a term not exceeding two years' imprisonment or a fine, or both.

993. New section 67G(2) provides for the maximum penalty for the publication offence under new section 67E(4). On summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine, or both. On conviction on indictment, to imprisonment for a term not exceeding five years' imprisonment or a fine, or both.

994. Subsections (2) and (3) amend section 68 of and Schedule 14 to the CJIA 2008 to apply the special rules relating to providers of information society services to the new possession and publication offences. This provides specific exceptions for service providers who are mere conduits and those who cache or host.

995. Subsection (4) amends the Adoption Act 1976 and the Adoption Act 2002 so that the offences capture pornographic images of adopted parents and children.

996. Subsection (5) amends Schedule 34A to the CJA 2003 so that if the person shown in the pornographic image is under 18 the disclosure of information requirements under section 327A apply.

997. Subsection (6) amends Schedule 7 to the OSA 2023 to make the new possession and publication offences priority offences under that Act.

Section 107: Pornographic images of sexual activity with child under 16

998. Subsection (1) of inserts new sections 67H to 67J into the CJIA 2008.

999. New section 67H(1) and (2) make it an offence in England and Wales to possess an image if the image is pornographic, meaning that the image is of such a nature that it must reasonably be assumed to have been produced solely or principally for the purpose of sexual arousal, and a reasonable person looking at the image and taking into account any sound or information associated with the image would think that: the image portrays, in an explicit and realistic way, a person (A) engaged in sexual activity with another person (B); A and B are real; and at least one of A or B is, or is pretending to be, under the age of 16.

1000. New section 67H(2)(b) means that this offence would not capture a cartoon image, however it could capture AI-generated images which look real.

1001. New section 67H(1)(b) requires that a reasonable person must think that the conditions is new subsection (2) was met from looking at the image, but also considering any sound or information associated with the image. This would include, for example, the audio of a video or the title or description of an image.

1002. New section 67H(3) provides that a person is not to be taken as pretending to be under 16 if it is fanciful that they are actually under 16 in the way pretended. For example, the offence will not capture a pornographic image of an adult who is dressed in a nappy and pretending to be baby.

1003. New section 67H(4) makes it an offence to publish an image of the kind mentioned in new section 67H(1). New section 67H(5) provides that publishing includes giving or making the image available to another person by any means. This would include uploading, sending, sharing or transmitting an image).

1004. New section 67H(6) sets out that for the purposes of the test in new section 67H(2) only the wider context associated with the image that is in the defendant's possession, or they publish with the image can be considered.

1005. New section 67H(7) provides that "image" has the same meaning as in section 63 of the CJIA 2008 (a moving or still image, produced by any means, or data stored by any means which is capable of conversion into an image). New section 67H(8) removes excluded images,

within the meaning of section 64 of the CJIA 2008 (that is, images contained within a work that has been given a classification certificate by a designated authority), from the scope of the offences set out in new section 67H(1) and (4).

1006. New section 67H(9) provides that proceedings for the offences may not be instituted except by or with the consent of the Director of Public Prosecutions.

1007. New section 67I(1) and (2) set out the defences available for the possession offence under new section 67H(1). Under new section 67(I)(2)(a) it is a defence for the defendant to prove that that they had a legitimate reason for being in possession of the image concerned. For example, for the purposes of training or education, law enforcement (by the police or Crown Prosecution Service), regulation (such as by a communications regulator or a classification authority) or academic research. Under new section 67(I)(2)(b) it is a defence if the person had not seen the image concerned and did not know, nor have cause to suspect, that the image be of the kind mentioned. Under new section 67(I)(2)(c) it is a defence if they were sent the image without prior request and did not keep it for an unreasonable time; this covers those who are sent unsolicited material and who act quickly to delete it or otherwise get rid of it. Under new section 67(I)(2)(d) it is a defence if they directly participated in the act portrayed as person A or B, that the act did not involve the infliction of any non-consensual harm on any person, and the persons are not in fact under 16. Assuming the conditions are met, this defence is available to a person who possesses their own image. New section 67I(5) provides that the definition of non-consensual harm is the same as in section 66, meaning the act was consensual and did not cause serious harm.

1008. New section 67I(3) and (4) set out the defences available for the publication offence under new section 67H(4). Under new section 67(I)(4)(a) it is a defence for the defendant to prove that they had a legitimate reason for publishing the image concerned. For example, if one law enforcement agency shared an image with another in the course of an investigation or prosecution (such as between police forces). Under new section 67(I)(4)(b) that they had not seen the image concerned and did not know, nor have cause to suspect, that the image be of the kind mentioned. Under new section 67(I)(3)(c) that they directly participated in the act portrayed, that the act did not involve the infliction of any non-consensual harm on any person, that the persons are not in fact under 16, and that they only published the image to persons who directly participated.

1009. New section 67J(1) provides for the maximum penalty for the possession offence under new section 67H(1). On summary conviction, this is imprisonment for a term not exceeding the general limit in a magistrates' court or a fine, or both. On conviction on indictment, to imprisonment for a term not exceeding three years' imprisonment or a fine, or both.

1010. New section 67J(2) provides for the maximum penalty for the publication offence under new section 67H(4). On summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine, or both. On conviction on indictment, to imprisonment for a term not exceeding five years' imprisonment or a fine, or both.

1011. Subsections (2) and (3) amend section 68 of and Schedule 14 to the CJIA 2008 to apply the special rules relating to providers of information society services to the new possession and publication offences. This provides specific exceptions for service providers who are mere conduits and those who cache or host.

1012. Subsection (4) amends Schedule 34A to the CJA 2003 so that if the person shown in the pornographic image is under 18, the disclosure of information requirements under section 327A apply.

1013. Subsection (5) amends Schedule 7 to the OSA 2023 to make the new possession and publication offences priority offences for the purposes of that Act.

Section 108: Online pornography (age and consent verification): duty to review and report

1014. This section places a duty on the Secretary of State to carry out a review of the role played by internet services providers (which could include user-to-user platforms, search engines, and infrastructure providers) in verifying the age and consent of individuals appearing in pornographic content that is published or displayed on their services.

1015. Section (2) and (3) specify that a report of this review must be published and laid before Parliament within twelve months of this Act receiving Royal Assent (that is, by 29 April 2027).

Section 109: Online pornography (age and consent verification): power to amend Online safety Act 2023

1016. This section inserts a new regulation-making power into the OSA 2023. New section 217A of the OSA 2023 enables the Secretary of State to make regulations imposing duties on regulated services in relation to pornographic content appearing on those services. The purpose of the age verification duties is to prevent children appearing in pornographic content. The purpose of the consent verification duties is to prevent the non-consensual publication and distribution of pornographic material.

1017. New section 217A(2) clarifies that new duties imposed by the regulations could include (but are not limited to) duties relating to the systems and processes used to operate those regulated services.

1018. New section 217A(3) provides that new duties may include duties relating to cases where consent previously given has since been withdrawn.

1019. New section 217A(4) enables regulations made under new section 217 to require OFCOM to issue guidance to providers of regulated services to assist them in complying with age verification duties and consent verification duties.

1020. New section 217A(5) enables consequential or related amendments to the OSA 2023 to be made where necessary to give effect to the newly imposed duties. This could include designating the new duties as "enforceable requirements" under section 131(2), such that the enforcement powers in Chapter 6 of Part 7 of the OSA Act apply.

1021. Subsection (3) provides that any regulations made under the power in new section 217A will be subject to the draft affirmative procedure.

Section 110: Online pornography (age and consent verification): power to make regulations

1022. Subsection (1) confers a power on the Secretary of State, to make regulations (subject to the draft affirmative procedure) imposing duties on internet service providers in relation to verifying the age and/or consent of individuals appearing in pornographic content published or displayed on those services. This may include (but is not limited to) duties relating to the systems and processes used to operate those internet services (subsection (2)). The purpose of these duties is to prevent children appearing in pornographic content and to prevent the non-consensual publication and distribution of pornographic material.

1023. Duties relating to verifying consent may include duties which apply where consent previously given has later been withdrawn (subsection (3)).

1024. Subsection (4) provides that the regulations may confer functions on an existing regulator, or establish a new regulator who is responsible for these duties. Subsection (5) provides powers to ensure that the regulator is appropriately structured, resourced and funded to carry out its functions.

1025. Subsections (6) to (11) allow regulations made under this section to mirror some relevant parts of the OSA 2023. In particular, these subsections allow the regulations to confer on the regulator enforcement and fee-charging powers corresponding to those provided for under that Act, subject to the inclusion of equivalent rights of appeal. Under subsection (6)(a), the regulations may confer on the regulator a free-standing power to require the provision of information and may make provision for offences corresponding to those in the OSA 2023 in relation to non-compliance with such requirements. The regulations can also make provision for appeals against other decisions of the regulator, in addition to appeals relating to the exercise of enforcement powers (subsection (9)).

1026. Subsection (12) enables the regulations to require the regulator to issue guidance to assist providers in complying with age verification duties and consent verification duties.

1027. Subsection (13) provides for the powers in this section to have extra-territorial effect where the service has a significant number of United Kingdom users, or where the United Kingdom is a target market.

1028. Subsection (14) provides that certain terms ('internet service', 'pornographic content', 'provider' and 'United Kingdom user') used in this section have the same meaning as in the OSA 2023. By referring to an internet service defined in section 228 of the OSA 2023, this provision allows the new duties to apply to internet service providers including user-to-user services and search engines, as well as services which are not regulated by the OSA 2023.

Section 111: Obscenity etc offences: technology testing defence

1029. Subsection (1) confers a power on the Secretary of State, by regulations, to create defences to relevant offences (set out in section 112) for authorised persons to carry out technology testing activities.

1030. Subsection (2) defines "technology testing activities" to cover activities carried out during the course of or in connection with both investigating and testing technology. As such the defence is available for investigating whether something was made or adapted for generating prohibited material, for example in the context of a criminal investigation. The defence is also available for technology testing to determine capability to generate prohibited material, developing methods to safeguard against such capabilities and to prevent creation of prohibited material (see below).

1031. Subsection (3) defines prohibited material as any material in relation to which a person may commit a relevant offence, such as indecent photographs or pseudo-photographs of children, a prohibited image of a child, non-consensual intimate imagery, an obscene article or extreme pornographic images. Relevant offences are set out under section 112.

1032. Subsection (4) provides that the Secretary of State may, by regulations, make provision about authorisations by the Secretary of State to carry out technology testing.The provision provides a non-exhaustive list of matters in relation to which the Secretary of State may regulate which include: imposing conditions on authorisation; variation, suspension, or withdrawal of authorisations and conditions; enforcement of any breaches of conditions; and fees for costs incurred by the Secretary of State. These may include the creation of a new criminal offence with a maximum penalty of a fine applicable for the enforcement of any breaches of conditions.

1033. Subsections (5) and (6) provide that the Secretary of State must consult the Scottish Ministers and Department of Justice in Northern Ireland before making regulations under this section containing provision which would be within the legislative competence of the Scottish Parliament or Northern Ireland Assembly respectively.

Section 112: Technology testing defence: meaning of "relevant offence"

1034. Subsections (1) to (4) define "relevant offence" for the purposes of section 111 for England and Wales, Scotland and Northern Ireland. These are the offences in relation to which the Secretary of State may through regulations create defences for authorised persons carrying out technology testing activities. A number of these offences contain defences which may be available to a technology tester in some scenarios; however, the technology testing defence is brought forward for clarity and certainty as well as oversight.

1035. Subsection (5) confers a power on the Secretary of State, by regulations, to amend section 112 so as to alter the meaning of "relevant offence". This power enables the Secretary of State to add or remove offences as may be required.

1036. Subsections (6) and (7) provides that the Secretary of State must consult the Scottish Ministers and Department of Justice in Northern Ireland before making regulations under this section containing provision which would be within the legislative competence of the Scottish Parliament or Northern Ireland Assembly respectively.

Section 113: Exposure

1037. This section substitutes subsection (1) and inserts new subsection (1A) into section 66 of the 2003 Act. New subsection (1) amends the specific intent element of the offence of exposure in section 66. As currently drafted, the offence only captures those who intentionally expose their genitals to cause those who may see them alarm or distress (new subsection (1)(a)). As amended, the offence would also capture those who expose their genitals with the intent to cause humiliation to those who may see them, or those who do so for the purposes of obtaining sexual gratification while being reckless as to whether someone who sees them will be caused alarm, distress or humiliation (new subsection (1)(b)).

1038. New section 66(1A) of the 2003 Act excludes certain cases from the scope of the 'sexual gratification' limb at new subsection (1)(b). It ensures that where a person exposes their genitals to a particular person or persons for the purpose of obtaining sexual gratification, they do not commit the offence unless they are reckless as to whether that particular person or one of those particular persons is caused alarm, distress or humiliation. For example, where the exposure is carried out between a consenting couple in a secluded area, but another individual accidentally witnesses the behaviour, this would be excluded from the offence.

Section 114: Sexual activity with an animal

1039. This section amends the 2003 Act to replace the offence of intercourse with an animal with a broader offence of sexual activity with an animal. The purpose of this change is to ensure that a wider range of animal sexual abuse is criminalised, including sexual touching of an animal, whether or not the animal is living or dead.

1040. Subsection (2) replaces the offence of intercourse with an animal at section 69 of the 2003 Act with a new, wider offence of sexual activity with an animal.

1041. Under new section 69(1), a person commits an offence if: they intentionally touch an animal (whether living or dead); they know, or are reckless as to whether, that is what is touched; and the touching is sexual.

1042. Under new section 69(2) touching is sexual if a reasonable person would consider that because of its nature it may be sexual and because of its circumstances or the purpose of any person in relation to it (or both) it is sexual. This means that touching which could be considered sexual, such as touching the genitals of an animal or extracting semen from an animal, would not be considered sexual if the touching was carried out for a genuine veterinary, scientific, agricultural or other animal welfare-related purpose.

1043. New section 69(3) provides that the maximum penalties remain the same as under the existing offence: on summary conviction, imprisonment not exceeding the general limit in a magistrates' court, a fine, or both; and on conviction on indictment, imprisonment not exceeding two years.

1044. Subsection (3) ensures that the definition of "sexual" at section 78 of the 2003 Act does not apply to the new offence at section 69, given the inclusion of new section 69(2).

1045. Subsection (4) removes the redundant definition at section 79(10) of the 2003 Act.

1046. Subsection (5) makes consequential amendments to paragraphs 35 and 92 of Schedule 3 to the 2003 Act, that relates to the imposition of notification requirements, to refer to the new heading of the section 69 offence. This ensures that notification requirements apply under section 80 of the 2003 Act where the offender is aged 18 or over and receives any custodial sentence or is detained in hospital, or where an offender is under 18 and receives a custodial sentence of at least 12 months.

1047. Subsection (6) makes consequential amendments to ensure that the new heading of the offence is reflected in paragraph 151 of Schedule 15 to the CJA 2003 and paragraph 38(az) of Schedule 18 to the Sentencing Code.

Section 115: Sexual activity with a corpse

1048. Subsection (1) replaces the existing offence of sexual penetration of a corpse at section 70 of the 2003 Act with new section 70.

1049. New section 70(1) of the 2003 Act sets out the elements of the offence of sexual activity with a corpse.

1050. For the offence to be made out, a person must intentionally touch a part of the body of a dead person (section 70(1)(a) and (b)), knowing that what they touch is a part of the body of a dead person, or being reckless as to that fact (section 70(1)(c)). The touching must be sexual (section 70(1)(d)).

1051. Touching is already defined in section 79(8) of the 2003 Act to include touching with any part of the body, with anything else, through anything, and in particular includes touching which amounts to penetration. 'Sexual' is defined in section 78 of the 2003 Act.

1052. New section 70(2) of the 2003 Act provides that the offence is triable either way and provides the maximum penalty for the offence. The maximum penalty that may be imposed on summary conviction is a sentence of imprisonment not exceeding the general limit in a magistrates' court (currently six months), a fine, or both. On conviction on indictment, the maximum penalty that may be imposed depends on whether the offence involved penetration. Where the offence involved penetration, the maximum penalty is one of seven years' imprisonment; where the offence did not involve penetration, the maximum penalty is five years' imprisonment.

1053. Subsection (2) make consequential amendments to other enactments which reference the section 70 offence.

Section 116: Disregarding convictions and cautions for loitering or soliciting when under 18

1054. This section amends Chapter 4 of Part 5 of the Protection of Freedoms Act 2012 ("the 2012 Act"), which is the existing legal framework for the disregarding of historical convictions for same sex consensual sexual activity.

1055. Specifically, subsection (4) inserts new section 94A into the 2012 Act, which provides that a conviction or caution for the offence of loitering or soliciting for the purposes of prostitution under section 1 of the Street Offences Act 1959 is to be treated as automatically disregarded conviction or caution where the offender was under the age of 18 at the time of the offence. Subsections (2), (3) and (5) to (8) make consequential amendments to Chapter 4 of Part 5 of the 2012 Act. As a result, a relevant data controller must, as soon as reasonably practical, delete the details of the disregarded caution or conviction from relevant official records (new section 95(4A) of the 2012 Act). Section 96 of the 2012 Act sets out the effect of a disregard, namely:

- a person with a disregarded conviction or caution is to be treated in law as if he had not committed the offence or been subject to any legal proceedings in respect of the offence (that is, they had not been charged with or prosecuted for the offence or convicted, cautioned or sentenced for the offence);
- details of disregarded cautions and convictions cannot be used in any judicial proceedings nor, in any such proceedings, can the individual be asked about or be required to answer questions about any disregarded conviction or caution or any circumstances ancillary to it;
- questions put to a person in any other context (for example, by a prospective employer) asking about that person's past convictions or cautions are not to be treated as including any reference to a disregarded conviction or caution and that failure to provide details of such a disregarded matter will not lead to any liability on the part of the individual;
- any obligation under any law or other agreement to disclose offences will not apply to such disregarded convictions or cautions;
- a disregarded caution or conviction is not grounds for dismissal from any office, employment, occupation or profession, nor can it prejudice an individual in any such connection.

Section 117: Pardons for convictions and cautions for loitering or soliciting when under 18

1056. Subsection (2) inserts new section 165A into the Policing and Crime Act 2017. New section 165A automatically confers a pardon on any person (living or deceased) convicted of or cautioned for the offence of loitering or soliciting for the purposes of prostitution under section 1 of the Street Offences Act 1959 who was under the age of 18 at the time of the offence. Subsection (3) makes consequential amendments to section 167 of the Policing and Crime Act 2017 such that the provisions of that section apply to a pardon under new section 165A. As a result, such a pardon does not affect any conviction, caution or sentence, or give rise to any right, entitlement or liability. Section 167 also preserves the power of the Crown to grant a Royal pardon.

Chapter 5: Management of sex offenders

Section 118: Notification of name change

1057. Currently, relevant offenders must, under section 84(1)(a) of the 2003 Act, notify the police of their use of a new name within three days of their using the name. This section inserts new section 83A into the 2003 Act, which replaces the existing requirement with a requirement to notify the police of a new name no less than seven days before using it. Where it is not reasonably practicable to do so, new section 83A(1)(b) and (2) require the offender to notify that name to the police as far in advance of their using it as is reasonably practicable and no more than three days after its use.

1058. New section 83A(4) and (5) require an offender to renotify the name change where they begin using it more than two days before the date specified during the initial notification; this renotification must be within three days of the name's use. New section 83A(6) and (7) require an offender to renotify that a previously notified new name has not been used if they have not started using it more than three days after the date specified in the earlier notification. The second notification must be within six days of the date specified during the first notification.

1059. To illustrate the effect of subsections (1) to (7) of new section 83A, a relevant offender who expects to use a new name from 8 April would be required to notify the police of the new name on or before 1 April. In the notification, the relevant offender specifies 8 April as the date they expect to start using the new name. If it was not reasonably practical to make an advance notification, the notification must be made by 11 April. In the event, the relevant offender starts using the new name on 4 April and, as a result, must notify the police of that fact by 7 April. Alternatively, in the event, the relevant offender has not used the new name by 11 April in which case that must notify the police of that fact by 14 April.

1060. New section 83A(8) applies section 83(6) of the 2003 Act to the determination of the periods of three days in subsections (2) and (5) and the period of six days in subsection (7), so that periods of time during which an offender is remanded in custody, serving a sentence of imprisonment or service detention, detained in a hospital or is outside of the UK will be disregarded for the calculation of those durations.

1061. New section 83A(9) requires a relevant offender to renotify the information given in an initial notification under section 83(5) of the 2003 Act when making a notification under section 83A(1), (2) or (5). Section 83(5) lists the information that an offender must notify upon initial notification.

Section 119: Notification of absence from sole or main residence

1062. Currently, section 85(5)(a) and (b) of the 2003 Act and regulation 9 of the Sexual Offences Act 2003 (Notification Requirements) (England and Wales) Regulations 2012 (SI 2012/1876) require a relevant offender to notify every seven days where they have no sole or main residence. This requirement remains unchanged.

1063. Section 83(5)(d), (f) and (g) of the 2003 Act require respectively a relevant offender to notify on their initial notification their home address on the relevant date, their home address on the date of their initial notification and the addresses of any other premises in the UK at which they regularly reside or stay on the date of initial notification. Section 84(1)(c) requires a relevant offender to notify any period of residence or stay for a qualifying period at any premises in the UK not previously notified to the police. Section 84(6)(a) and (b) define the qualifying period as a period of seven consecutive days or two or more periods that taken together amount to seven days over a 12-month period.

1064. This section inserts new section 85ZA into the 2003 Act. New section 85ZA requires relevant offenders whose sole or main residence is in England and Wales or Scotland to notify periods of absence that exceed 'the relevant period' from that home address no less than 12 hours before leaving it. New section 85ZA(2) defines the relevant period as five days, but new section 85ZA(8) gives a power to the Secretary of State (in relation to England and Wales) and the Scottish Minister (in relation to Scotland) to increase that period by regulations (subject to the negative procedure).

1065. New section 85ZA(3) and (4) specify the information a relevant offender must notify to the police, which includes the date on which the relevant offender will leave that home address, details of the relevant offender's travel arrangements during the relevant period (that is, the means of transport used and dates of travel), accommodation arrangements during that period (that is, the address of any accommodation for overnight stays and the nature of that accommodation) and the date of return to that home address.

1066. New section 85ZA(5) requires a relevant offender to give a further notification if at any time not less than 12 hours before they leave their home address any previously notified information becomes inaccurate. New section 85ZA(6) requires a relevant offender to notify the date on which they return to their sole or main residence within three days of returning if they return on a date that is different to the date notified in advance of leaving their sole or main residence.

1067. To illustrate these requirements – a relevant offender intends to reside at a friend's house for a period of one week, leaving their home address at 08:00 on 1 April. The relevant offender must notify the police of that fact no later than 20:00 on 31 March. In compliance with new section 85ZA(3), the notification states that the relevant offender will leave their home address on 1 April and travel by car on that date to their friend's house at 16 Acacia Avenue, Anytown, AT6 2BS, returning on 8 April. On 30 March, the relevant offender's car fails to start and they take it to a garage for repair and instead travel on 1 April by foot, bus and train to their friend's house having notified the police of the change to the mode of travel at least 12 hours before their departure. The relevant offender decides to stay an extra day at their friend's house, to 9 April, and is therefore required to notify the police of their actual return date by no later than the 12 April.

1068. New section 85ZA(7) specifies that the requirements in new section 85ZA do not affect a relevant offender's requirement to notify information prescribed by regulations under section 86 of the 2003 Act, which deals with a relevant offender's travel outside the UK.

Section 120: Child sex offenders: requirement to notify if entering premises where children present

1069. For the purposes of section 83(5)(h) of the 2003 Act, Regulation 10 of the Sexual Offences Act 2003 (Notification Requirements) (England and Wales) Regulations 2012 ("the 2012 Regulations") requires relevant offenders to notify stays of 12 hours or more in a household where children are present. They must notify the address, the date on which that stay or residence began and the period or periods for which they intend to reside or stay at that household. They must notify within three days of that 12-hour period elapsing.

1070. Regulation 2 of the 2012 Regulations defines a relevant household or other place where a child resides or stays and to which the public do not have access (whether for payment or not).

1071. This section inserts new sections 86A to 86D into the 2003 Act. New section 86A outlines the criteria that make a relevant offender subject to the requirements described in new section 86B (a "section 86B relevant offender"). Those criteria are: (a) that the offender is a

child sex offender (as defined in new section 86A(4) to (7)); and (b) that the offender has been served with a notice ("a section 86A notice") by a chief officer of police to the effect that the offender is subject to the requirements in new section 86B, and the notice has not been cancelled.

1072. New section 84A(2) prescribes the test for a chief officer issuing of a section 86A notice, namely that the chief officer is satisfied that it is necessary to issue a notice for the purpose of protecting children generally, or particular children, from sexual harm from the offender.

1073. New section 86A(3) requires a section 86A notice to indicate a relevant offender's rights of appeal under new section 86D.

1074. New section 86B(1) requires a section 86B relevant offender to notify the police the date on which they enter a qualifying premises at least 12 hours before entering it. New section 86B(2) sets out the required information that must accompany a notification under subsection (1). A notification under subsection (1) must include the date on which the offender is to enter the premises, the address of the premises and such other information as the appropriate authority (as defined in new section 86B(8)) specifies in regulations (subject to the negative resolution procedure).

1075. New section 86B(3) confers on the appropriate authority a power, by regulations (subject to the draft affirmative procedure), to define the qualifying premises in respect of which a relevant offender must notify.

1076. New section 86B(4) confers a power on the appropriate authority (as defined in new section 86A(6)) a power, by regulations (subject to the draft affirmative procedure), to provide for circumstances in which a relevant offender is not required to give repeated notifications in relation to the same children or premises, because, for example, they enter that premises where that child is present regularly at the same time and stay for the same duration.

1077. New sections 86B(5) and (6) require relevant offenders to renotify if they have not entered that premises on the date specified during the first notification within six days of that date.

1078. New section 86B(7) applies section 83(6) of the 2003 Act to the determination of the periods of three days mentioned in subsection (2) and six days mentioned in subsection (7)(b), so that periods of time during which an offender is remanded in custody, serving a sentence of imprisonment or service detention, detained in a hospital, or outside the UK will be disregarded for the calculation of those durations.

1079. New section 86C requires the police to review annually the necessity of a section 86A notice given to a section 86B relevant offender, where that section 86A notice has not been cancelled. New section 86C(3) provides for a section 86B relevant offender to make representations within one month of that notice's annual review to the chief officer of police for their local area about the notice. New section 86C(4) requires the chief officer to notify the section 86B relevant offender of their right to make representations before the start of that one-month period before an annual review.

1080. New section 86C(5) and (6) require the chief officer to consider those representations, decide whether to cancel the notice and give a decision notice to the offender as soon as reasonably practicable after the review date. The chief officer may decide to cancel the notice if satisfied the offender no longer presents a risk of sexual harm to children, as set out in new section 86A(4).

1081. New section 86C(7) requires the chief officer to provide a statement of reasons for a decision not to cancel a notice following an annual review and indicate that an appeal may be made against the decision under section 86D.

1082. New section 86D(1)(a) and (b) respectively provide for a section 86B relevant offender to appeal against the chief officer's decision to give a section 86A notice and their decision not to cancel the notice. New section 86D(2) requires an appeal to be made to the appropriate court (as defined in new section 86D(5)) within 21 days of the day on which the section 86A notice is given to the offender or the day on which notice of the decision not to cancel a section 86A notice is given to the offender.

1083. New section 86D(3) empowers a court to confirm or cancel a notice where an appeal is made against the decision to give the section 86B notice. New section 86D(4)(a) empowers a court to confirm a chief officer's decision not to cancel a notice and new section 86D(4)(b) empowers the court to remit the decision to the appropriate chief officer for reconsideration with such directions (if any) as the court sees fit.

Section 121: Police stations at which notifications may be given: Scotland and Northern Ireland

1084. Registered sex offenders must notify certain personal details to the police, including their name and home address, and notify the police of any changes to those details. Section 87 of the 2003 Act provides a power for the Scottish Ministers and the Department of Justice in Northern Ireland to make regulations specifying the police stations in Scotland and Northern Ireland respectively at which an offender may notify the chief officer of police of the relevant information. This section amends section 87 to remove the requirement for the Scottish Ministers and the Department of Justice in Northern Ireland to prescribe a list of police stations for this purpose and makes this the responsibility of the chief constable of Police Scotland and the Police Service of Northern Ireland respectively. A similar change was made in relation to England and Wales by section 168 of the 2022 Act.

Section 122: Alternative method of notification

1085. Section 87 of the 2003 Act requires a relevant offender to notify in person at a police station in their local police area specified in a document published by the chief officer of police for that local area under section 87(2A). Section 87(4) enables the police to require a relevant offender giving notification to allow the officer to take their fingerprints and/or photograph any part of him to verify the identity of the relevant offender.

1086. This section inserts new sections 87A and 87B into the 2003 Act enabling a relevant offender to notify virtually if the three conditions set out in the section are met, plus any further conditions specified by the appropriate authority (that is, the Secretary of State, Scottish Ministers or the Department of Justice in Northern Ireland) in regulations made under new section 87A(1)(b).

1087. New section 87A(2) provides for the first condition: that a police officer of at least the rank of inspector in the relevant offender's local area, who is authorised to give section 87A notices, has given the relevant offender a notice authorising virtual notification and that notice has not been cancelled. Initial notification under section 83 must always be in person regardless of whether a relevant offender has a section 87A authorising notice.

1088. The test that must be met for a senior police officer (as defined in new section 87A(5)) to give a notice is set out in new section 87A(3), namely that the senior officer is satisfied it is not necessary for the purposes of protecting the public, or any particular members of the public, from sexual harm to require the relevant offender to notify in person. A senior police

officer may cancel this section 87A notice by giving further notice, if they consider in-person notification is required to protect the public, or any particular members of the public, from sexual harm (new section 87A(4)).

1089. Condition two (new section 87A(6)) requires the notification does not relate to a matter specified by the appropriate authority in regulations (subject to the negative procedure).

1090. Condition three (new section 87A(7)) is that the relevant offender gives notification to a person authorised to receive virtual notification by the local chief officer of police. Virtual notification, as defined in new section 87A(8), is by a means that enables the relevant offender and the person receiving the notification to see and hear each other without being together in the same place, for example by video conferencing software.

1091. New section 87A(9) enables the relevant authority to make regulations imposing further conditions about the means of giving virtual notification. New section 87A(10) requires that any virtual notification given in line with this section must be acknowledged in writing, in such form as the relevant authority may direct. New section 87B requires the relevant offender notifying to attend a local police station to have their fingerprints and/or photograph taken if asked to do so by the person receiving the virtual notification.

Section 123: Review of indefinite notification requirements: England and Wales

1092. Relevant offenders sentenced to a term of imprisonment of 30 months or more are subject to the notification requirements indefinitely. They must comply with the notification requirements for a minimum period of 15 years (or eight years for juveniles) before they may apply to the police to review their notification requirements. The police – in conjunction with other MAPPA agencies where appropriate – review their notification requirements and decide whether to discharge those requirements where they are no longer required to protect the public from sexual harm.

1093. Sections 91A to 91F of the 2003 Act provides for relevant offenders to apply to the police for a review of their indefinite notification requirements once the 15-year minimum duration (or eight-year duration for juveniles) has elapsed.

1094. Subsection (2) inserts new subsection (1A) into section 91A of the 2003 Act to enable the relevant chief officer of police to consider whether a relevant offender should remain subject to indefinite notification requirements without an application from the relevant offender (an "own motion review").

1095. Subsection (3) inserts new sections 91EA to 91ED into the 2003 Act. New section 91EA(1) and (2) enables the chief officer to begin an own motion review after the qualifying date. The qualifying date is defined in section 91B as: (a) the end of the 15-year period beginning with a relevant offender's first notification where they were aged 18 or over on the relevant date (that is, the date of conviction, caution or finding); or (b) the end of the 8-year period beginning with a relevant offender's first notification where they were under age 18 on the relevant date.

1096. New section 91EA(3) to (5) require the chief officer to inform the offender that they are conducting an own motion review and confer a right on the relevant offender to make representations. These representations must be made to the relevant chief officer of police within 35 days following receipt of a notification from the police under new section 91EA(4) that they are beginning an own motion review.

1097. New section 91EA(6) provides for the police to notify a responsible body (as defined in new section 91B(11), namely the local probation board (or relevant provider of probation services), the Minister of the Crown exercising prison functions and the bodies mentioned in section 325(6) of the CJA 2003) within seven days of beginning an own motion review and new section 91EA(7) requires the responsible body to give any relevant information it holds within 28 days of receipt of that notification.

1098. New section 91EB(1) and (2) requires the relevant chief officer of police to give a notice of an own motion review's determination within six weeks of the latest date on which the relevant offender may make representations under new section 91EA(5). The six week period may be amended by regulations (subject to the negative procedure) (new section 91EB(6)).

1099. New section 91EB(3) provides that the chief officer may determine that the relevant offender should not remain subject to notification requirements indefinitely only if satisfied that it is not necessary for the purpose of protecting the public, or any particular members of the public from sexual harm. Under new section 91EB(4), where the chief officer determines the relevant offender should not remain subject to notification requirements, they will cease on the date the offender receives the notice of determination. Where a chief officer of police decides that a relevant offender should remain subject to the indefinite notification requirements, new section 91EB(5) requires the chief officer to provide a statement of their reasons and inform the relevant offender of their appeal rights under new section 91ED.

1100. New section 91EC sets out the factors to which the chief officer must have regard when determining an own motion review.

1101. New section 91ED sets out a relevant offender's right of appeal. A relevant offender may, under new section 91ED(1), appeal against a chief officer's determination that the offender must remain subject to the notification requirements. New section 91ED(2) and (3) provides the relevant offender with a right of appeal to a magistrates' court within 21 days of them receiving the determination notice. An appeal may be made to any magistrates' court in a local justice area that includes any part of the chief officer's local area. New section 91ED(4) provides that, if the court makes an order that the relevant offender should not remain subject to the indefinite notification requirements, the relevant offender ceases to be subject to the indefinite notification requirements on the date of the order.

1102. Subsection (4) inserts new section 91G into the 2003 Act, which provides for a relevant offender to be discharged from indefinite notification requirements in England and Wales when their notification requirements are discharged in Scotland or Northern Ireland.

Section 124: Review of indefinite notification requirements: Northern Ireland

1103. This section inserts new paragraphs 6A to 6D into Schedule 3A to the 2003 Act which makes similar provision for own motion reviews in Northern Ireland to that provided for in new sections 91EA to 91ED in relation to England and Wales.

Section 125: Restriction on applying for replacement identity documents in new name

1104. Currently, relevant offenders must notify information regarding their names and changes of name as outlined in paragraph 1057 above. The Sexual Offences Act 2003 (Notification Requirements) (England and Wales) Regulations 2012 also require relevant offenders to notify information about any passports they hold or any passports they obtain or cease to hold; in the absence of a passport, they are required to notify information about another identity document, such as a driving licence.

1105. Subsection (1) inserts new sections 93A to 93H into the 2003 Act; these provisions apply UK- wide. New section 93A provides for a relevant offender's local chief officer of police to issue a notice (a "section 93A notice") that makes the relevant offender subject to the restriction in new section 93B (such an offender is styled a "section 93B relevant offender"). The chief officer may issue a notice where it is necessary to protect the public, or any particular members of the public, in the UK or children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm (or, in Northern Ireland, serious sexual harm) outside the UK (new section 93A(2)).

1106. New section 93A(4) sets out that the offender may appeal against a section 93A notice as provided for in new section 93F.

1107. New section 93B(1) and (2) prevent a section 93B relevant offender from applying for an identity document listed in new section 93B(6) (namely, an immigration document, UK passport or a driving licence issued under Part 3 of the Road Traffic act 1988) in a new name unless authorised to do so by a chief officer under new section 93C. A person who fails without reasonable excuse to comply with subsection (1) commits a criminal offence. The maximum penalty for the offence on conviction on indictment is five years' imprisonment, a fine, or both (new section 93B(4)).

1108. New section 93B(6)(d) confers a power on the appropriate authority (as defined in new section 93A(5)) to add to the list of identity documents in section 93B(6)(a) to (c) by regulations (subject to the affirmative procedure).

1109. New section 93C outlines the process by which a relevant offender may obtain authorisation to apply for a new name on a replacement identity document. New section 93C(2) requires the application to be in writing, specify the type of identity document and name sought and include such other information as the Secretary of State may specify in regulations (subject to the negative procedure). New section 93C(3) and (8) require respectively the chief officer of police to determine the application within four weeks of receiving it and give a decision notice, which must, if the application is unsuccessful, contain a statement of reasons for the decision and indicate a right of appeal against the decision under new section 93G. If an application is unsuccessful, a further application may not be made for one year in respect of the same document (new section 93C(8)(b)).

1110. New section 93C(5) set outs that a chief officer may grant authorisation only if the conditions in new section 93C(6) and (7) are met. The first condition is that the chief officer is satisfied that the offender is using the new name following their marriage or entering into a civil partnership, or as a result of the offender's religion or belief. A chief officer may also authorise a name change where they are satisfied that the application meets any other conditions specified in regulations made by the appropriate authority, or there are exceptional circumstances that justify granting authorisation. The second condition is that the chief officer does not consider it necessary to refuse the application in order to protect the public in the UK or children or vulnerable adults outside the UK from sexual harm. Whilst making this determination, the chief officer must have regard to any guidance issued by the Secretary of State or the Department of Justice in Northern Ireland under new section 93H.

1111. Under new section 93D(1) an authorisation under new section 93C(5) lapses one year after it has been given or if the chief officer cancels the authorisation.

1112. New section 93D(2) and (3) provides the chief officer with a power to cancel an authorisation if no longer satisfied that the conditions in new section 93C(6) and (7) are met.

1113. New section 93E allows the chief officer of police to give a section 93A notice to a relevant offender's parent if they are under 18 and for the parent to make a section 93C application to change the name of the offender on identity documents on that offender's behalf. This "parental notice" expires when the offender reaches 18.

1114. New section 93F(1) requires the chief officer to conduct an annual review of the necessity of a section 93A notice as soon as reasonably practicable after the review date. New section 93F(2) defines the review date as (a) the end of the 12-month period beginning with the notice's issue and (b) each successive 12-month period.

1115. New section 93F(3) requires the chief officer when making their decision to consider any representations made by the relevant offender. New section 93F(4) requires the chief officer to notify the relevant offender before the start of the consultation period of their right to make representations during that period.

1116. New section 93F(5) defines the 'consultation period' as the period of one month ending with the review date. In other words, it occurs in the month before the end of the 12-month period following a notice's issue or successive 12-month periods.

1117. New section 93F(6) requires a chief officer following an annual review to decide whether to cancel the section 93A notice, and if they so decide to give notice of the decision.

1118. New section 93F(7) stipulates that the chief officer may only cancel a notice if no longer satisfied that the notice is necessary either to protect the public within the UK or protect children and vulnerable adults outside of the UK from sexual harm.

1119. Should the chief officer decide to keep the section 93A notice in place following an annual review, the decision notice must contain the reasons for this decision and outline the offender's right of appeal (new section 93F(8)). Those rights of appeal are set out in new section 93G.

1120. New section 93G(1) outlines a section 93B relevant offender's rights of appeal against: (a) a decision to give a notice; (b) a decision to refuse authorisation to apply for a change of name; (c) a decision to cancel authorisation; (d) a decision to give a parental notice under new section 93D; and (e) a decision that a section 93A notice should not be cancelled following an annual review.

1121. New section 93H places a duty on the Secretary of State and the Department of Justice in Northern Ireland to issue guidance to chief officers of police in England and Wales and to the chief constable of the Police Service of Northern Ireland respectively in relation to the determination by them of applications under new section 93C. The Secretary of State and the Department of Justice in Northern Ireland may, from time to time, revise the guidance issued and must arrange for any guidance issued under this section to be published in such manner as they think appropriate.

1122. Subsection (2) inserts new section 93I into the 2003 Act which confers a power on the Secretary of State to make regulations (subject to the draft affirmative procedure) that prevent a person from being granted a replacement driving licence if the following three conditions are met: (a) the person already holds or has held a driving licence; (b) that the name specified on the replacement licence is different to the name on the licence they most recently held, and (c) information given by the appropriate chief officer indicates that the person is required under new section 93B to obtain authorisation for a change of name on a driving licence but has not obtained that authorisation before applying. The effect would be to prevent the person from obtaining a driving licence in a new name where they hold or have held a licence.

1123. New section 93I(2) and (3) allows regulations made under this section to include provision for requiring the appropriate chief officer to provide specified information to the Secretary of State and vice versa. The regulations may also make provision for how this information is used. Regulations made under section 93I are subject to the general data protection override in section 183A of the Data Protection Act 2018.

1124. Subsection (3) inserts new section 93J into the 2003 Act which confers a similar power on the Department for Infrastructure in Northern Ireland in respect of driving licences issued in Northern Ireland to that conferred on the Secretary of State by new section 93I as detailed above.

Section 126: Power of entry and search

1125. Section 96B of the 2003 Act enables an officer of the rank of at least superintendent to make an application to a court in person for a warrant to enter and search a relevant offender's home for the purpose of assessing their risk.

1126. The police obtain and execute section 96B warrants when an offender denies entry to their home, preventing the police from conducting a risk assessment.

1127. This section amends section 96B by replacing the requirement in subsection (1) for a warrant application to be made by a senior officer with a requirement for it to be approved by an appropriate officer, which is defined in amended subsection (10) as a constable authorised to make the application by a constable of at least the rank of inspector.

Section 127 and Schedule 15: Minor and consequential amendments

1128. Section 127 introduces Schedule 15 which makes minor and consequential amendments to the 2003 Act as a result of the changes made by Chapter 5 of Part 5.

Part 6: Stalking

Section 128: Stalking protection orders on acquittal etc

1129. This section amends the Stalking Protection Act 2019 ("the SPA 2019") so as to extend to the courts in England and Wales the power to impose a stalking protection order ("SPO") on acquittal. The defendant can be acquitted of any offence for an SPO to be considered as long as the circumstances in subsections (2) or (3) in new section 2A of the 2019 Act are met. It does not therefore have to be in relation to a specific stalking offence.

1130. Subsection (2) inserts new section A1 into the SPA 2019 which defines the term "stalking protection order" for the purposes of that Act. An SPO is an order made under the SPA 2019 made for the purpose of preventing a person from carrying out acts associated with stalking, and which contains measures which prohibit the respondent from doing anything described in the order and/or requires the respondent to do anything described in the order. New section A1(2) signposts readers to section 2A of the Protection from Harassment Act 1997 for examples of acts associated with stalking. The 1997 Act does not define stalking but provides a (non-exhaustive) list of examples of "acts or omissions associated with stalking" which include following a person, contacting a person, monitoring the use by a person of the internet or email, and watching or spying on a person.

1131. Currently the SPA 2019 provides only for the making of an SPO by a magistrates' courts on application by a chief officer of police. As a result of the provisions in sections 128 and 129, there are now two new routes for obtaining an SPO, namely by a magistrates' court or the Crown Court following the acquittal of a person in a criminal trial (see new section 2A of the SPA 2019) and again by a magistrates' court or the Crown Court following the conviction of a person in a criminal trial (see new Chapter 3A of Part 11 of the Sentencing Code).

1132. Subsection (3) make amendments to section 1 of the SPA 2019 consequential on the insertion of new section A1.

1133. Subsection (4) makes amendments to section 2 of the SPA 2019 to clarify that the balance of probabilities (the civil standard of proof) applies when the court is considering whether to make an order.

1134. Subsection (5) inserts a new section 2A into the SPA 2019. New section 2A(1) sets out that a court may make an SPO in respect of the defendant if any of circumstances in new section 2A(1) or the conditions in the current section 2(1) are met. In new section 2A(1) the circumstances in which the court may make an SPO on acquittal are: (a) the defendant is acquitted of any offence, by or before the court; (b) the court allows the defendant's appeal against a conviction for any offence; or (c) the defendant is found not guilty of any offence by reason of insanity or the court makes a finding that the defendant is under a disability and has done the act charged against them in respect of any offence. New section 2A(2) sets that the court must be satisfied that the conditions in section 2(1) of the SPA 2019 are met before a SPO may be made. These are that: (a) the defendant has carried out acts associated with stalking; (b) the defendant poses a risk associated with stalking to another person; and (c) the proposed order is necessary to protect another person from such a risk (whether or not the other person was the victim of the acts mentioned in paragraph (a)).

1135. New section 2A(3) applies section 1(4) for the purposes of new section 2A which provides that a risk associated with stalking may be in respect of physical or psychological harm to the other person; or may arise from acts which the defendant knows or ought to know are unwelcome to the other person even if, in other circumstances, the acts would appear harmless in themselves.

1136. New section 2A(4) applies the provisions in section 2(2) to (7) of the SPA 2019 to an order made on acquittal etc. Those provisions are: that prohibitions or requirements included by the court in the SPO must only be included if necessary to protect a person mentioned in section 2(1)(b) from a risk associated with stalking; that prohibitions or requirements must, as far as practicable, avoid (a) conflict with the defendant's religious beliefs, and (b) interference with any times the defendant normally works or attends an educational establishment; that a prohibition or requirement applied in all parts of the UK unless it is limited to a particular locality; and that where the defendant is already subject to a SPO, the new order must not include a prohibition or requirement that is incompatible with a prohibition or requirement in the earlier SPO.

1137. Subsection (6) amends section 4 of the SPA 2019 which makes provision for the variation, renewal and discharge of SPOs. In the same way as an SPO made on application, an SPO made on acquittal etc may be varied, renewed or discharged on application to the appropriate courts (namely a magistrates' court or youth court (as specified in new section 4(5)) by either the person who is subject to the order, or a relevant chief officer of police.

1138. Subsection (7) amends section 7 of the SPA 2019 which provides for appeals against the making, variation, renewal or discharge of an SPO. Where the SPO was made on acquittal in a magistrates' court, the appeal is to be made to the Crown Court. Where the SPO was made on acquittal in the Crown Court, the avenue of appeal is to the Court of Appeal. New section 7(5) provides that where an SPO has been confirmed, varied or renewed on appeal it remains an order of the lower court, accordingly further applications for variation, renewal or discharge are to be made to the lower court.

1139. Subsections (8) and (10) make other consequential amendments to the SPA 2019.

1140. Subsection (9) inserts new subsection (3) into section 14 of the SPA 2019 which provides for an application to the Crown Court under any provision in the SPA 2019 is to be made in line with rules of court.

Section 129: Stalking protection orders on conviction

1141. Subsection (1) inserts new Chapter 3A into Part 11 of the Sentencing Code (behaviour orders), comprising new sections 364A to 364H. New Chapter 3A makes similar provision in respect of SPOs on conviction to that contained in the SOA 2019. The defendant can be convicted of any offence for an SPO to be considered as long as the circumstances in new section 364B(2) or (3) are met. It does not therefore have to be in relation to a specific stalking offence.

1142. New section 364A(1) provides that a SPO is an order made with the purpose of preventing someone from carrying out acts associated with stalking and may contain prohibitions that stop the person from doing something or requirements that require the person to do something in the order.

1143. New section 364A(2) signposts section 2A of the Protection from Harassment Act 1997, which contains examples of acts associated with stalking of relevance for SPOs. New section 364A(3) explains that an SPO can have effect for either a fixed period or until another order is made. New section 364A(4) stipulates that when an SPO does have a fixed duration, this must be for a minimum of two years. New section 364A(5) provides that an SPO may also specify a set period that prohibitions or requirements within the order will have effect.

1144. New section 364B confers the power on a court to make an SPO on conviction for an offence. New section 364B(2) sets out the test for making an SPO, namely that the court is be satisfied, on the balance of probabilities, that (a) the defendant has carried out acts associated with stalking, (b) that they pose a risk of stalking to any person (whether or not that person was the victim of the acts mentioned in paragraph (a)) and (c) that the order is necessary to protect that person from such a risk. The individual to be protected by the order does not have to have been the victim of the acts associated with stalking which provide the grounds for the making of an order. This scenario could arise if a perpetrator is stalking other people connected to that individual (such as family members, friends, or co-workers), knowing that this behaviour will impact on the individual who is the principal subject of the stalking acts.

1145. New section 364B(3) provides that a court has to be satisfied on the balance of probabilities that a condition (requirement or prohibition) included in an SPO is necessary to safeguard the victim against a risk associated with stalking.

1146. New section364B(4) provides that the stalking behaviour that may be considered by the court when determining whether to make an order can have taken place in any part of the UK or abroad. This can also include behaviour that took place prior to new section 364B coming into force.

1147. New section 364B(5) is related to risks associated with stalking. It states that a risk associated with stalking may (a) be in relation to physical or psychological harm or (b) arise from behaviour that the perpetrator should or ought to know are unwelcome.

1148. New section 364C makes further provision in relation about the prohibitions (restrictions) or requirements that can be included in a SPO and the circumstances in which they can be applied.

1149. New section 364D makes provision for the variation, renewal or discharge of an SPO made on conviction. New section 364D(1) provides that the offender or a relevant chief officer of police may apply to an appropriate court (as defined in new section 364D(5)) for an order to vary, discharge or renew an SPO. New section 364D(2) requires that before making a decision on an application that is seeking to vary, discharge or renew an SPO, the court must hear from (a) the offender and (b) any relevant chief officer of police.

1150. New section 364E sets out the information that must be specified in a SPO.

1151. New section 364F provides for appeals. An offender may appeal against the making of an SPO in the same manner as an appeal against sentence for an offence (new section 364F(1)). New 364F(2) enables the offender and the relevant chief officer of police to appeal against the variation, renewal or discharge of an order or the refusal of a court to vary, renew or discharge an order.

1152. New section 364G provides that it is an offence to breach the terms of a SPO without reasonable excuse. It is for a court to decide what constitutes a reasonable excuse in a particular case. The maximum penalty on summary conviction is six months' imprisonment, a fine, or both. The maximum penalty on conviction on indictment is five years' imprisonment, a fine, or both. New section 364G(3) provides that conditional discharge is not available to the courts on conviction for breach of a SPO. A conditional discharge is where the court decides not to impose a punishment on the offender unless they go on to commit another crime, at which point they can be sentenced for both the earlier offence and the new one.

1153. New section 364H signposts the provisions in sections 9, 10 and 11 of the SPA 2019 which provide for persons subject to a SPO to comply with certain requirements to notify the police of their name (including any aliases) and address and to keep such information up to date.

1154. Subsections (2) and (3) make consequential amendments to the Sentencing Code and SPA 2019 respectively.

Section 130: Stalking protection orders: Northern Ireland

1155. This section amends the Protection from Stalking Act (Northern Ireland) 2022 ("the PfSNI Act") so as to extend to the courts in Northern Ireland the power to impose a stalking protection order ("SPO") on acquittal or conviction. The defendant can be acquitted or convicted of any offence for an SPO to be considered (new section 6A(2)(b)) as long as the circumstances in subsections (2) or (3) in section 6 of the PfSNI Act are met. It does not therefore have to be in relation to a specific stalking offence.

1156. Subsection (3) inserts new section 6A into the PfSNI Act which defines the meaning "stalking protection order" for the purposes of that Act. An SPO is an order made under the 2022 Act made for the purpose of preventing a person from carrying out acts associated with stalking, and which contains measures which prohibit the respondent from doing anything described in the order and/or requires the respondent to do anything described in the order.

1157. Currently the PfSNI Act provides only for the making of an SPO by a magistrates' court on application by the Chief Constable of Northern Ireland. As a result of the provisions in section 130, there are now two new routes for obtaining an SPO, namely by a magistrates' court or the Crown Court following the acquittal or conviction of a person in a criminal trial.

1158. Subsections (3) and (4) make amendments to sections 6 and 7 of the PfSNI Act consequential on the insertion of new section 6A.

1159. Subsection (5) inserts a new section 8(1) into the PfSNI Act. New section 8(1) sets out that a court may make an SPO in respect of the defendant if any of circumstances in new sections 8(1)(a) to (e) and the conditions in the current section 8(2) are met. In new section 8(1) the circumstances in which the court may make an SPO are (a) where the Chief Constable of Northern Ireland has applied under section 7 of the PfSNI Act to a court of summary jurisdiction for an SPO in respect of the defendant (this route already exists in the PfSNI Act (b) the defendant is acquitted of an offence, by or before the court; (c) the court allows the defendant's appeal against a conviction for an offence; (d) the defendant is found not guilty of

an offence by reason of insanity or the court makes a finding that the defendant is under a disability and has done the act charged against them in respect of an offence; or (e) the defendant has been convicted of an offence and court deals with the defendant for the offence. The court must be satisfied, on the balance of probabilities, that the conditions in section 8(2) of the PfSNI Act are met before an SPO may be made. These are that: (a) the defendant has carried out acts associated with stalking; (b) the defendant poses a risk associated with stalking to another person; and (c) the proposed order is necessary to protect another person from such a risk (whether or not the other person was the victim of the acts mentioned in paragraph (a)).

1160. Subsection (5)(b)(i) makes a drafting change to section 8(2) of the PfSNI Act.

1161. Subsection (5)(b)(ii), (5)(c) and (6)(b) amend section 8 and section 10 (which makes provision for the variation, renewal and discharge of SPOs) of the PfSNI Act respectively to provide that the civil standard of proof (on the balance of probabilities) applies when a court is deciding whether to make an SPO, whether to include a particular prohibition or requirement in an SPO, or whether to impose an additional prohibition or requirement on the variation or renewal of an SPO.

1162. Subsection (6)(a) and (c) further amends section 10 of the PfSNI Act to provide that, in the same way as an SPO made on application, an SPO made on acquittal etc may be varied, renewed or discharged on application to "an appropriate court" (namely a magistrates' court, youth court or the Crown Court depending on which court made the original SPO), rather than as now just a magistrates' court, by either the person who is subject to the order, or the Chief Constable of Northern Ireland.

1163. Subsection (7) amends section 11(2) of the PfSNI Act in respect of interim stalking protection orders to make it clear that interim SPOs under section 11 can only be made where an application for an SPO has been made under section 7 of the 2022 Act by the Chief Constable of Northern Ireland.

1164. Subsection (8) inserts new subsection (3A) into section 12 of the PfSNI Act. It provides that an application to the Crown Court is to be made in accordance with Crown Court Rules.

1165. Subsection (9) amends section 12 and inserts new section 12A into the PfSNI Act which provides for appeals against the making, variation, renewal or discharge of an SPO. Where the SPO was made on acquittal or on conviction in a magistrates' court, the appeal is to be made to the county court. Where the SPO was made on acquittal or conviction in the Crown Court, the avenue of appeal is to the Court of Appeal. Where an SPO has been confirmed, varied or renewed on appeal it remains an order of the court that first made it.

1166. Subsection (10) makes other consequential amendments to the PfSNI Act.

1167. Subsection (11) amends section 20(3) of the PfSNI Act (report on the operation of the Act) to include the number of stalking protection orders made under each paragraph of section 8(1).

Section 131: Guidance about stalking

1168. This section inserts new section 7A into the Protection from Harassment Act 1997 and relates to guidance about stalking. New section 7A(1) places a duty on the Secretary of State to issue guidance to public authorities in England and Wales about (a) the stalking offences in sections 2A, 2B, 4A, 4B and 7 of the Protection from Harassment Act 1997; (b) the effect of any aspect of the SPA 2019; (c) the effect of new Chapter 3A of Part 11 of the Sentencing Code (which provides for SPOs made on conviction); or (d) any other matters relating to stalking. New section 7A(2) enables the Secretary of State to revise any guidance that is issued under new section 7A.

1169. New section 7A(3) requires the Secretary of State, before issuing or revising any guidance, to consult any person whom the Secretary of State considers appropriate. The duty to consult is disapplied where any revisions to the guidance make insubstantial changes. The Secretary of State is required to publish any guidance or revised guidance (new section 7A(4)). New section 7A(5) requires any public authority defined in the guidance under this section to have regard to it when exercising its public functions. New section 7A(6) excludes courts and tribunals from the ambit of any guidance.

Section 132: Guidance about the disclosure of information by police forces

1170. This section inserts new section 12A into the SPA 2019. New section 12A(1) confers on the Secretary of State a power to: (a) issue guidance to chief officers of police about the disclosure of police information for the purpose of protecting persons from risks associated with stalking; and (b) revise any guidance that is issued under new section 12A. Such disclosures would be made under the police's existing common law powers. Amongst other things, the guidance may deal with the disclosure to victims of stalking, the identity of online stalkers. New section 12A(2) requires chief officers of police to have regard to the guidance.

1171. New section 12A(3) requires the Secretary of State, before issuing or revising any guidance, to consult the NPCC and any other person whom the Secretary of State considers appropriate. The duty to consult is disapplied where any revisions to the guidance make insubstantial changes. The Secretary of State is required to publish any guidance or revised guidance (new section 12A(4)). New section 12A(5) provides the meaning of "police information" for the purposes of this section.

Section 133: Guidance about the disclosure of information by police: Northern Ireland

1172. This section amends section 17 of the PfSNI Act and places a duty on the Department of Justice to issue guidance to the Chief Constable of Northern Ireland about the disclosure of police information for the purpose of protecting persons from risks associated with stalking. Such disclosures would be made under the police's existing common law powers. Amongst other things, the guidance may deal with the disclosure to victims of stalking, the identity of online stalkers.

Part 7: Other provision for the protection of persons

Section 134: Administering etc harmful substances (including by spiking)

1173. Subsection (1) repeals sections 22, 23 and 25 of the 1861 Act and replaces section 24 with a single, new administering etc harmful substances (including by spiking) offence. The intention is for the new offence to continue to criminalise broadly the same spiking and non-spiking behaviour that is currently criminalised under sections 23 and 24 of the 1861 Act.

1174. Subsection (1)(a) repeals section 22 (using chloroform etc to commit any indictable offence) and section 23 (maliciously administering poison etc; so as to endanger life or inflict grievous bodily harm) of the 1861 Act.

1175. Subsection (1)(b) replaces section 24 of the 1861 Act (maliciously administering poison with intent to injure, aggrieve or annoy another person) with a new section 24 offence of administering etc harmful substances (including by spiking). The aim of specifically referring to spiking in the heading is to increase public awareness that spiking behaviour is illegal.

1176. New section 24(1) makes it an offence if unlawfully, a person administers a harmful substance to, or causes a harmful substance to be administered to or be taken by another person and the person does so with intent to injure, aggrieve or annoy the other person.

1177. New section 24(1)(a) makes clear that the harmful substance can either be directly or indirectly administered to the other person. It also refers to a person "unlawfully" administering or causing a harmful substance to be administered. Simply referring to "unlawfully" as opposed to the previous "unlawfully or maliciously" is not intended to change the way in which the offence works, or the circumstances in which the behaviour is criminal. The intent is that the offence is not to be committed if the person has a lawful purpose for administering the substance or if the other person consents to the administration.

1178. New section 24(1)(b) maintains the specific intent requirement in the existing section 24 offence. The person must have intent to "injure, aggrieve or annoy" the other person.

1179. New section 24(2) states that a harmful substance is any poison or other destructive or noxious thing. The intention is that, by incorporating the previous language of the section 23 and 24 of the 1861 Act offences, the new offence retains the current wide coverage of the sort of substances which fall within the scope of those offences, as established by case law.

1180. New section 24(3) makes the offence triable 'either way', meaning it can be tried in a magistrates' court or the Crown Court. The previous section 23 and 24 offences were 'indictable only' offences meaning they could only be tried in the Crown Court.

1181. New section 24(3)(a) sets out that for cases dealt with on summary conviction in England and Wales, the maximum penalty that can be imposed is a term of imprisonment not exceeding the general limit of a magistrates' court, or a fine, or both.

1182. New section 24(3)(b) sets out the maximum penalty on summary conviction in Northern Ireland is a term of imprisonment not exceeding six months, or a fine not exceeding the statutory maximum (or both).

1183. New section 24(3)(c) provides that the maximum penalty on conviction on indictment is 10 years' imprisonment or a fine or both.

1184. Subsection (1)(c) repeals section 25 of the 1861 Act as the alternative verdict provision is no longer required given that section 23 of the 1861 Act is being repealed.

1185. Subsection (2) excepts the offence of administering harmful substances from the defence in section 45 of the 2015 Act. Section 45 of the 2015 Act provides for a defence for slavery or trafficking victims. The defence is intended to provide further encouragement to victims to come forward and give evidence without fear of being convicted for offences connected to their slavery or trafficking situation. The defence does not apply in the case of certain serious offences as specified in Schedule 4 to the 2015 Act.

Section 135: Encouraging or assisting serious self-harm

1186. This section creates an offence of intentionally doing an act capable of encouraging or assisting the serious self-harm of another person by any means, including through direct assistance, such as giving a person a blade with which to self-harm. Unlike the offence in section 184 of the OSA 2023, which it replaces insofar as that offence extends to England and Wales and Northern Ireland, it is not limited to encouraging or assisting serious self-harm by means of verbal or electronic communications, publications or correspondence.

1187. Subsection (1) provides that a person commits an offence if they do an act capable of encouraging or assisting the serious self-harm of another person; and their act was intended to encourage or assist the serious self-harm of another person.

1188. Subsection (2) provides that the person committing the offence does not need to know, or be able to identify, the person or persons who may be encouraged by their act to cause themselves serious self-harm. So, for example, a person who sends a message intending that a recipient or recipients of the message will seriously self-harm is guilty of an offence, even though they may never know the identity of those who read the message.

1189. Subsection (3) provides that an offence is committed regardless of whether serious self-harm of a person occurs.

1190. Subsection (4) provides that:

- "act" includes any conduct except conduct consisting only of one or more omissions (and a reference to the doing of an act is to be read accordingly). The definition of "act" is intended to cover a series of acts, as well as a combination of acts and omissions, but not only an omission or series of omissions on the part of the defendant.
- "encouraging" the serious self-harm of a person includes doing so by putting pressure on a person to self-harm (whether by threatening them or otherwise).
- "serious self-harm" of a person occurs where their conduct results in self-harm to them that is grievous bodily harm (within the meaning of 1861 Act). A person's conduct may be a single act, a series of acts, ongoing omissions, or a combination of acts and omissions. For example, a person may cause themselves serious self-harm by alternately purging and starving themselves of food during a period of time.

1191. Subsection (5) provides that a person who commits the offence is liable: on summary conviction in England and Wales, to a custodial term not exceeding the general limit in a magistrates' court or a fine (or both); on summary conviction in Northern Ireland, to a custodial term not exceeding six months' or a fine not exceeding the statutory maximum (or both); and on conviction on indictment in England and Wales and Northern Ireland to a custodial term not exceeding five years or a fine (or both).

Section 136: Encouraging or assisting serious self-harm: supplementary

1192. This section makes provision supplementary to section 135. Subsection (1) provides that a person who arranges for someone else to do an act capable of encouraging or assisting the serious self-harm of another person will also be committing an offence if the other person does that act.

1193. Subsection (2) has the effect that an act can be capable of encouraging or assisting serious self-harm – and therefore an offence may be committed - even if the circumstances are such that it was impossible for the act to be carried out. An act is therefore treated as capable of encouraging or assisting serious self-harm if it would have been so capable had the facts been as the defendant believed them to be at the time of the act (for example, where a person gives harmless pills to another person in the belief that they will assist the other person to seriously self-harm) or had subsequent events happened as the defendant believed they would (for example, if razor blades were sent to a person with the intention that the person would use them to seriously self-harm but the blades failed to reach them), or both.

1194. Subsection (3) provides that an internet service provider does not commit the offence merely for providing a means through which others can send, transmit or publish content that is capable of encouraging or assisting the serious self-harm of a person.

1195. Subsection (4) provides that the definitions at section 135(4) also apply to section 136.

1196. Subsection (5) repeals section 184 of the OSA 2023, insofar as it extends to England and Wales and Northern Ireland, in consequence of the provisions made by sections 135 and 136.

1197. Subsection (6) excepts the offence of encouraging or assisting serious self-harm from the defence in section 45 of the 2015 Act. Section 45 of the 2015 Act provides for a defence for slavery or trafficking victims. The defence is intended to provide further encouragement to victims to come forward and give evidence without fear of being convicted for offences connected to their slavery or trafficking situation. The defence does not apply in the case of certain serious offences as specified in Schedule 4 to the 2015 Act.

Section 137: Child abduction

1198. This section amends section 1 of the Child Abduction Act 1984 (the "1984 Act") to make it an offence for a person connected with a child to detain the child outside the UK without the appropriate consent.

1199. Subsection (2)(a) inserts a new child abduction offence at new section 1(1A) of the 1984 Act. A person connected with a child under the age of sixteen commits an offence if the child is taken or sent out of the UK with the appropriate consent and, at any time after the child is taken or sent, the person detains the child outside the UK without the appropriate consent.

1200. Subsection (2)(b) amends section 1(4) of the 1984 Act to include reference to "detaining a child outside the United Kingdom". Similarly, section 1(4)(a) and (b) is amended to include specific reference to "detains the child outside the United Kingdom". Therefore, a person does not commit the new section 1(1A) offence if: (a) they are a person named in a child arrangements order as a person with whom the child is to live and they detain the child outside of the UK for a period of less than one month; or (b) they are a special guardian of a child and they detain the child outside the UK for a period of less than three months.

1201. Subsection (2)(c) amends section 1(4A) of the 1984 Act to make reference to "detaining the child outside the United Kingdom". Section 1(4) of the 1984 Act therefore does not apply if the person detaining the child outside the UK does so in breach of an order under Part II of the Children Act 1989.

1202. Subsection (2)(d) amends section 1(5A)(b) of the 1984 Act to make reference to "detaining the child outside the United Kingdom". Therefore section 1(5)(c) of the 1984 Act does not apply if the person detaining the child outside the UK is acting in breach of an order made by a court in the UK.

1203. Subsection (3) amends section 11(3) of the 1984 Act to replace the reference to "section 1 above", with "section 1(1) above". The existing offence at section 1(1) is carved out from having extraterritorial jurisdiction in certain circumstances and the intention is for the new offence at section 1(1A) to not be subject to this carve out. The new section 1(1A) offence by its very nature takes place outside of the UK.

1204. Subsection (4) makes amendments to the Schedule to the 1984 Act to ensure that the modifications of section 1 for children in certain cases apply to the new section 1(1A) offence in the same way as the existing section 1(1) offence.

1205. Subsection (5) provides that the amendments made by this section apply only to cases where the taking or sending of a child outside the UK takes place on or after the date on which this section comes into force.

Section 138: Child abduction: Northern Ireland

1206. This section amends Article 3 of the Child Abduction (Northern Ireland) Order 1985 (the "1985 Order") to make it an offence for a person connected with a child to detain the child outside the UK without the appropriate consent.

1207. Subsection (2)(a) inserts a new child abduction offence at new Article 3(1A) of the 1985 Order. A person connected with a child under the age of sixteen commits an offence if the child is taken or sent out of the UK with the appropriate consent and, at any time after the child is taken or sent, the person detains the child outside the UK without the appropriate consent.

1208. Subsection (2)(b) amends Article 3(2A) of the 1985 Order to include appropriate references to the child being detained outside the UK. Therefore, a person does not commit the new Article 3(1A) offence if: (a) they are a person in whose favour a residence order is in force with respect to a child and they detain the child outside of the UK for a period of less than one month; or (b) (after the coming into operation of paragraph 4(3) of Schedule 3 to the Adoption and Children Act (Northern Ireland) 2022) they are a special guardian of a child and they detain the child outside the UK for a period of less than three months.

1209. Subsection (2)(c) amends Article 3(2B) of the 1985 Order to make reference to "detaining the child outside the United Kingdom". Article 3(2A) of the 1985 Order therefore does not apply if the person detaining the child outside the UK does so in breach of an order under Part III of the Children (Northern Ireland) Order 1995.

1210. Subsection (2)(d) amends Article 3(3A)(b) of the 1985 Order to make reference to "detaining the child outside the United Kingdom". Therefore Article 3(3)(c) of the 1985 Order does not apply if the person detaining the child outside the UK is acting in breach of an order made by a court in the UK.

1211. Subsection (3) makes amendments to the Schedule to the 1985 Order to ensure that the modifications of Article 3 for children in certain cases apply to the new Article 3(1A) offence in the same way as the existing Article 3(1) offence.

1212. Subsection (4) provides that the amendments made by this section apply only to cases where the taking or sending of a child outside the UK takes place on or after the date on which this section comes into force.

Section 139: Safeguarding vulnerable groups: regulated activity

1213. This section removes the provisions within Schedule 4 to the 2006 Act which take supervised roles out of regulated activity in the child workforce. This means that those who work closely and frequently with children in England and Wales are in regulated activity, whether they are supervised or not. Being in regulated activity means that these roles can be subject to, and eligible for, the highest-level DBS check (enhanced with check of the children's barred list) in line with the high level of risk to children involved in the role, and subject to the requirements attendant to individuals and employers in regulated activity.

Section 140: Safeguarding vulnerable groups: regulated activity (Northern Ireland)

1214. This section removes the provisions within Schedule 2 to the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 which take supervised roles out of regulated activity in the child workforce. This means that those who work closely and frequently with children in Northern Ireland are in regulated activity, whether they are supervised or not. Being in regulated activity means that these roles can be subject to, and eligible for, the highest-level criminal records check (enhanced with check of the children's barred list) in line with the high level of risk to children involved in the role, and subject to the requirements attendant to individuals and employers in regulated activity.

Section 141: Dangerous, careless or inconsiderate cycling

1215. This section amends the RTA 1988 and the Road Traffic Offenders Act 1988 to provide for four new offences and the commensurate penalties.

1216. Subsection (2) insert new sections 27A and 27B into the RTA 1988:

- New section 27A provides that a person who causes the death of another person by riding a cycle dangerously on a road or other public place commits an offence.
- New section 27B(1) provides that a person who causes serious injury to another person by riding a cycle dangerously on a road or other public place commits an offence.
- New section 27B(2) defines "serious injury", in England and Wales as physical harm that amounts to grievous bodily harm for the purposes of the 1861 Act; and in Scotland as severe physical injury.

1217. Subsection (3) amends section 28 of the RTA 1998 so that the offence of dangerous cycling can now be committed in a public place, as well as on a road.

1218. Subsection (4) inserts new section 28A into the RTA 1998 to provide a definition of dangerous cycling for the purpose of new sections 27A and 27B and the existing section 28. The definition provides that a person will be regarded as riding dangerously if it would be obvious to a competent and careful cyclist that riding the cycle in that way, or (under new section 28A(5)) riding the cycle in its current state, would be dangerous. In determining the state of the cycle, under subsection (5)(a) regard may be had as to whether the cycle is equipped and maintained in accordance with regulations made under section 81 of the RTA 1988 (section 81 provides a power for the Secretary of State to make regulations as to the construction and equipment of cycles, such as requirements as regards brakes and bells). Additionally, under subsection (5)(b) regard may also be had to anything attached to or carried on the bicycle, and how it is so attached or carried.

1219. Subsection (4) also inserts new sections 28B and 28C into the RTA 1998. New section 28B provides that it is an offence for a person to cause the death of another person by riding a cycle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place. New section 28C provides that it is an offence for a person to cause serious injury to another person by riding a cycle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place. The same definition of 'serious injury' contained in new section 27B(2) is used.

1220. Subsection (5) amends section 29 of the RTA 1998 so that the offence of careless or inconsiderate cycling can be committed in a public place, as well as on a road.

1221. Subsection (6) inserts new section 29A into the RTA 1998 to provide for a definition of careless or inconsiderate cycling for the purposes of new sections 28B and 28C and the existing section 29.

1222. Subsections (8) and (9) amend the table in Part 1 of Schedule 2 to the Road Traffic Offenders Act 1988. This table provides, in respect of road traffic offences, the maximum penalties that can be imposed upon conviction if tried summarily or on indictment. As regards the new offences, the amendments provide that:

- Causing death by dangerous cycling is triable on indictment only and has a maximum penalty of life imprisonment.

- Causing serious injury by dangerous cycling, if tried summarily has (in England and Wales) a maximum penalty of twelve months' imprisonment or a fine, or both; or (in Scotland) 12 months' imprisonment or a fine at the statutory maximum, or both; and if tried on indictment has a maximum sentence of five years' imprisonment, or a fine, or both.

- Causing death by careless or inconsiderate cycling, if tried summarily has (in England and Wales) a maximum penalty of 12 months' imprisonment or a fine, or both; or (in Scotland) 12 months' imprisonment or a fine up to the statutory maximum, or both; and if tried on indictment has a maximum sentence of five years' imprisonment or a fine, or both.

- Causing serious injury by careless or inconsiderate cycling, if tried summarily has (in England and Wales) a maximum penalty of 12 months' imprisonment or a fine, or both; or (in Scotland) 12 months' imprisonment or a fine up to the statutory maximum, or both; and if tried on indictment has a maximum sentence of two years' imprisonment or a fine, or both.

Section 142: Domestic abuse protection orders

1223. This section amends Part 3 of the Domestic Abuse Act 2021 ("2021 Act") which makes provision for Domestic Abuse Protection Orders ("DAPO"). A DAPO can be made by a court to protect victims from all forms of domestic abuse, including non-physical abuse and controlling or coercive behaviour. A DAPO may be made within criminal proceedings, including on conviction (in addition to sentence or other disposal) and on acquittal. A DAPO may be made within family proceedings (by the High Court or family court) and within certain civil proceedings (by the county court). DAPOs may also be made on application, including applications by the police, by a victim themselves, by a specified third party (for example, a local authority) or by any other person with the leave of the court. A DAPO can impose prohibitions and/or requirements on a perpetrator of domestic abuse, breach of which is a criminal offence.

1224. Subsection (2) amends section 35 of the 2021 Act which sets out the types of requirements that may be imposed by a DAPO. In practice, a magistrates' court will usually be unable to impose positive requirements (for example, attending a behaviour-change programme or other rehabilitative intervention such as a mental health or substance misuse intervention) at the first hearing when making a DAPO. This is because sections 36(2) and (3) of the 2021 Act require the court, before imposing any positive requirement, to identify a responsible person and to be satisfied, on the basis of appropriate evidence, that the requirement is suitable and enforceable. In the absence of any inherent jurisdiction, magistrates' court powers are therefore constrained.

1225. To address this, new section 35(5A) of the 2021 Act makes clear that a DAPO can require a perpetrator to undergo an assessment to determine whether they are suitable to participate in a programme of activities. New section 35(5B) of the 2021 Act then allows the DAPO to provide that, if following such an assessment it is determined that the perpetrator should participate in a programme of activities, the perpetrator is then required to participate in that programme.

1226. As a consequences of the provision in new sections 35(5A) and (5B), subsection (3) repeals subsections (2) to (7) of section 36 of the 2021 Act and, in so doing, removes the requirement for the courts to name, within the DAPO, the person who is responsible for the perpetrator's compliance with a positive requirement and to receive evidence about the perpetrator's suitability for and enforceability of a positive requirement.

1227. Subsection (4) inserts new subsections (3A) and (3B) into section 44 of the 2021 Act, which makes provision for the variation and discharge of DAPOs. These new subsections enable a magistrates' court and the Crown Court to vary a DAPO on their own motion, enabling these courts to list a variation hearing without requiring an application from any of the persons specified under section 44(3) of the 2021 Act.

Section 143: Guidance abuse honour-based abuse

1228. This section confers a power on the Secretary of State to issue statutory guidance about 'honour'-based abuse. The guidance is intended to support public authorities and other relevant bodies in carrying out their existing functions in relation to the prevention, identification and response to 'honour'-based abuse.

1229. The guidance may, in particular, make provision about how public authorities should identify cases of 'honour'-based abuse, share information, assess risk, and work together to safeguard victims and those at risk. It is intended to promote a consistent, multi-agency approach across relevant sectors, including policing, health, education, social care, and other safeguarding partners (subsection (2)).

1230. Public authorities must have regard to the guidance when exercising their functions (subsection (4)). This means that, while the guidance does not create new duties or powers, professionals are expected to take it into account when fulfilling their existing statutory and safeguarding responsibilities.

1231. The guidance will be supported by the statutory definition of 'honour'-based abuse as provided for in section 144 and is intended to provide a shared framework and language to improve professional understanding, consistency of practice, and early identification of risk.

Section 144: Meaning of "honour-based abuse"

1232. This section defines 'honour'-based abuse for the purposes of the statutory guidance issued under section 143.

1233. It provides that 'honour'-based abuse occurs where a person engages in abusive behaviour towards a family member or someone they have a relevant connection with, and does so wholly or partly because they believe that the victim has behaved, is behaving, or may behave in a way that brings shame or dishonour on the perpetrator themselves, the victim, their families, or the perpetrator's community. The definition makes clear that the abuse is linked to a perceived failure to comply with accepted norms of behaviour within the perpetrator's community and that it can arise from perceived or anticipated behaviour, as well as actual behaviour. This reflects evidence that 'honour'-based abuse often involves collective dynamics and enforcement of perceived community norms.

1234. The definition also allows for 'honour'-based abuse to be perpetrated by more than one person against a single victim, reflecting the collective nature of this form of abuse.

1235. The definition is intended solely to support the operation of the statutory guidance and to provide a clear and consistent reference point for frontline professionals. It does not alter the criminal law or affect whether conduct amounts to a criminal offence, which will continue to be determined by existing legislation.

Part 8: Offences related to racial and other hostility

Section 145: Aggravated offences

1236. Subsection (2) substitutes a new section 28 of the Crime and Disorder Act 1998 and expands the statutory definition of "aggravated" offences under sections 29 to 32 of that Act. Sections 29 to 32 of the Crime and Disorder Act 1998 create aggravated versions of specified existing offences; these are assaults under section 47 and section 20 of the 1861 Act, and common assault; criminal damage offences; public order offences under sections 4, 4A and 5 of the Public Order Act 1986; and harassment offences under the Protection from Harassment Act 1997. Where hostility based on a protected characteristic is proved, the offence is treated as aggravated and is subject to a higher statutory maximum sentence than the equivalent non-aggravated offence, reflecting its increased seriousness.

1237. The new section 28 provides that an offence under sections 29, 30, 31(1)(a) and (c), and 32 is aggravated if it is motivated by, or accompanied by, hostility based on one of six protected characteristics: race, religion, disability, sexual orientation, transgender identity, or sex.

1238. Subsections (1) and (3) of new section 28 replicate and update the existing definitions of racial and religious hostility, and extend the aggravated regime to include disability, sexual orientation and transgender identity. New section 28(2) introduces hostility related to sex as an additional basis of aggravation for offences under sections 29, 30, 31(1)(a) and (c), and 32 of the 1998 Act.

1239. New section 28(3) extends the tests for establishing aggravation to encompass the protected characteristics of disability, sexual orientation and transgender identity. New section 28(4) extends the tests for establishing aggravation to encompass the protected characteristic of sex.

1240. New section 28(5) provides that aggravation can be established even if the offender's hostility is based on multiple factors, and need not be exclusively linked to a protected characteristic.

1241. New section 28(6) defines the terms used in the new section. The terms "racial group", "religious group", "membership", and "presumed" reflect, with minor modification, the definitions currently used in section 28. The terms "disability" and "transgender" reflect modernised statutory language used elsewhere in hate crime legislation and ensure consistency with the broader legislative framework governing hostility-based offences.

1242. Subsection (3) to (7) make consequential changes to sections 29 to 32 of the 1998 Act to update references to aggravated offences and replace outdated headings ("racially or religiously aggravated").

1243. Section (8) amends section 66 of the Sentencing Code to ensure that, where conduct already amounts to an aggravated offence under sections 29 to 32, the general sentencing aggravation in section 66 does not apply in relation to disability, sexual orientation or transgender hostility.

1244. Section (9) replaces sections 240 and 241 of the Armed Forces Act 2006 with updated provisions that replicate the new aggravated-offence framework for the service justice system. This ensures consistency in the treatment of hostility-based offending across civilian and service courts. Provision is also made to extend the territorial application of the aggravated offences under the Armed Forces Act 2006 across the United Kingdom, in line with the territorial extent of the wider Armed Forces justice framework.

Section 146: Threatening, abusive or insulting behaviour towards emergency workers

1245. This section creates a new offence in relation to emergency workers (see section 148 below for the definition of an emergency worker). It is similar to offences in section 31 of the Crime and Disorder Act 1998 (racially or religiously aggravated offences under sections 4 and 4A of the Public Order Act 1986) and includes other protected characteristics of sex, sexual orientation, transgender identity and disability, but unlike those offences can be committed in dwellings.

1246. Subsection (1) provides that a person commits an offence if four conditions, as set out in subsections (2) to (6), are all met. Those conditions are:

- Condition 1: The person uses towards an emergency worker threatening, abusive or insulting words or behaviour, or displays or gives to the emergency worker any writing, sign or other visible representation which is threatening, abusive or insulting.
- Condition 2: The person either intends words etc to be threatening, abusive or insulting, or is aware that they may be threatening, abusive or insulting.
- Condition 3: The person's relevant conduct (that is, the conduct that meets condition 1) and is hostile to emergency workers based on their race, religion, sex, sexual orientation, transgender identity or disability.
- Condition 4: sets out three alternative circumstances in which the person's conduct towards an emergency worker is relevant on the basis of the intent behind the conduct, or its likely effect. Those circumstances are where the person:
    - engages in conduct with the intention of making the emergency worker believe that the person will use immediate unlawful violence against them, or where the conduct is such that it is likely to make the emergency worker believe that immediate unlawful violence will be used by the person;
    - where the person engages in conduct with the intention of provoking another person to immediately use unlawful violence against the emergency worker, or where the conduct is likely to provoke such violence;
    - where the person intends to cause the emergency worker harassment, alarm or distress, and causes the emergency worker harassment, alarm or distress.

1247. Subsection (7) sets out the maximum penalties applicable to an offence under this section. It provides that, on summary conviction, an offender is liable to imprisonment for a term not exceeding the general limit in a magistrates' court, or to a fine, or to both. On conviction on indictment, an offender is liable to imprisonment for a term not exceeding two years, a fine, or both.

Section 147: Threatening or abusive behaviour likely to harass, alarm or distress emergency workers

1248. This section creates a further new offence in relation to emergency workers. It is similar to an offence in section 31 of the Crime and Disorder Act 1998 (racially or religiously aggravated offences under section 5 of the Public Order Act 1986), unlike that offence can be committed in dwellings. As with section 146, this includes the protected characteristics of race, religion, sex, sexual orientation, transgender identity or disability.

1249. Subsection (1) provides that a person commits an offence if three conditions, as set out in subsections (2) to (5), are all met. Those conditions are:

- Condition 1: the person uses threatening or abusive words or behaviour, or displays any writing, sign or other visible representation which is threatening or abusive within the hearing or sight of an emergency worker such that it is likely to cause the emergency worker harassment, alarm or distress.
- Condition 2: the person either intends words etc to be threatening or abusive, or is aware that they may be threatening or abusive.
- Condition 3: the person's relevant conduct (that is, the conduct that meets condition 1) is hostile to emergency workers based on their race, religion, sex, sexual orientation, transgender identity or disability.

1250. Subsections (6) and (7) provide for two defences. First, that the person had no reason to believe that an emergency worker was in earshot or sight of the conduct who was likely to be caused harassment, alarm or distress. Second, that the person's conduct was reasonable. These defences impose a reverse burden of proof on a defendant, namely that the offence is made out unless they adduce sufficient evidence to establish that an emergency worker was not in hearing or sight of the conduct or their conduct was reasonable. Having brought forward sufficient evidence, then it falls to the prosecution to satisfy the jury or justices, beyond reasonable doubt, that the evidence put forward does not establish the defence.

1251. Subsection (8) provides that the maximum penalty for the offence on summary conviction is a level 4 fine (currently £2,500).

Section 148: Interpretation of sections 146 and 147

1252. This section contains interpretive provision for the purposes of the offences in sections 146 and 147.

1253. Subsection (2) applies the definition of an emergency worker in section 3 of the Assaults on Emergency Workers (Offences) Act 2018. The occupations and positions covered by section 3 of that Act include police constables, National Crime Agency officers, prison and custody officers, fire, rescue and search personnel and those providing NHS healthcare services who have face to face interaction with patients or other members of the public.

1254. Subsections (3) to (5) define what constitutes as hostile conduct towards an emergency worker with any of the following characteristics race, religion, sex, sexual orientation, transgender identity or disability.

1255. Subsections (6) and (7) ensures that a person is liable for one or other of the offences notwithstanding that their conduct is the result of intoxication (whether by drugs, alcohol or otherwise) save if they can show that the intoxication was not self-induced (for example, because their drink was spiked) or was caused by the effect of drugs taken in the course of their medical treatment.

Part 9: Prevention of theft and fraud

Section 149: Electronic devices for use in vehicle offences

1256. This section introduces new offences to criminalise the possession, importation, manufacture, adaptation, supply or offer to supply and possession of electronic devices, such as signal jammers, signal amplifiers and devices used to access a vehicle's wiring system, to commit a relevant offence such as stealing a vehicle, stealing anything in a vehicle or taking a vehicle without authority.

1257. Subsections (1) and (2) make it an offence to possess or import, make, adapt, supply or offer to supply an electronic device such as a signal jammer or a signal amplifier in circumstances which give rise to a reasonable suspicion that the device will be used in connection with a relevant offence (as defined in subsection (5)) such as stealing a vehicle. The term 'electronic device' is intended to capture any electronic device which may be used to steal a vehicle.

1258. Subsection (3) provides a defence for a person charged with an offence under this section to prove that the person did not intend or suspect that the device would be used in connection with a relevant offence.

1259. Subsection (4) provides that if it is proved the electronic device was on premises at the same time as the accused, or on premises occupied or habitually used by the accused, the court may assume the accused possessed the electronic device unless they show they did not know of its presence or had no control over it.

1260. Subsection (5) sets out the relevant offences. For England and Wales these are section 1 of the Theft Act 1968 - theft of a conveyance (as defined in section 12 of the Theft Act 1968) or anything in a conveyance (for example theft of a car or anything in a car) – and taking a vehicle or other conveyance without authority as defined in section 12 of the Theft Act 1968. For Scotland, the relevant offences are the theft of a vehicle, vessel (such as a boat), or aircraft or of anything in that vehicle, and taking a motor vehicle without authority (section 178 of the Road Traffic Act 1988). For Northern Ireland, the relevant offences are an offence under the section 1 of the Theft Act (Northern Ireland) 1969, which makes it an offence to steal a conveyance (such as a car) or anything from within that conveyance, or an offence under section 12 of the above Act (taking a vehicle or other conveyance without authority).

1261. Subsection (6) sets out the maximum penalties in relation to these offences in England and Wales, Scotland and Northern Ireland, respectively. The maximum penalty on summary conviction in England and Wales is imprisonment for the general limit in a magistrates' court (currently six months), a fine, or both. The maximum penalty on summary conviction in Scotland is 12 months' imprisonment, a fine not exceeding the statutory maximum, or both. The maximum penalty on summary conviction in Northern Ireland is imprisonment for a term not exceeding six months, a fine limited to level 5 on the standard scale (currently £5,000), or both. In England and Wales, Scotland and Northern Ireland the maximum penalty for conviction on indictment is five years' imprisonment, a fine, or both.

Section 150: Section 149: evidential burdens and lifestyle offences

1262. This section explains that for the purposes of section 149 the burden of proof that a person will need to discharge to be regarded as having shown that they did not intend nor suspect an article would be used for vehicle theft, or that they did not know of its presence or have control over it.

1263. This is a reverse evidential burden of proof, which means that the defence need only bring forward sufficient evidence to raise an issue for the court to consider, to then return the burden of proving the contrary beyond reasonable doubt to the prosecution. This differs from a reverse legal burden of proof, which would require the defence to prove evidence to the civil standard, which is the balance of probabilities.

1264. Subsection (3) provides for the electronic devices for use in vehicle theft offence to be included in the list of 'lifestyle offences' in Parts 2, 3 and 4 of POCA (which apply to England and Wales, Scotland and Northern Ireland respectively). The practical effect of this is that a person found guilty of the offence will automatically be considered to have a criminal lifestyle. It is for the courts to then decide if the person has benefited from their general

criminal conduct, and make a confiscation order accordingly under POCA. Ultimately this may result in a higher amount of assets potentially subject to confiscation, which reflects the serious nature of this type of offending.

Section 151: Possession of a SIM farm

1265. This section bans the possession of a SIM farm unless possession is for a good reason or has lawful authority. SIM farms are electronic devices which can hold sometimes hundreds of SIM cards that can then be used to send out thousands of scam texts and calls in seconds. They are currently easy and legal to buy online, making it easy to commit telecoms-enabled fraud on a large scale.

1266. Subsection (1) creates a summary-only offence of possession of a SIM farm (a term defined in section 153).

1267. Subsection (2) and (3) sets out the defences a person may use if they are charged with the subsection (1) offence. Subsection (2) provides the defence that someone may possess a SIM farm if they have a good reason or lawful authority to do so. It will be for a defendant to raise the defence and prove it on balance of probability (that is, it is more likely than not).

1268. Subsection (3) provides the following non-exhaustive list of examples of what may be a good reason for the purposes of subsection (2) above: that a person may be possessing a SIM farm to provide broadcast services; operate or maintain a public transport service; track freight or monitor it in any other way; operate or maintain an electronic communications network.

1269. Subsection (4) sets out that possessing a SIM farm to supply to another is a good reason for possessing it only if any supply would be in accordance with section 152(2)(a) to (c).

1270. Subsection (5) sets out the maximum penalty for the offence, namely an unlimited fine in England and Wales, or a level 5 fine (currently £5,000) in Northern Ireland and Scotland.

Section 152: Supply of a SIM farm

1271. This section bans the supply of a SIM farm to another person.

1272. Subsection (1) creates a summary-only offence of supplying a SIM farm to another person.

1273. Subsection (2) sets out the defences that are applicable if a person is charged with the offence set out in subsection (1). It will be for a defendant to raise the defence and prove it on balance of probability (that is, it is more likely than not).

1274. The defences provided under subsection (2) is that either the supply was made in the course of business carried on by the supplier or that the supplier had good reason or lawful authority to possess the SIM farm before the supply was made, and both that the supplier took reasonable steps to satisfy themselves that the person they were supplying the SIM farm to would have a good reason or lawful authority to possess it, and that the supplier recorded the information specified in subsection (4). This a three-limb test and the defence is only made out if it meets each of the criteria contained in subsection (2)(a) to (c).

1275. Subsection (3) sets out that possessing a SIM farm simply to supply it to another is not a good reason for the purposes of subsection (2)(a)(ii).

1276. Subsection (4) states the information that must be recorded for the purposes of the third limb of the defence as set out in subsection (2)(c).

1277. Subsection (5) sets out the maximum penalty for the offence, namely an unlimited fine in England and Wales or a level 5 fine (currently £5,000) in Northern Ireland and Scotland.

Section 153: Sections 151 and 152: meaning of "SIM farm" etc

1278. Subsection (1) and (2) defines a "SIM farm" for the purposes of the offences in sections 151 and 152. The definition covers a device which can hold five or more removable physical SIM cards and is used to make calls to persons at telephone numbers allocated in accordance with national or international number plans or to send or receive text messages to or from such telephone numbers (subsections (1)(a) and (2)), or an article specified in regulations made by the Secretary of State (subsection (1)(b)).

1279. Subsection (3) defines a SIM card as a removable physical card (subscriber identity module) or an article specified in regulations made by the Secretary of State.

1280. Subsection (4) specifies that the card is "used" if it enables a user to access the service by which the call is made or the message is sent.

1281. Subsection (5) provides that regulations made under subsection (1) may specify only articles which the Secretary of State considers are capable of being used for a purpose mentioned in subsection (2) in a way which is a similar to a device within subsection (1)(a).

1282. Subsection (6) provides that regulations made under subsection (3) may specify only articles which the Secretary of State considers have a similar function to removable physical subscriber identity modules.

1283. Subsection (8) sets out that before making regulations under this section, the Secretary of State must consult such persons appearing to the Secretary of State to be likely to be affected by the regulations as the Secretary of State considers appropriate.

1284. Subsection (9) introduces Schedule 16, which confers powers of entry and search in relation to the offences set out in sections 151 and 152.

Schedule 16: Possession or supply of SIM farms: powers of entry etc

1285. Paragraph 1 defines terms used in Schedule 16.

1286. Paragraph 2 provides that the powers of entry and search conferred by Schedule 16 are without prejudice to the continued operation of any other powers conferred by or under any enactment or under common law.

1287. Paragraph 3 confers powers to stop and search vehicles on a constable (who could be a police officer or other person designated with the powers of a constable, such as certain NCA officers). The power is engaged where the constable has reasonable grounds to suspect that the vehicle contains evidence of an offence under section 151 or 152 or any associated offences such as attempts. The power does not apply where the vehicle is a dwelling (paragraph 3(1)(b)); in such circumstances the provisions of paragraph 5 would apply. A dwelling is not defined but is intended to be given its natural meaning; the exclusion would, for example, apply to a residential caravan. The power applies to vehicles whether or not a driver or other person is in attendance of the vehicle. Where it is impractical for a stopped vehicle to be searched in the place it has been stopped, the constable may require the vehicle to be moved to another place before conducting the search (paragraph 3(3)). This provision would apply, for example, where the vehicle has been stopped on a busy road and it would be safer to conduct the search in another location.

1288. These stop and search powers are exercisable in any place to which the constable has lawful access. This would enable a vehicle parked in a garage on premises that are the subject of a search warrant under paragraph 4 to be searched (paragraph 3(5)).

1289. The power of a constable in England and Wales to stop and search a vehicle under paragraph 3 engages certain safeguards under Part 1 of PACE or, in Northern Ireland, Part II of PACE NI:

- The constable need not search a detained vehicle if it subsequently appears to him or her: (i) that no search is required; or (ii) that a search is impracticable (section 2(1) of PACE and Article 4(1) of PACE NI).
- Where the constable contemplates a search of an attended vehicle, he or she is under a duty to take reasonable steps before he or she commences the search to bring to the attention of the detained person (section 2(2) and (3) of PACE and Article 4(2) and (3) of PACE NI) —
    - If the officer is not in uniform, documentary evidence that he or she is a constable; and whether he or she is in uniform or not, the matters specified below:
        - the constable's name and the name of the police station to which he or she is attached;
        - the object of the proposed search;
        - the constable's grounds for proposing to make it; and
        - the right of the owner or person in charge of the vehicle to receive a record of any search conducted (section 3(8) of PACE and Article 5(8) of PACE NI)
- A constable not in uniform has no power to stop a vehicle (section 2(9)(b) of PACE and Article 3(10)(b) of PACE NI).
- A constable must make a record of the search in writing unless it is not practicable to do so. Where it is not practical to make a record at the time, the constable must do so as soon as practicable after the completion of the search (section 3(1) and (2) of PACE and Article 5(1) and (2) of PACE NI).
- The provisions of the Code of Practice made under section 66 of PACE or Article 66 of PACE NI.

1290. Paragraph 4 contains powers to board and search vessels or aircraft analogous to those in paragraph 3 in respect of entry and search of vehicles. A vessel is defined in paragraph 1(1) and includes any ship, boat or hovercraft. The powers do not apply where the vessel or aircraft is used as a dwelling, for example, a houseboat. Again, the provisions of sections 2 and 3 of PACE apply where the powers are exercised by a constable in England and Wales (subsection (10) of sections 2 and 3 of PACE apply the provisions of those sections to vessels, aircraft and hovercrafts as they apply to vehicles).

1291. Paragraph 5 provides for prior judicial authorisation of powers to search premises for evidence of an offence under section 151 or 152 or associated offences ("premises" is defined in paragraph 1(1) and includes both residential and commercial premises and vehicles or vessels). Applications for a search warrant must be made, in England and Wales and Northern Ireland, by a constable, or, in Scotland, by a constable or the procurator fiscal. Paragraph 5(1) enables a justice (as defined in paragraph 1(1)) to issue a search warrant to a constable that authorises that officer to enter premises specified in the warrant and search them for such evidence. There is a two-stage test for the grant of a search warrant (paragraph 5(3)). The first element of the test is that the justice must be satisfied that there are reasonable grounds to suspect that the evidence is to be found on premises covered by the warrant. In

determining whether the "reasonable grounds to suspect" test has been satisfied, the justice will apply the civil standard of proof, namely the balance of probabilities. The second element of the test is that any of the conditions in paragraph 5(3) are met. The nature of those conditions are such that a constable should, where possible, secure entry into premises or access to items on the premises with the co-operation of the owner or occupier and only seek a warrant where such co-operation is unlikely to be forthcoming or where the purpose of the search would be frustrated or seriously prejudiced if immediate entry to the premises could not be secured using the authority of a warrant.

1292. As with the provisions for search warrants in section 15 of PACE, a warrant issued under this paragraph may be in relation to a single set of premises (a "specific-premises warrant") or, in England and Wales and Northern Ireland only, an "all-premises warrant" where it is necessary to search all premises occupied or controlled by an individual, but it is not reasonably practical to specify all the premises at the time of applying for the warrant (see paragraph 5(2)). An all-premises warrant allows access to all premises occupied or controlled by that person, both those that are specified on the application, and those that are not; this allows for follow-up searches where evidence at one premises controlled by the named person identifies a second associated with that person.

1293. Paragraph 6(2) allows persons applying for search warrants to do so without informing those persons who might be affected by it (for example, the owner or occupier of the premises or the owner of the substances in question) to avoid forewarning such a person of the impending search thereby affording an opportunity to remove or otherwise hide the evidence. In coming to a judgment as to whether the test for the grant of a warrant is made out (see paragraph 5(3)), a justice would weigh up the information supplied in the application (paragraph 6(3)) or in oral evidence (paragraph 6(4)).

1294. Paragraph 7(1) enables a search warrant to be executed by any constable and not just the constable who applied for the warrant. If the search warrant so provides, paragraph 7(2) enables authorised persons to accompany a constable when executing a warrant. Such a person, for example, a Police Community Support Officer, has the same powers as those conferred on the constable (paragraph 7(3)).

1295. Paragraph 8 enables a constable, when searching a vehicle or vessel (with or without a warrant) or any premises (under a warrant), to examine anything in the vehicle or vessel or on the premises. Paragraph 8(4) places a duty on any person in or on the premises to facilitate or assist the exercise of a constable's powers of search under Schedule 16 or the powers conferred by paragraph 8, for example, to open any locked container. If there is no such person on the premises to assist in such manner or that person refuses to do so, paragraph 8(3) confers a power on a constable to use force to break open a container or other locked thing (for example, a locked storeroom).

1296. Paragraph 9 enables a constable, when searching a vehicle or vessel (with or without a warrant) or any premises (under a warrant), to require any person in the vehicle or vessel or on the premises to produce any document or record that is in the person's possession or control. The power extends to requiring a person to produce information held in electronic form, for example on a computer, so that it can be read. Such an examination may assist in providing additional evidence of criminal conduct, for example spreadsheets detailing various trades and supplies of SIM farms.

1297. Paragraph 10 enables a constable (or a person authorised to accompany them when executing a search warrant) to use reasonable force, if necessary, when exercising powers under Schedule 16, for example, to search a person or to enter premises to execute a search warrant (this mirrors section 117 of PACE).

1298. Paragraph 11(1) makes it an offence for a person, without reasonable excuse, intentionally to obstruct a constable in the exercise of his or her powers under Schedule 16.

1299. Paragraph 11(2) makes it an offence for a person, without reasonable excuse, to fail to comply with a reasonable requirement made or direction reasonably given by a constable under Schedule 16. It is also an offence to prevent another person from complying with such a requirement or direction. Such a requirement or direction may be, for example, to open a locked door of a room within premises subject to a search warrant or to open a locked cabinet.

1300. These offences extend to the obstruction of, or failure to comply with a requirement or direction given by, a person authorised to accompany a constable (such as a police community support officer) to affect a search of premises (paragraph 11(3)).

1301. Paragraph 11(4) provides for the maximum penalties for both offences, which are the same as those under sections 151 and 152, namely an unlimited fine in England and Wales or a level 5 fine (currently £5,000) in Northern Ireland and Scotland.

1302. Paragraphs 12 to 16 (Part 3 of Schedule 16) contain further provisions about applications in England and Wales or Northern Ireland for search warrants under paragraph 5. Paragraph 13 provides that a constable applying for a search warrant should state that the application is for a warrant under paragraph 5; the grounds for suspecting that relevant evidence is in the premises; identify the offence to which the relevant evidence relates; and provide information about the premises being searched as specified in paragraph 13(2) and (3).

1303. Paragraph 14 states that a search warrant authorises entry on one occasion only, unless it specifies that it authorises multiple entries. Paragraph 15 sets out the information that must be specified in the warrant. Paragraph 16 specifies the number of copies of the search warrant that must be made when entering one set of premises (paragraph 16(1)) or multiple entries (paragraph 16(2)).

1304. Paragraphs 17 to 25 (Part 4 of Schedule 16) contain further provision about the execution in England and Wales or Northern Ireland of search warrants under paragraph 5. Paragraph 18 states that the warrant must be executed within a month of issue.

1305. Paragraph 19 states that all premises warrants may be executed only if a senior officer has authorised them. Paragraph 19(3) states that for the purposes of paragraph 19, senior officer means (a) a constable of at least the rank of inspector, or (b) an NCA officer who is designated under section 10 of the Crime and Courts Act 2013 and is grade 3 or above. Paragraph 20 sets out that searching premises more than once under a search warrant authorising multiple entries must be authorised by a senior officer.

1306. Paragraph 21 states that entry and search must be at a reasonable hour unless it appears to the constable that this would frustrate the search. Paragraph 22 sets out the information that must be provided as evidence of authority when executing a search warrant, where the occupier of the premises to be entered and searched is present (paragraph 22(1)) and where the occupier is not present (paragraph 22(2)).

1307. Paragraph 23 sets out that the search must not be more extensive than required by the purpose behind the warrant and paragraph 24 states that reasonable steps must be taken to secure the premises after entry.

1308. Paragraph 25 states that the search warrant must be returned to the appropriate person (as specified in sub-paragraph (2)) when the warrant has been executed or no later than a month from the date of issue if the warrant is a specific-premises warrant that has not been executed, an all-premises warrant, or a warrant authorising multiple entries.

Section 154: Possession of specified article

1309. This section, together with sections 155 and 156, broadly mirror the offences of possession and supply of a SIM farm as provided for in sections 151 and 152, but apply them to "specified articles", that is articles specified in regulations made under section 156.

1310. Subsection (1) makes it an offence to possess a specified article.

1311. Subsection (2) sets out the defences a person may use if they are charged with the subsection (1) offence. Subsection (2) provides the defence that someone may possess a specified article if they have a good reason or lawful authority to do so. It will be for a defendant to raise the defence and prove it on balance of probability (that is, it is more likely than not).

1312. Subsection (3) sets out that possessing a specified article to supply to another is a good reason for possessing it only if any supply would be in accordance with section 155(2)(a) to (c).

1313. Subsection (4) specifies the maximum penalty for any offence created by regulations made under subsection (1), namely an unlimited fine in England and Wales or a level 5 fine (£5,000) in Scotland and Northern Ireland.

Section 155: Supply of specified article

1314. Subsection (1) provides for an offence of supplying a specified article.

1315. Subsection (2) sets out the defences that are applicable if a person is charged with the offence set out in subsection (1). It will be for a defendant to raise the defence and prove it on balance of probability (that is, it is more likely than not).

1316. The defences provided under subsection (2) are that either the supply was made in the course of business carried on by the supplier or that the supplier had good reason or lawful authority to possess the specified article before the supply was made, and both that the supplier took reasonable steps to satisfy themselves that the person they were supplying the specified article to would have a good reason or lawful authority to possess it, and that the supplier recorded the information specified in subsection (4). This a three-limb test and the defence is only made out if it meets each of the criteria contained in subsection (2)(a) to (c).

1317. Subsection (3) sets out that possessing a specified article simply to supply it to another is not a sufficient reason for the purposes of subsection (2)(a)(ii).

1318. Subsection (4) states the information that must be recorded for the purposes of the third limb of the defence as set out in subsection (2)(c).

1319. Subsection (5) sets out the maximum penalty for the offence, namely an unlimited fine in England and Wales or a level 5 fine (currently £5,000) in Northern Ireland and Scotland.

Section 156: Sections 154 and 155: specified articles and supplementary provision

1320. Subsection (1) provides that the Secretary of State may by regulations specify articles for the purposes of the offences in sections 154 and 155.

1321. Subsection (2) provides that an article may be specified only if the Secretary of State deems there is significant risk the article being used in connection with fraud over an electronic communications network or service.

1322. Subsection (3) requires the Secretary of State, before making regulations under this section, to consult persons likely to be affected by the regulations as the Secretary of State considers appropriate. This may, for example, cover industry bodies or particular manufacturers of the article concerned.

1323. Subsection (4) specifies that Schedule 16, which confers powers of entry and search, also applies to the offences set out in sections 154 and 155.

1324. Subsection (5) defines terms used in this section.

Part 10: Public order
Chapter 1: New offences relating to protests and assemblies

Section 157: Offence of concealing identity at protests

1325. Subsection (1) introduces a new criminal offence of wearing, or otherwise using, an item that conceals identity in a public place (as defined in section 163) within an area designated under section 158. The reference to "otherwise using an item" is to ensure that the offence applies not only to coverings worn on a person's face, but also other items, such as placards or masks held close to the face, which are used for the purpose of concealing identity.

1326. Subsection (2) provides for a defence if the person is wearing or otherwise using the item for a purpose relating to the health of the person or others, religious observance, or the person's work. The defence places a reverse legal burden on the defendant, that is the legal burden of proof is on the defendant (not the prosecution) to prove, on the balance of probabilities, that they wore or otherwise used an item for a purpose relating to their health or that of others, religious observance, or their work.

1327. Subsection (3) provides that the offence in subsection (1) is only committed within the specified 24-hour period of a designation under section 158(1) if all reasonable steps were taken by the police to notify the public of a designation. It will be for the prosecution to prove beyond reasonable doubt that such reasonable steps were taken.

1328. Subsection (4) provides that the offence in subsection (1) is only committed within a 24-hour extension period of a designation under section 158(3) if all reasonable steps were taken by the police to notify the public of the extended designation. It will be for the prosecution to prove beyond reasonable doubt that such reasonable steps were taken.

1329. Subsection (5) provides that the offence carries a maximum penalty of one month's imprisonment, a level 3 fine (currently £1,000), or both.

Section 158: Concealing identity at protests: designating localities and giving notice

1330. Subsection (1) provides that a police officer of or above the rank of inspector may designate a locality in their police area for a specified period not exceeding 24 hours. The officer must reasonably believe that a protest (that is, a public assembly or public procession, as defined in section 163, that constitutes a protest) may take place or is currently taking place in the locality, offences are likely to be or have been committed at the protest and it is expedient to designate a locality in order to prevent or limit the commission of offences.

1331. Subsection (2) provides that a police officer who designates a locality must ensure that all reasonable steps are taken (by the officer or another person) to notify the public of the fact that the designation has been made, details of the offence created by section 158, the area the designation covers and the time period (up to 24 hours) the designation is in force.

1332. Subsection (3) provides that a police officer of or above the rank of superintendent can extend the operation of the designation for a further 24 hours. This is on the condition that it is expedient to do so due to offences which have been or are reasonably suspected to have been committed in connection with the protest in the designated locality.

1333. Subsection (4) provides that the police officer who extends a designation must ensure that all reasonable steps are taken (by the officer or another person) to notify the public of the fact the designation will continue to be in force, details of the offence, the area the designation covers and the time period the extended designation is in force.

1334. Subsection (5) makes provision for the BTP and the MDP to designate areas within their respective jurisdictions.

1335. Subsection (6) provides that this section does not limit any other power of a police officer and it does not affect authorisations under section 60AA of the 1994 Act (powers to require removal of disguises).

Section 159: Concealing identity at protests: procedure for designations etc

1336. Subsection (1) provides that an inspector who designates a locality under section 158 must inform an officer of or above the rank of superintendent of the designation as soon as is reasonably practicable.

1337. Subsections (2) and (3) provide that a designation made under section 158 must either be in writing and signed by the officer who made it or be made orally where it is not reasonably practicable for a designation to be made in writing. In both cases, the designation must specify the reason it is being made, the locality to which it applies and the period which it will be in force. If the designation is made orally, subsection (3)(b) requires that it is recorded in writing as soon as reasonably practicable.

1338. Subsection (4) provides that an officer who extends a designation for a further 24 hours (under section 158(3)) must give the direction in writing or, where it is not reasonably practicable, record the direction in writing as soon as it is possible to do so.

Section 160: Possession of pyrotechnic articles at protests

1339. Subsection (1) provides for an offence of possessing a pyrotechnic article at any time while taking part in a public procession that constitutes a protest, a public assembly which constitutes a protest or a one-person protest. A "pyrotechnic article" for these purposes is defined in subsection (7). The definition covers, for example, flares and fireworks, but excludes matches or other articles, or description of articles, specified in regulations made by the Secretary of State (subject to the negative procedure).

1340. Subsection (2) excludes from the ambit of the offence the possession of a pyrotechnic article at a cultural or religious event of a kind at which pyrotechnic articles are customarily used. This would cover, for example, events celebrating Chinese New Year or Diwali.

1341. Subsections (3) and (4) provide that it is a defence for a person charged with this offence to show that they had a reasonable excuse for possessing a pyrotechnic article at the time. In particular, if they are in possession of the item in connection with their work. This defence imposes a reverse evidential burden on a defendant, namely that the offence is made out unless they adduce sufficient evidence to establish that they had a reasonable excuse to possess a pyrotechnic article at a protest. Having brought forward sufficient evidence, then it falls to the prosecution to satisfy the jury or justices, beyond a reasonable doubt, that the evidence put forward does not establish the defence.

1342. Subsection (6) provides for the maximum penalty for the offence of a level 3 fine (currently £1,000).

Section 161 and Schedule 17: Climbing on memorials

1343. Subsection (1) makes it an offence to climb on a specified memorial.

1344. Subsection (2) provides for three defences, namely where the person charged with the offence had good reason to climb on the specified memorial, were the owner or occupier of the memorial, or where they have the consent of the owner or occupier or other lawful authority. Such defences would cover, for example, a contractor appointed by the owner of a memorial to clean or repair the memorial. The defences place a reverse legal burden on the defendant, that is the legal burden of proof is on the defendant (not the prosecution) to prove, on the balance of probabilities, that they had good reason to climb on the memorial.

1345. Subsection (3) defines the term "specified memorial" as the war memorials or parts of war memorials specified in Parts 1 and 2 of Schedule 17 respectively and a memorial or part of a memorial listed in Part 3 of Schedule 17. The list of war memorials contained in Parts 1 and 2 of Schedule 17 are those designated as Grade I Listed buildings on the Department for Culture, Media and Sports National Heritage List for England, curated by Historic England, which are accessible by the public together with the Women of World War II memorial in Whitehall. Part 3 of Schedule 17 lists the statue of Sir Winston Churchill in Parliament Square and the Holocaust Memorial Garden in Hyde Park; it is the Government's intention to add the National Holocaust Memorial once built.

1346. Subsection (4) confers a power on the Secretary of State to amend the list of specified memorials in Schedule 17 by regulations (subject to the draft affirmative procedure). Subsection (5) provides that the Secretary of State can only add a memorial to Schedule 17 if they consider there is a significant public interest in the memorial being specified.

1347. Subsection (6) provides for the maximum penalty for the offence of three months' imprisonment, a level 3 fine (currently £1,000), or both.

1348. Subsections (7) to (9) define the term memorial.

Section 162: Protests outside public office-holder's home

1349. Subsection (1) creates a new offence whereby a person carries out a protest outside, or in the vicinity of, premises used by a public office holder as a dwelling. This person must carry out the protest for the purpose of representing to, or persuading, the public office-holder that they should or should not do something, or should or should not have done something. The protest must be carried out because of, or in connection with, the public office-holder being a public office-holder. This includes attempts to influence future conduct as well as retrospective censure relating to their official duties, recognising the need to protect democratic participation and personal safety by preventing undue pressure at their private homes

1350. Subsection (2) disapplies the offence at subsection (1) to premises that are official residences as defined in subsection (11).

1351. Subsection (3) provides a defence allowing a person charged to show that they were not aware that the premises were used by a public office holder as a dwelling, ensuring that liability applies only to those who intentionally target such homes.

1352. Subsection (4) imposes a reverse evidential burden on a defendant. This means that they must adduce sufficient evidence to raise a particular issue. Having brought forward sufficient evidence, it then falls to the prosecution to satisfy the jury or justices, beyond reasonable doubt, that the evidence put forward does not establish the defence at subsection (3).

1353. Subsections (5) and (6) specify the maximum penalty for the offence, namely imprisonment up to the maximum term for summary offences or to a level 4 fine (currently £2,500), or both.

1354. Subsections (7) to (11) provide definitions for the purposes of the section, including "public office holder", "local authority", "dwelling" and "official residence". The definition of "public office holder" covers elected office holders (including MPs, MSs and councillors) and candidates for election to such offices as well as certain appointed office holders such as members of the House of Lords. The definition of "official residence" ensures that the offence does not apply to protests at residences already associated with public duties where it is entirely proportionate for individuals to protest (for example, No 10 Downing Street).

Section 163: Interpretation of Chapter

1355. This section defines terms used in Chapter 1 of Part 9 of the Act. "Public procession" has the same meaning as in the 1986 Act (section 16) and "public assembly" also has the same meaning as in section 16 of that Act except that it also includes an assembly of two or more persons in a public place within the geographical jurisdiction of the BTP; this includes covered railways stations which are not currently covered by the section 16 definition of a public assembly which is confined to assemblies taking place wholly or partly in the open air.

Chapter 2: Police powers

Section 164: Places of worship: restriction on protest

1356. Under sections 12 and 14 of the 1986 Act, the police have existing powers to impose conditions on public processions and public assemblies where the senior police officer reasonably believes that the statutory threshold is met, including that a procession or assembly may result in serious public disorder, serious damage to property or serious disruption to the life of the community, or where the purpose of those organising the procession or assembly is the intimidation of others. The police can also impose conditions under sections 12, 14 and 14ZA of the 1986 Act on public processions, public assemblies and one-person protests where the noise generated by those taking part may result in serious disruption to the activities of an organisation in the vicinity, or may result in the intimidation or harassment or may cause alarm or distress to persons of reasonable firmness in the vicinity.

1357. Subsections (2), (3) and (4) amend sections 12, 14 and 14ZA respectively to introduce an additional statutory threshold. This provides the police the power to impose conditions on public processions, public assemblies and one-person protests, where the senior police officer reasonably believes the procession, assembly or one-person protest is in the vicinity of a place of worship and may intimidate people of reasonable firmness and deter those people from accessing a place of worship for the purpose of carrying out religious activities or from carrying out religious activities there. The power does not extend to those that are accessing a place of worship for other purposes. It is an offence to breach conditions imposed under sections 12, 14 and 14ZA. The current maximum penalty for offences under these provisions is six months' imprisonment or a level 4 fine (currently £2,500), or both in the case of an organiser of a public procession or public assembly, or a level 4 fine (currently £2,500) in the case of participants or those that organise or carry on a one-person protest.

Section 165: Public processions and assemblies: duty to take account of cumulative disruption

1358. This section amends sections 12 and 14 of the 1986 Act (power to impose conditions on public processions and public assemblies). It requires senior police officers to take into account any relevant cumulative disruption arising from repeated protest activity in the same location, when assessing whether conditions should be placed on a protest.

1359. Subsection (2) amends section 12 of the 1986 Act by inserting new subsections (2BA) to (2BC). New subsection (2BA) requires a senior police officer, when assessing under subsection (1)(a) whether a public procession in England and Wales may result in serious disruption to the life of the community, to take into account any relevant cumulative disruption.

1360. New subsection (2BB) further defines "relevant cumulative disruption" as the cumulative impact on the life of the community arising from:

(a) the procession under consideration,

(b) any other public procession in England and Wales that has taken place, is taking place, or is intended to take place in the same area—regardless of whether directions have been given in relation to that other procession, and

(c) any public assembly in England and Wales that has taken place, is taking place, or is intended to take place in the same area— regardless of whether directions have been given in relation to that assembly.

1361. It is immaterial whether the procession in paragraph (a) and any procession or assembly in paragraphs (b) or (c):

- are organised by the same person,
- are attended by any of the same persons, or
- occur or are intended to occur at the same time.

1362. New subsection (2BC) provides that "area", in relation to a public procession or assembly, means such area as the senior police officer considers appropriate, having regard to the nature and extent of the disruption that may result from that procession or assembly.

1363. Subsection (3) amends section 14 of the 1986 Act, which concerns the power of a senior police officer to impose conditions on public assemblies in England and Wales. The same changes that are applicable to section 12 of the 1986 Act for processions are replicated for section 14 of the 1986 Act, with the definitions and references adapted for public assemblies accordingly.

Section 166: Powers of senior officers to impose conditions on protests

1364. Sections 12 and 14 of the 1986 Act provides the 'senior police officer' the power to impose conditions in relation to public processions or public assemblies (respectively), where they reasonably believe that the statutory threshold is met, including that the procession or assembly may result in serious disruption to the life of the community, serious public disorder, and serious damage to property, amongst other thresholds. The 'senior police officer' must have regard to the time or place and circumstances when considering if the threshold has been met.

1365. The 'senior police officer' is currently defined under sections 12(2)(a) and 14(2)(a) of the 1986 Act in relation to (i) a public procession or public assembly being held; or (ii) a public procession intended to be held in a case where persons are assembling with a view to taking part in it ("live public procession or assembly"), as the most senior in rank of the police officers present at the scene. This means that a senior police officer needs to be present at the scene to set conditions on a live public procession or assembly under these provisions.

1366. Subsections (2) and (3) amends sections 12 and 14 of the 1986 Act respectively to allow the powers to set conditions in relation to a live public procession or assembly also to be exercised by a police officer authorised to do so by a chief officer of police. The intention of this amendment is to enable the Strategic (Gold) and Tactical (Silver) police commanders of a protest, who have access to wider intelligence as to the dynamics of a protest and are often located in off-site control rooms, to exercise the powers to impose conditions under these provisions in addition to the most senior in rank of the police officers present at the scene (normally Operational (Bronze) police commanders).

Section 167: Amendments relating to British Transport Police and Ministry of Defence Police

1367. Under section 14 of the 1986 Act, the police can impose conditions on public assemblies where certain conditions are met. Section 16 of the 1986 Act defines "public assembly" for the purposes of section 14 as "an assembly of 2 or more persons in a public place which is wholly or partly open to the air". In addition, section 14A of the 1986 Act enables a chief officer of police to prohibition a trespassory assembly, that is an assembly at a place on land to which the public has no right of access or only a limited right of access, where certain conditions are met. Section 14A(9) defines "land" for the purposes of that section as "land in the open air". The power in sections 14 and 14A extends to the chief constable of BTP where the assembly in question is being held or intended to be held within its jurisdiction. Given the definitions of public assembly for the purposes of section 14 and of land for the purposes of section 14A these powers cannot be used by BTP to deal with disruptive protests intended to take place inside a train station, as such a protest would not be in the open air. Subsections (2) and (3) amend sections 14A and 16 of the 1986 Act respectively to enable the powers in sections 14 and 14A of the 1986 Act to land which is within BTP's jurisdiction (such as railway stations) whether or not it is in the open air.

1368. Section 60 of the 1994 Act enables a constable in uniform to stop and search any pedestrian - or anything carried by them - or any vehicle, its driver and passengers, for offensive weapons or dangerous instruments. The constable can make any search they think fit, whether or not they have any grounds to suspect that the person or vehicle is carrying the above items. Use of section 60 powers may only be authorised by an officer of at least inspector rank. In order to grant an authorisation, the authorising officer must reasonably believe that one or more of the permitted grounds applies and that it is expedient to use section 60 powers to achieve a legitimate aim. Permitted grounds are one or more of the following: incidents involving serious violence may take place "in the police area"; persons are carrying dangerous instruments or offensive weapons without good reason in the police area; an incident involving serious violence has taken place in the police area and a dangerous instrument or offensive weapon used in the incident is being carried by a person in the locality. Due to the way that section 60 is drafted, the power to issue authorisations under that section cannot be exercised by an MDP officer. This is due to the reference to 'police area' which is only relevant for local territorial police forces in England and Wales. Subsection (5) amends section 60 to allow MDP to issue authorisations under section 60 in England and Wales within their jurisdiction.

1369. Section 60AA of the 1994 Act enables a police officer of or above the rank of inspector to issue an authorisation (under subsection (3)), which then allows a constable to exercise the power to require a person to remove any item which the constable reasonably believes that person is wearing wholly or mainly for the purpose of concealing their identity (subsection (2)) and to seize items that a constable thinks will be worn for that purpose. Due to the way that section 60AA has been drafted, the power to issue authorisations cannot be exercised by a BTP or MDP officer. Subsection (6) amends section 60AA the effect of which is to allow BTP and MDP to issue authorisations under that section within their respective jurisdictions.

Section 168: Return to unauthorised encampments: prohibited period

1370. This section amends Part 5 of the 1994 Act so that a person who has been directed to leave an unauthorised encampment must not return for three months, rather than the current period of twelve months. Amendments made by the 2022 Act increased the prohibited periods across several powers in Part 5 of the 1994 act, including the new offence introduced in section 60C and the existing powers enabling the police to direct trespassers to leave land and to seize vehicles. In May 2024, the High Court ruled that the twelve-month no-return period was incompatible with Article 8 and Article 14 of the European Convention on Human Rights because it placed a disproportionate burden on Gypsy, Roma and Traveller communities, in that the limited availability of authorised transit sites could result in individuals facing criminal penalties even where no lawful alternative accommodation was available.

1371. Subsection (2) substitutes "three" months for "12" months in section 60C(3) of the 1994 Act, which sets the period during which a person commits an offence if they re-enter land after having been requested to leave or remove property from the land, under that section. In order to be requested to leave or remove their property, they must be residing or intending to reside on the land, without the consent of the occupier, have, or intend to have one or more vehicle with them and be causing or likely to cause significant damage, disruption or distress.

1372. Subsection (3) amends section 61 of the 1994 Act by substituting a three-month period for the prohibited period in subsection (4)(b), and by omitting subsection (4ZA), which previously defined the prohibited period. Section 61 confers a power on police to direct trespassers to leave land where two or more people are present with the common purpose of residing there and certain conditions are satisfied. A person commits an offence if they fail to comply with the direction or if they return as a trespasser within the prohibited period.

1373. Subsection (4) amends section 62 of the 1994 Act by substituting a three m-month period for the prohibited period in subsection (1)(b) and omitting subsection (1A), which previously defined the prohibited period. Section 62 enables the police to seize and remove vehicles where a trespasser has failed to remove a vehicle from land following a direction or has brought a vehicle onto the land again within the prohibited period.

1374. Subsection (5) substitutes "three" months for "twelve" months in section 62B(2) of the 1994 Act. Under section 62B, a person commits an offence if they fail to leave land as soon as reasonably practicable, following a direction under section 62A, or if they enter any land in the relevant local authority area, as a trespasser, within the prohibited period with the intention of residing there.

1375. Subsection (6) substitutes "three" months for "twelve months" in section 62C(2) of the 1994 Act. Section 62C provides the period within which police may seize and remove vehicles where a person has entered land as a trespasser after having been given a direction under section 62A.

1376. Reducing the prohibited period to three months remedies the incompatibility with Convention rights identified by the High Court while maintaining a proportionate and effective tool for addressing harmful or disruptive unauthorised encampments. The section ensures that the shortened period applies consistently across all relevant provisions in Part 5 of the 1994 Act.

Section 169: Harassment of a person in their home

1377. This section amends sections 42 (police directions stopping harassment etc of a person in their home) and 42A (offence of harassment etc of a person in their home) of the 2001 Act.

1378. Section 42 of the 2001 Act provides a power for a police officer to direct persons to leave the vicinity of premises used as a dwelling, or to follow such other directions as the officer may give, in order to prevent harassment, alarm or distress to persons in the dwelling. This applies where persons are present in the vicinity of premises used as a dwelling, where there are reasonable grounds to believe that the person or persons are there for the purpose of persuading or making representations to any individual that they should do something which they are not under any obligation to do (or not do something they are entitled or required to do), and that the presence or behaviour of those persons is likely to cause harassment, alarm or distress to persons living at the premises.

1379. A police officer may give such directions as they considers necessary to prevent harassment, alarm or distress to persons in the dwelling, including directing persons to leave the vicinity of the dwelling, and may attach conditions to the location, distance and number of persons who may remain, such as are considered necessary for preventing harassment, alarm or distress to persons in the dwelling. This means that a peaceful protest could still take place away from the vicinity of the homes. It is an offence to knowingly fail to comply with such directions or conditions as are given by the police officer.

1380. Section 42A of the 2001 Act provides for an offence of harassment etc of a person in their home. The offence applies where a person (i) is present outside or in the vicinity of any premises that are used as a dwelling; (ii) they are there to represent to the resident or another individual, or persuade the resident or another individual, that he should not do something he is entitled to do or should do something he is not under any obligation to do; (iii) the person intends their presence to amount to harassment, alarm or distress to the resident or knows or ought to know that their presence is likely to do so; and (iv) their presence amounts to or is likely to result in harassment of the resident or another individual.

1381. Subsections (2) and (3) expand sections 42 and 42A respectively so that the direction-making power in section 42 and the offence in section 42A cover protests about the past conduct of a person residing in the relevant dwelling, that is seeking to persuade a person that they should not have done something they were entitled or required to do, or that they should have done something they were not under any obligation to do.

1382. In effect, section 42 as amended enables the police to direct a person away from a dwelling where their presence is likely to result in harassment or cause alarm or distress to the resident, and their presence is intended to influence an occupant for actions already taken that were within their rights or obligations, or to exert pressure on the occupant for not undertaking actions that were never required of them. This change closes previously identified legislative gaps by ensuring past, not just future, events are adequately covered by these provisions.

Part 11: Powers of police etc

Section 170 and Schedule 18: Suspension of internet protocol addresses and internet domain names

1383. Section 170 introduces Schedule 18 to the Act which provides for two new orders, one to suspend internet protocol ("IP") addresses and one to suspend domain names. An IP address is a unique address given to every device on the internet. It is used to route information online and can be used to identify when content has been accessed. Every device that uses the internet has to have an IP address assigned to it in order to access it. A domain name is another term for a website address (for example, www.gov.uk) that is easy to remember and, when typed into the search bare of a browser, directs the device to a website. It is different to a URL ("Uniform Resource Locator"), which is a unique identifier for the location of a webpage on the internet.

1384. Paragraph 1 of Schedule 18 makes provision for applications for IP address suspension orders, which would result in preventing access to an IP address so that it no longer connects to other devices.

1385. Paragraph 1(1) sets out that an 'appropriate officer' may make an application for an IP address suspension order. An appropriate office is defined in paragraph 14. In England, Wales and Northern Ireland the definition covers police officers, NCA officers, HM Revenue and Customs officers, and members of staff of the Financial Conduct Authority. In England and Wales, it also includes enforcement officers in the Gambling Commission and in Scotland it means a procurator fiscal.

1386. Paragraph 1(2) to (4) defines an IP address suspension order as an order that requires the provider of the IP address to which the order relates to prevent access to the IP address specified in the order for a period of time no longer than 12 months. IP address providers can be a range of organisations, including but not limited to Regional Internet Registries, Local Internet Registries, or Internet Service Providers, which will all have the technical capability to ensure an IP address is rendered inaccessible.

1387. Paragraph 2 sets out the conditions for making an IP address suspension order.

1388. Paragraph 2(1) provides that a judge may grant an IP address suspension order if they are satisfied that the four conditions set out in sub-paragraphs 2(2) to (5) have been met.

1389. Condition 1 is that the IP address is being used for the purposes of serious crime as defined by paragraph 19.

1390. Condition 2 requires a relationship between the IP address and the UK. It provides that one of the following must apply: a UK Person – as defined in paragraph 20 – is using the IP address for the purposes of serious crime; a UK Person is a victim of serious crime for which the IP address has been used; that the IP address is being used for the purposes of serious crime connected with unlicenced gambling or that the IP address is allocated to a device located in the UK.

1391. Condition 3 requires it to be necessary and proportionate to suspend the IP address in order to prevent it being used for the purposes of serious crime.

1392. Condition 4 is that either without a suspension order access to the IP address won't be prevented or that trying to prevent access to the IP address through other means – such as a voluntary arrangement with the IP address provider - will seriously prejudice the prevention, restriction or disruption of serious crime for which the IP address is being used. This condition ensures that appropriate officers must consider other methods of achieving the suspension, in particular through engagement with the provider, so that an order is only applied for if it is absolutely necessary.

1393. Paragraphs 3 and 4 make like provision for the making of applications for and the grant of domain name suspension orders as paragraphs 1 and 2 do for IP address suspension orders. A domain name suspension order requires a specified internet domain registry or a specified registrar for an internet domain registry (as defined in paragraph 17) to prevent access to an internet domain name as specified in the order. The domain name conditions also cover instances in which domain names could be used for criminality in the future. This is due to the criminal use of domain generation algorithms ("DGA") to aid their operations. Once the relevant law enforcement agencies understand the DGA, they can identify domains which could be associated with criminal activity in the future and suspend them before they can be used.

1394. Paragraph 5 provides for a non-disclosure duty to apply when notice of an application for a suspension order is served on the person against whom the order is sought (namely the specified IP address provider or the domain name registry or registrar). This means that the person must not disclose the making of the suspension order application or its contents without the permission of a judge or an appropriate officer. This ensures, for example, that the person who is involved in the criminal activity is not alerted to disruptive actions being taken.

1395. Paragraph 5(3) provides that the non-disclosure duty ceases to apply if an application for a suspension order is dismissed, withdrawn or abandoned. Paragraph 5(4) and (5) provide that a judge may order the that the non-disclosure duty continues to apply if an application for a suspension order has been dismissed, on application from an appropriate officer, and the order must specify when the non-disclosure requirement ceases to apply. Paragraph 5(6) provides that when a judge grants a suspension order, the non-disclosure duty ceases to apply either when the suspension order doesn't include a non-disclosure requirement (under paragraph 6) or when the non-disclosure requirement in a suspension order expires.

1396. Paragraph 6 provides for a non-disclosure requirement to be attached to a suspension order should it be required, so that the individual that the order is served on (namely the specified IP provider, or specified internet domain registry or registrar) is unable to inform other persons. This again ensures, for example, that the person who is involved in the criminal activity is not alerted to disruptive actions being taken. If a non-disclosure requirement is included, disclosure can only be authorised by the judge or the appropriate officer. The order must specify when the non-disclosure requirement is to expire.

1397. Paragraph 7 allows an appropriate officer, or anyone affected by the order, to apply for variation or discharge of the order. A person affected by a suspension order could include the IP address provider or internet domain registry; or a user of the IP address or domain name. In the former case, the IP address provider or internet domain registry may raise unidentified consequences arising from complying with the order. In those instances, the entity could apply to the court to suggest amendments to the order to further mitigate those consequences, or even discharge it entirely if it is not considered necessary and proportionate.

1398. Paragraph 8 allows an appropriate officer to make an application to extend the duration of the suspension order. Paragraph 8(4) sets out that this can only be ordered when it is necessary and proportionate to continue to do so. Any extension can only be for a further period of a maximum of 12 months (paragraph 8(5)), although there can be multiple extensions (paragraph 8(7)).

1399. Paragraph 9 sets out that a judge may discharge or vary a non-disclosure order following an application by either an appropriate officer or the person subject to the order (namely, the IP address provider or domain name registry or registrar).

1400. Paragraph 10(1) provides that an application for a suspension order can be made without notice to the intended subject of the order; this is so that a person involved in criminal activity cannot take evasive action ahead of an order being made. Paragraph 10(2) provides that, in England and Wales and Northern Ireland, an application for a suspension order must be made or authorised by an officer of the required minimum seniority (as set out in paragraph 14(2)).

1401. Paragraph 11 provides for the service of notice of applications and orders on the IP address provider or domain name registry or registrar, including service on a person outside the UK.

1402. Paragraph 12 enables criminal procedure rules of court to be made governing the practice and procedure relating to suspension orders.

1403. Paragraph 13 indicates that an order made by a judge has effect as if it were an order of the court, in England and Wales and Northern Ireland.

1404. Paragraphs 14 to 21 define terms used in Schedule 18.

Section 171: Electronically tracked stolen goods: search without warrant

1405. This section inserts new section 26A into the Theft Act 1968 which confers power on a police officer to enter and search any premises for stolen goods without a warrant in situations where the stolen goods can be electronically tracked to the premises. The Theft Act 1968 revised the law of England and Wales pertaining to theft, creating and codifying a number of offences against property.

1406. New section 26A(1) provides that a police officer of at least the rank of inspector (the "senior officer") may authorise a constable to enter specified premises and search those premises for specified items.

1407. New section 26A(2) sets out the conditions that must be fulfilled for the officer to authorise the entry and search of a specified property. They must be satisfied there are reasonable grounds to believe that the specified items are stolen and on the specified premises, and that it would not be reasonably practicable to obtain a warrant without frustrating or seriously prejudicing the purpose of the entry and search for the specified items. And additionally, that there is electronic tracking data indicating that any of the specified items are on the specified premises, or have been on the premises at some time since they are believed to have been stolen. All of these conditions must be satisfied. For instance, a senior officer may be satisfied there is evidence that a stolen phone has been tracked to the premises via a 'Find My' application. In order for authorisation to be granted, they would also have to believe, on a reasonable basis, that the stolen phone is on the premises. The basis for this belief may be the electronic tracking data, on its own or in combination with other evidence, or may be some other evidence.

1408. New section 26A(3) sets out that authorisation can be given either orally or in writing. This reflects the need for the power to be used swiftly.

1409. New section 26A(4) sets out that the authorising officer must record in writing the authorisation, if given orally, and whether it was given orally or in writing, their reasons for being satisfied that the conditions in new section 26A(2) are met. This must be done as soon as reasonably practicable after authorisation. New section 26A(5) provides certain safeguards for police exercise of the power, namely that it must be exercised only (a) by a constable in uniform; (b) within 24 hours of the authorisation being given; and (c) at a reasonable hour unless it appears to the constable that this would frustrate or seriously prejudice the purpose for the search, for example they anticipate that the specified stolen items will be removed from the premises overnight if they do not enter and search before this happens.

1410. New section 26A(6) sets out that these powers only allow constables to search the specified premises to a reasonable extent and until they find the specific items they are seeking. They may not continue the search once the specific items have been found. For example, if a constable enters a premises in search of a phone, they must cease the search once the phone has been located and seized and cannot search in places on the premises not reasonably required to locate it.

1411. New section 26A(7) requires the constable to identify themselves to an occupier present at the time the constable seeks to enter and search the specified premises, and state the purpose of the entry and search.

1412. New section 26A(8) provides a definition of electronic tracking data, namely that it is information as to the location of an item which is determined by electronic means. This is a wide definition reflecting the dynamic technology market and is intended to capture future technological advances after the Act's passage.

1413. New section 26B(1) sets out that when the new entry and search power is being used, the requirements of new section 26B, relating to powers of seizure, must be used instead of the general power of seizure set out at section 19 of PACE. This is to reflect the narrow scope of this power, being a tool to facilitate the swift retrieval of stolen goods electronically tracked to premises, and seizure of evidence of related offending, rather than a general power of seizure.

1414. New section 26B(2) enables a police officer exercising the search power to seize any item on the premises – whether it is an item for which entry and search was authorised, or not - which they have reasonable grounds to believe is stolen, and that seizure is necessary to prevent it being concealed, lost, damaged, altered or destroyed. For example, if the police enter a property to search for one particular stolen phone, but find during their search several other phones they reasonably believe to be stolen and that if not seized, they will be moved off the premises and lost, those phones can also be seized.

1415. New section 26B(3) enables the police officer to seize additional items on the premises if they have reasonable grounds to believe they constitute evidence relating to a theft offence, and it is necessary to seize this evidence in order to prevent it being concealed, lost, damaged, altered or destroyed. This is to support officers to identify theft offences and facilitate the charging of suspects.

1416. New section 26B(4) sets out that as soon as soon as reasonably practicable after items are seized in exercise of the power, the police officer must make a written record of the grounds under which this power of seizure was exercised and the items which were seized during the search.

1417. New section 26C(1) disapplies the powers of search and seizure in relation to items that are subject to legal privilege, excluded materials or materials subject to special procedure. That is, the police cannot use the powers to search for or seize such items.

1418. New section 26C(2) allows for a constable to use reasonable force, if necessary, in order to exercise the powers of entry, search or seizure.

1419. New section 26C(3) defines 'specified' in new sections 26A and 26B to refer to specification in an authorisation by an officer of the rank of at least inspector as set out in 26A(1).

1420. New section 26C(4) applies the definition of stolen goods in section 24 of the Theft Act 1968. This includes that under section 24(2) of the Theft Act, the proceeds of stolen goods (including part proceeds) which have been realised by the thief or handler and have been in their possession or under their control, are themselves stolen goods. So, where, for example, a mobile phone is stolen and disposed of to a handler, the money received by the thief will be stolen goods. The phone itself will remain stolen goods and if the handler then sells it to an innocent purchaser, the money obtained by the handler will also be stolen goods. But if the innocent purchaser sells the phone on, the money received by them will not be stolen goods because it has never represented the proceeds of stolen goods in the hands of either the thief or the handler. Under section 24(4) of the Theft Act 1968, goods obtained by fraud (as defined in the Fraud Act 2006) or blackmail are included within the definition.

1421. New section 26C(5) sets out that for the purpose of this power the following definitions set out in PACE apply: "items subject to legal privilege" (section 10), "excluded material" (section 11), "special procedure material" (section 14) and "premises" (section 23). "Items subject to legal privilege" include communications between a person and their lawyer concerning legal advice or legal proceedings, and certain communications between a lawyer and a third party. "Excluded material" and "special procedure material" include but are not limited to, personal records which a person has acquired or created in the course of any trade, business, profession or other occupation or for the purposes of any paid or unpaid office and which he holds in confidence, human tissue or tissue fluids taken for the purposes of diagnosis or medical treatment and held in confidence, and journalistic material. "Premises" refers to any place, including both private dwellings and commercial properties in addition to any vehicle, vessel, aircraft or hovercraft; any offshore installation; any renewable energy installation; or any tent or movable structure.

1422. Subsection (3) of section 171 amends Schedule 1 to the 2001 Act, extending police's existing seize and sift powers (under that Act) in the operational exercise of the new seizure power in section 26B of the Theft Act to ensure they do not examine any material to which the power does not extend.

Section 172: Electronically tracked stolen goods: search without warrant (armed forces)

1423. Section 172 gives the service police powers, equivalent to those granted to the civilian police by section 171, to enter premises without a warrant and search for stolen goods. The service police have jurisdiction over service personnel and civilians subject to service discipline. Service police may only exercise the power conferred by section 172 in relation to relevant residential premises, as defined by section 84(3) of the Armed Forces Act 2006.

1424. The section inserts new sections 93ZB to 93ZD into Part 3 of the Armed Forces Act 2006. The Armed Forces Act 2006 governs the discipline of the armed forces, and Part 3 sets out powers of arrest, search and entry for commanding officers and the service police.

Section 173: Extraction of online information following seizure of electronic devices

1425. Subsection (1) provides power for a senior officer to authorise an enforcement officer, defined in section 175, to extract information from one or more specified online accounts which have been accessed by a device before it was seized under an existing power. Such information can include, but is not limited to, messages, emails, files, photos, videos and other information.

1426. The requirement that online accounts have been accessed by a device is intended to limit the extraction of information to those online accounts that have been previously accessed on a seized device, but not include any other online accounts that may be associated with a person under investigation. The requirement does not prescribe how such online accounts were accessed, for example through specific applications installed on such a device or online through a web browser, or by whom.

1427. The power to extract information is exercisable in relation to information whether it is stored within or outside the UK.

1428. Subsection (2) sets out that such an authorisation can only be given by a senior officer if there are reasonable grounds to believe that certain conditions are met.

1429. First, the online material has to be "relevant" to a reasonable line of enquiry that an enforcement officer is or is about to be pursuing for any of the purposes for which the power can be exercised. These purposes are set out in subsection (7). What constitutes a reasonable line of enquiry is a matter to determine for the investigator in each case.

1430. Second, it is not reasonably practical to obtain the online information by other means, for example by requesting such online information through international agreements. What is reasonably practical may differ in each case, including depending on whether the time and resource required permit reliance on such means in the specific context.

1431. Subsection (3) sets out limitations for what information may be extracted under subsection (1).

1432. First, the condition for online information to be capable of being accessed by a device at the time the device was seized is intended to limit the examination of an online account or the extraction of online information to that information that was accessible to a user at the time the device was seized. Conversely, to the extent it is technically feasible, any additional online information that is created or otherwise added after this time may not be extracted. Online information within the meaning of this subsection was capable of being accessed if an individual would have been able to access, use, download or interact with this information in any form regardless of whether specific information was actually accessed. This also covers scenarios where online information was uploaded to an online account from an electronic device without further access.

1433. Second, it clarifies that online information may only be extracted under subsection (1) if the enforcement officer considers it "necessary and proportionate" for the purpose of obtaining information that is "relevant" as defined in subsection (2)(a). What is necessary and proportionate will vary in each case and may comprise a broader set of online information than relevant online information within the meaning of subsection (2), for example where it is necessary to examine or extract online information to identify relevant material or maintain the integrity of evidential material, including where there are no technological means to limit an extraction entirely to relevant material.

1434. Subsection (4) clarifies that an authorisation under subsection (1) also confers powers to access an online account, including using any information or other material on the lawfully seized device to enable such access, and examination of any information capable of being accessed by means of such an account. A single authorisation may cover access, examination and extraction.

1435. Subsection (5) limits the examination of online information under subsection (4)(b) to what is necessary and proportionate for the purpose of determining whether information may be extracted under the authorisation. What is necessary and proportionate will vary in each case.

1436. Subsection (6) enables an enforcement officer who has been authorised to exercise the power under subsection (1) to arrange for a different person to exercise the power on their behalf. This can include specialist technical staff, commercial providers providing specialist services or any other person an enforcement officer designates.

1437. Subsection (7) sets out the "relevant purposes" for which a senior officer may give authorisation to an enforcement officer to use the powers under subsection (1):

- In all cases, the prevention, detection, investigation or prosecution of crime, regardless of the reason for, or the power under, which a device was seized. The prevention, detection, investigation or prosecution of crime may include investigations of crimes that have been committed, investigations with the purpose to determine whether a crime has been committed or investigations with the belief that a crime may be committed in the future, with a view to the possible institution of criminal proceedings.

- Subsection (7)(b) to (d) lists specific counter-terrorism and national security seizure powers which the power in subsection (1) may also extend to for specific national security purposes, namely:
    - Section 43E of the Terrorism Act 2000 – seizure of items following search under section 43C (search of terrorist offenders on licence) and 43D (search of premises occupied or controlled by terrorist offenders on licence) where the purpose is protecting the public from the risk of terrorism.
    - Schedule 5 to the Terrorism Prevention and Investigation Measures Act 2011 and Schedule 11 to the National Security Act 2023 contain a number of search and seizure powers in relation to a person subject to a Terrorist Prevention and Investigation Measures ("TPIM") notice or State Threats Prevention and Investigation Measures ("STPIM") notice. These are: search and seizure of a device relevant to assessing compliance with measures imposed by a notice (paragraph 6(5)(b) of Schedule 5 to the TPIM Act 2011 and paragraph 6(5)(b) of Schedule 11 to the National Security Act 2023); on suspicion of absconding (paragraph 7(4)(a) of Schedule 5 to the TPIM Act 2011 and paragraph 7(4)(a) of Schedule 11 to the National Security Act 2023); and for public safety purposes if the person subject to the notice has in their possession something that could be used to threaten or harm any person (paragraph 10(3)(a) of Schedule 5 to the TPIM Act 2011 and paragraph 10(3)(a) of Schedule 11 to the National Security Act 2023).

1438. Subsection (8) defines that "online account" means any account through which an individual may access or is capable of accessing online information by means of the internet. This may, by way of example, include online accounts with social media, messaging, cloud storage or other internet-enabled services.

1439. Subsection (9) clarifies that "extraction" of information includes reproduction in any form, for example if a copy of such information is created.

Section 174: Section 173: supplementary

1440. This section sets out additional requirements for authorisations under section 173(1) and the retention of information extracted on the basis of such an authorisation.

1441. Subsection (1) specifies that an authorisation under section 173(1) may be given orally or in writing and that a senior officer may attach specific conditions to an authorisation for use of the power under section 173(1), which may include but is not limited to specifying the type or amount of online information that may be extracted or any technical or organisational measures to be put in place.

1442. Subsection (2) requires that an authorisation under section 173(1) specifies each of the online accounts which an enforcement officer is authorised to access, examine and extract online information from.

1443. Subsection (3) requires that the senior officer records all authorisations in writing, including where such an authorisation was given verbally, as soon as reasonably practicable after giving such an authorisation. In all cases this must include any conditions given under subsection (1)(b) and all the reasons the senior officer consider relevant for the conditions in section 173(2) to be met.

1444. Subsection (4) provides that online information that has been extracted on the basis of section 173(1) may be retained for as long as necessary in all the circumstances.

1445. Subsection (5) provides that the power conferred by subsection (1) does not limit any other power relating to the extraction of information.

Section 175: Section 173: interpretation

1446. Subsection (1) defines "enforcement officer" and "senior officer" for the purpose of section 173. The list covers law enforcement agencies, including certain Government departments with law enforcement functions.

1447. Subsection (2) confers a power on the Secretary of State, by regulations, to amend the table in subsection (1) to add or remove to/from the list or to amend the description of a person mentioned in that table. Such regulations are subject to the draft affirmative procedure save where they do no more than amend the description of an existing entry in subsection (1) in which case the negative procedure applies.

1448. Subsection (3) defines various terms used in section 173, including:

- "crime", which means conduct which amounts to a criminal offence in a part of the UK or conduct which, had it taken place in a part of the UK, would have amounted to an offence there. This allows the power to be exercised further to the receipt of mutual legal assistance requests from overseas (provided the conduct in question would have constituted an offence in the UK, had it taken place here).
- "criminal offence", which includes offences within the meaning of the Armed Forces Act 2006.
- "foreign power threat activity" and "involvement" (in relation to such activity), which have the same meaning as in Part 1 of the National Security Act 2023 (see section 33 of that Act).
- "involvement in terrorism-related activity" is defined in section 4 of the Terrorism Prevention and Investigation Measures Act 2011.
- "terrorism" is defined in section 1(1) to (4) of the Terrorism Act 2000.

1449. Subsection (4) clarifies that references to a lawfully seized device for the purpose of section 173 also include situations where a device was produced to the Serious Fraud Office in compliance with a production notice served under section 2(3) of the Criminal Justice Act 1987, under section 197 of the National Health Services Act 2006 or where a law enforcement agency has taken possession of a device under any of the powers included in subsection (5). Subsections (4) and (5) are not intended to provide an exhaustive list of seizure powers to which the power conferred in section 173(1) applies.

Section 176: Section 173: confidential information

1450. This section establishes the procedures to be followed for confidential information that is identified following the extraction of online information pursuant to the powers conferred by section 173.

1451. Subsection (1) provides that the section applies where online information has been extracted under section 173(1) and it appears to the person accessing that information that it contains confidential information.

1452. Subsection (2) requires that, as soon as reasonably practicable after reviewing online information following extraction and subject to subsections (3), the person must ensure that any confidential information is made inaccessible. If a copy of the confidential information was made during the extraction process, that copy must be destroyed.

1453. Subsection (3) sets out that the duty in subsection (2) only applies where the confidential material is comprised in other information which is non-confidential information and it is reasonably practicable to separate the confidential information from the non-confidential information without prejudicing its use in relation to a reasonable line of enquiry mentioned in section 173(2)(a).

1454. Subsection (4) provides that where the duty under subsection (2) is disapplied, the person accessing the confidential information must ensure that it is put to any other use than of the kind mentioned in subsection (3)(b). This is intended to clarify that confidential information must not be further used as evidence or intelligence in investigations or proceedings.

1455. Subsection (5) defines "confidential information" for the purposes of this section. Confidential information includes both "confidential journalistic material", as defined within the meaning of the Investigatory Powers Act 2016, and "protected material".

1456. Subsection (6) defines "protected material". The definition varies depending on the jurisdiction:

- In England and Wales, it includes items subject to legal privilege, excluded material, and special procedure material as defined in sections 10, 11 and 14 of PACE 1984 respectively.
    - Excluded material in section 11 of PACE 1984 includes:
        - Personal records acquired or created in the course of any trade, business or profession or other occupation and held in confidence. Personal records, defined by section 12 of PACE, mean records relating to an identifiable individual's physical or mental health, spiritual counselling, or personal welfare support provided by professionals, voluntary organisations, or individuals with legal or occupational responsibility for their care.
        - Journalistic material acquired or created for the purposes of journalism and held in confidence.
        - Section 11 of PACE also includes certain physical items, such as human tissue or tissue fluid, which fall within the definition of excluded material, but are unlikely to relevant for the purposes of this section as they do not constitute online material
    - Special procedure material in section 14 of PACE includes:
        - Material acquired or created in the course of a trade, business, profession, or other occupation, which is not subject to legal privilege or classed as excluded material and is held in confidence.
        - Journalistic material that is not classed as excluded material.
- In Scotland, it includes items in respect of which a claim to confidentiality of communications could be maintained in legal proceedings, and other material equivalent to excluded or special procedure material as defined in paragraph (a)(ii) or (iii) of the subsection.
- In Northern Ireland, it includes items subject to legal privilege, excluded material, and special procedure material, as defined in sections 12, 13 and 16 of the Police and Criminal Evidence (Northern Ireland) Order 1989 respectively.

1457. Subsection (7) confers a power on the Secretary of State, by regulations, to provide for circumstances in which the duty in subsection (2) does not apply to protected material of the kind mentioned in paragraph (6)(a)(ii) and (iii), b(ii), and c(ii) and (iii) of this subsection. Such regulations are subject to the draft affirmative procedure.

Section 177: Section 173: code of practice

1458. Subsection (1) requires the Secretary of State to prepare a code of practice on the exercise of the power to give an authorisation under section 173(1) and on the exercise of the powers that are conferred by this authorisation. The code will give practical guidance to enforcement officers, senior officers, and any such persons as are delegated to practically apply the powers on how and when it is appropriate to use the powers. This will ensure they exercise their functions in accordance with the law.

1459. Subsection (2) specifies that the code may make different provisions for different purposes or areas. The powers can be exercised by a number of different bodies (as detailed in section 174) and this subsection ensures that the code can contain guidance specific to the uses of the powers by different bodies or areas if required.

1460. Subsection (3) requires the Secretary of State to consult with the Information Commissioner, the Investigatory Powers Commissioner, the Scottish Ministers and the Department of Justice in Northern Ireland in preparing the code. The Secretary of State must also consult with any other persons that they consider appropriate.

1461. Subsections (4) to (6) set out the process for issuing the code of practice. Subsection (6) allows the Secretary of State to revise the code of practice from time to time. For example, as technology evolves and the needs of society and the law could change in future, the code can be revised to remain relevant and applicable for the exercise of the powers.

1462. Subsections (7), (8) and (9) clarify the legal status of the code of practice.

1463. Subsections (10) specifies that references to the code can include a revised code.

1464. Subsection (11) clarifies that the duty to consult on a revised code does not apply if the Secretary of State considers the proposed revisions to be insubstantial.

Section 178: Extraction of online information: ports and border security

1465. Schedule 7 to the Terrorism Act 2000 ("Schedule 7") and Schedule 3 to the Counter-Terrorism and Border Security Act 2019 ("Schedule 3"), allow examining officers to detect, disrupt and deter terrorism and hostile activity at the UK border. They provide examining officers (accredited police officers and designated immigration or customs officers) with powers to stop, question, search and detain a person at a port or in the border area in Northern Ireland for the purpose of determining whether that person appears to be someone who is or has been engaged in terrorism (Schedule 7) or hostile activity (Schedule 3).

1466. Subsection (1) inserts new paragraph 11B and 11C into Schedule 7 to the Terrorism Act 2000 to enable a constable, with authorisation from a "relevant senior officer", to access, examine and extract information from online accounts accessed by means of an electronic device that is being detained under paragraph 11 of Schedule 7.

1467. New paragraph 11B(2) explains that this power allows for the extraction of information from one or more online accounts which have been accessed by a device prior to the search or examination. Such information can include, but is not limited to, messages, emails, files, photos, videos and other information.

1468. The requirement that online accounts have been accessed by a device is intended to limit the extraction of information to those online accounts that have been previously accessed on a retained device, but not include any other online accounts that may be associated with the person or goods subject to an examination under Schedule 7 or Schedule 3.

1469. The power to extract information is exercisable in relation to information whether it is stored within or outside the UK.

1470. New paragraph 11B(3) limits the extraction power to online information that was accessible by means of the online account at the time the search or examination began. This is intended to limit the examination of an online account or the extraction of online information to that information that was accessible to a user at the time the search or examination began.

1471. Online information within the meaning of this subsection was capable of being accessed if an individual would have been able to access, use, download or interact with this information in any form regardless of whether specific information was actually accessed. This also covers scenarios where online information was uploaded to an online account from an electronic device without further access.

1472. New paragraph 11B(4) provides that the authorisation to extract online information also allows the constable to access the online account and examine any information in that account. The power to examine an account is limited by new paragraph 11B(5) as it must only be for the purpose of determining whether information may be extracted under the authorisation.

1473. New paragraph 11B(6) introduces a further restriction that the powers conferred by an authorisation may only be exercised while the device remains detained under paragraph 11. Once the device has been returned, a constable will no longer be able to extract information from online accounts.

1474. New paragraph 11B(7) provides that a constable who is given an authorisation may arrange for another person to carry out the extraction of information from online accounts on their behalf.

1475. New paragraph 11B(8) defines both an "online account" and a "relevant senior officer". An "online account" means an account by means of which information held on a service provider by means of the internet is made accessible. A "relevant senior officer" is defined as a constable of a higher rank than the constable who is given the authorisation and who has not been directly involved in the seizure of the device or the questioning of the individual from whom the device was taken.

1476. New paragraph 11B(9) explains that references to extraction in this paragraph and in paragraph 11C refer to its reproduction in any form.

1477. New paragraph 11C sets out the purposes for which information extracted under new paragraph 11B may be retained. These mirror the purposes for which copies may be retained under paragraph 11A of Schedule 7. Under sub-paragraph (5)(a), the information may be retained for as long as is necessary for the purpose of determining whether a person falls within section 40(1)(b) of the Terrorism Act 2000 – that is, a person who is or has been concerned in the commission, preparation or instigation of acts of terrorism. The information may also be retained under sub-paragraph (5)(b) while the constable believes that it may be needed for use as evidence in criminal proceedings, or under sub-paragraph (5)(c) while it may be needed for use in connection with a decision by the Secretary of State to make a deportation order.

1478. Subsection (2) inserts new paragraphs 22A, 22B and 22C into Schedule 3 to the Counter-Terrorism and Border Security 2019 to enable a constable, with authorisation from a "relevant senior officer" to access, examine and extract information from online accounts accessed by means of an electronic device that is being detained under paragraph 11 of Schedule 3.

1479. New paragraph 22A mirrors the provisions in new paragraph 11B of Schedule 7 to the Terrorism Act 2000 but for the purpose of detecting, disrupting and deterring "hostile activity" which is defined at paragraphs 1(5) and 1(6) of Schedule 3. Like new paragraph 11B(7) of Schedule 7, new paragraph 22A(7) of Schedule 3 provides that a constable may arrange for another person to carry out the extraction of information from online accounts on their behalf. New paragraph 22A(8) provides that this person is to be treated as an examining officer for the purpose of any code of practice issued under Part 4 of Schedule 3.

1480. New paragraph 22B of Schedule 3 provides for the retention of online information for as long as necessary for the purpose of determining whether a person is or has been engaged in hostile activity. New sub-paragraphs 22B(b) and 22B(c) are the same as at new paragraph 11B(b) and (c) of Schedule 7. In addition, new paragraph 22B allows for the retention of information extracted from an online account under 22B(d) which is where it is necessary in the interests of national security, the economic well-being of the UK (insofar as it relates to national security), or the prevention or detection of serious crime and 22B(e) to prevent death or significant injury. These mirror the purposes for which copies may be retained under paragraph 17 of Schedule 3.

1481. New paragraph 22C ensures that protections for confidential material set out in paragraphs 18 to 22 of Schedule 3 apply to information extracted from an online account that is retained under paragraph 22B(d) or (e) but with appropriate modifications.

Section 179 and Schedule 19: Extraction of online information following agreement etc

1482. Section 179 introduces Schedule 19 which amends Chapter 3 of Part 2 of the 2022 Act. That Chapter makes provision for a specific legal basis for the extraction of information from complainant and witnesses' digital devices. These are non-coercive powers based on the agreement from the routine user of the device, except where that user is a missing person, an adult at risk of harm, or has died and extraction can be carried out without agreement. These powers provide a nationally consistent legal basis for the purpose of preventing, detecting, investigating and prosecuting criminal offences and for safeguarding and preventing serious harm.

1483. Paragraph 3 of Schedule 19 amends existing powers in section 37 of the 2022 Act to the effect that an authorised person may request agreement to extract information from electronic devices and online accounts. The power applies where a person has voluntarily provided access to an online account and agreed to extract information from it.

1484. Paragraph 3(12)(b) updates the existing definition of 'user' which in relation to a device means an individual who ordinarily uses a device (who may not necessarily be the owner of the device or the person in whose name a contract with a telecommunications service provider is held). For online accounts this definition is updated where 'user' means a person who ordinarily uses the online account. Typically, for the purposes of this power, the user will be the victim or witness of a crime which is being investigated by the police or other authorised person.

1485. Paragraph 4(2) amends section 38 so that a child who is a user of an online account is not treated as capable of voluntarily providing access to the account or agreeing to the extraction of information from it.

1486. Paragraph 4(6) amends section 38 so that an adult without capacity who is a user of an online account is not treated as capable of voluntarily providing access to the account or agreeing to the extraction of information from it.

1487. Paragraph 5 amends section 39 to extend the requirements for voluntary provision and agreement for access to digital devices to access to online accounts. This ensures that the same safeguards apply when accessing and extracting information from digital devices and online accounts.

1488. Paragraph 6 amends section 40 which sets out the conditions where an authorised person may extract information without agreement where a user has died etc. so that an authorised person may exercise the power in section 37 to extract information accessed by means of an online account where no user has provided agreement.

1489. Paragraph 7 amends section 41 which is the power to extract information for investigations of death to the effect that an authorised person may extract information from online accounts where an account user has died.

Section 180: Lawful interception of communications

1490. Section 3 of the IPA makes it an offence to intentionally intercept, in the UK, a communication in the course of its transmission without lawful authority. Subsection (2) inserts a new section 48A into the IPA to provide lawful authority to intercept a communication for the purpose of accessing online information, where they are entitled to access online information, or this access has been authorised under specified powers.

1491. New section 48A(1) sets out the circumstances in which the interception of a "relevant communication" will be authorised, namely that the access to online information must have been authorised under a "relevant power" or the person entitled to access it by virtue of a "relevant requirement", and the interception carried out for the purpose of enabling access to online accounts.

1492. New section 48A(2) defines "relevant communication(s)" as being those which is transmitted as part of a process used to "verify the identity of a person" or "verify that a person is a natural person". These include two-factor authentication codes or communications as part of a process to ensure that the online user is a human (as opposed to an automated system).

1493. New section 48A(3) sets out the "relevant power(s)" that access to the online accounts can be authorised under. These include powers under Schedule 7 to the Terrorism Act 2000, Schedule 3 to the Counter-Terrorism and Border Security Act 2019, Chapter 3 of Part 2 of the 2022 Act, and section 130 of the Crime and Policing Act 2026.

1494. New section 48A(4) sets out the "relevant requirement(s)" which entitle individuals to access the online accounts. These are any of those imposed under paragraph 7(1) of Schedule 1 to the Terrorism Prevention and Investigation Measures Act 2011; paragraph 8(1) of Schedule 7 to the National Security Act 2023; and section 217(2)(c) of the Crime and Policing Act 2026.

1495. New section 48A(5) authorises the interception of communications that are incidental to, or reasonably carried out in connection with, conduct authorised by section 48A(1). These incidental communications might include unrelated communications that are transmitted while a two-factor authentication code is being intercepted.

1496. New section 48A(6) clarifies that "online account" has the same meaning as in section 173 of the Crime and Policing Act 2026.

1497. Subsection (3) makes a consequential amendment to section 229(4)(e)(i) of the IPA to clarify that the Investigatory Powers Commissioner does not have oversight of conduct authorised by new section 48A.

Section 181: Access to driver licencing information

1498. This section replaces existing section 71 of the 2000 Act with a new section 71 and inserts new sections 71A to 71C into that Act. It provides for the police and other law enforcement persons to have access to driver licensing data held by the Driver and Vehicle Licensing Agency ("DVLA") and provides powers for the Secretary of State to make regulations setting out any conditions which need to be met by any person accessing the data. It regularises access to driving licence data by the police and other law enforcement persons and expands the purposes for which automatically provided data may be used to all policing or law enforcement purposes.

1499. New section 71(1) of the 2000 Act provides the Secretary of State with the power to make available, to any authorised person, driver licensing information held by him or her. Driver licensing information is defined in new section 71(7) as information held by the Secretary of State for the purposes laid out in Part 3 of the Road Traffic Act 1988. Such information includes, in relation to each driver, their name and address, date and country of birth, photograph, signature, entitlement (namely the type of vehicle they are eligible to drive), endorsements, convictions and any relevant medical information that may affect their ability to drive. The Motor Vehicles (Access to Driver Licensing Records) Regulations 2001 (SI 2001/3343) made under the existing section 71 only enables driver licensing information automatically made available to the police and other law enforcement agencies to be used for the purposes of the prevention, investigation or prosecution of road traffic offences or to ascertain whether a person has an order made against them under specified legislation disqualifying them from driving.

1500. New section 71(2) to (4) requires driver information regulations to set out the circumstances in which driver licensing information may be made available and sets out a non-exhaustive list of the type of provision which may be made, which includes provision in relation to further disclosure by an authorised person, specifying conditions which must be met by an authorised person before the data is made available and specifying information that may not be made available to authorised persons. Driver information regulations are subject to the affirmative procedure.

1501. The Secretary of State is required to secure the consent of the Department of Justice in Northern Ireland before making driver information regulations in relation to devolved Northern Ireland bodies (namely the Police Service of Northern Ireland, the Belfast Harbour Police, Belfast International Airport Police and the Police Ombudsman of Northern Ireland). The requirement on the Secretary of State to consult on driver information regulations can be satisfied by pre-commencement consultation. Regulations made under section 71 are subject to the general data protection override in section 183A of the Data Protection Act 2018.

1502. New section 71(5) requires the Secretary of State to consult specified persons before making driver information regulations.

1503. New section 71(6) defines the terms used in the new section 71.

1504. New section 71A defines "authorised person". The term is defined by references to categories of person and by the authorising officer for each category of person. The following persons are authorised:

- A constable
- A member of civilian police staff
- A police volunteer designated under section 38 of the Police Reform Act
- An NCA officer
- A member, or member of staff of the Independent Office for Police Conduct
- A member of staff of the Police Investigations and Review Commissioner
- A member of staff of the Police Ombudsman for Northern Ireland
- A member of a service police force or person under the direction and control of a Provost Marshal
- A person appointed as an investigating officer by, or a member of staff of the Service Police Complaints Commissioner
- A member of an Island police force
- Other law enforcement officials in the Crown Dependencies
- A member of the Royal Gibraltar Police
- A member of the Gibraltar Defence Police.

This is a broader list of persons than provided for in the existing section 71 which is limited to constables (defined as including civilian staff employed by the territorial forces in the UK (other than the City of London Police) and the BTP) and NCA officers.

1505. A constable for these purposes includes constables appointed or employed by a UK territorial force or a UK specialist police force (BTP, MDP and CNC); a UK Ports Police officer (sworn under section 79 of the Harbours, Docks and Piers Sections Act 1847, section 154 of the Port of London Act 1968 (for the Port of Tilbury Police) or section 103 of the Tees and Hartlepools (sic) Port Authority Act 1966 (for the Teesport and Hartlepool Harbour Police)); constables attested under section 105(2) of the County of Merseyside Act 1980; and special constables.

1506. A member of civilian police staff includes police staff employed by any of the police forces listed in the preceding paragraph, together with police volunteers.

1507. New section 71B enables the Secretary of State to issues a code of practice in relation to the receipt and use of information provided under new section 71. The purpose of the code of practice is to ensure there is a mechanism to provide effective governance of the use by police and other law enforcement agencies of the data accessed.

1508. New section 71B(3) lists the organisations which must be consulted by the Secretary of State prior to issuing a code of practice. The requirement on the Secretary of State to consult on the code of practice can be satisfied by pre-commencement consultation.

1509. New section 71B(4) allows the code to be revised. New section 71B(5) provides that the code is to be laid in Parliament and published. New section 71B(6) provides that any person to whom information is made available must have regard to any code of practice issued under the section.

1510. New section 71C sets out the requirement for the Secretary of State to publish an annual report about the use of information made available under section 71. The period to be covered by the Secretary of State's first annual report is from the commencement of the section 181 as a whole, as opposed to being from the commencement of the power to make regulations.

Section 182: Code of practice relating to non-crime hate incidents

1511. This section repeals sections 60 and 61 of the 2022 Act. Those sections confer a power on the Secretary of State to issue a statutory code of practice governing the processing of personal data by police relating to non-criminal hate incidents. On commencement of the repeal of those sections the existing code of practice will automatically be revoked. As a result, police forces in England and Wales will no longer be subject to a specific statutory framework for handling personal data relating to non-criminal hate incidents.

Section 183 and Schedule 20: Testing of persons in police detention for presence of controlled drugs

1512. This section, together with section 184, expands the existing police power to drug test in police detention for the presence of any specified Class A drugs to include any 'specified controlled drugs'.

1513. Subsections (2) and (3) amend sections 63B and 63C of PACE. Sections 63B and 63C of PACE give the police the power to take a sample of urine or a non-intimate sample from a person in police detention (on arrest, if aged 18 and over; or on charge, if aged 14 and over) to test for the presence of specified Class A drugs where the conditions in section 63B(1)(a) to (c) are met. These conditions include that a person has been arrested (or charged) for a trigger offence, or another offence where a police officer of at least the rank of inspector has reasonable grounds to suspect that the misuse of a specified Class A drug has caused or contributed to the offence, and has authorised the test. The age condition must be met (the person must be aged 18 or over for testing on arrest, or aged 14 or over for testing on charge) and the request condition must be met, that is an officer must request the person concerned to give the sample. Before requesting a sample, an officer must warn the person concerned that failure to provide a sample may result in prosecution and inform them of the authorisation for the test (including the grounds in question) before requesting a sample.

1514. The amendments made by subsection (2) to section 63B of PACE expand the police's power to drug test in police detention for the presence of any specified controlled drug rather than specified Class A drugs only.

1515. Subsection (3) amends the existing definitions of certain terms in section 63C(6) of PACE. Subsection (3)(b) substitutes subsection (6) of section 63C for new subsections (6) to (11). Replacement section 63C(6) dispenses with the definition of a "Class A drug" (as the power is now to test for specified controlled drugs) and provides for new definitions of a "specified controlled drug" and "trigger offences", so that the terms no longer take their meaning from Part 3 of the 2000 Act and instead mean a controlled drug (within the meaning of the Misuse of Drugs Act 1971) specified in regulations made by the Secretary of State (subject to the negative resolution procedure) and an offence specified in new Schedule 2B to PACE, respectively. New section 63C(8) confers a power on the Secretary of State to amend new Schedule 2B to PACE by regulations (subject to the draft affirmative resolution

procedure). New section 63C(9) provides that regulations may make different provision for different purposes or different areas, and may make transitional, transitory or saving provision. New sections 63C(10) and (11) clarify that where any statutory instrument contains regulations to amend new Schedule 2B to PACE (alone or with other provision, for example to specify controlled drugs), it must be subject to the draft affirmative resolution procedure; where any statutory instrument contains any other regulations under this section, it is subject to the negative resolution procedure.

1516. Subsection (4) inserts new Schedule 2B into PACE. The list of trigger offences in new Schedule 2B retains many of the list currently contained in Schedule 6 to the 2000 Act, including theft offences and drugs offences (expanded to include any specified controlled drug), but removes fraud offences (including attempt of fraud) and vagrancy offences. The current list is augmented by the common law offences of common assault and battery, and specified offences under the Offences Against the Person Act 1861, Children and Young Persons Act 1933, Prevention of Crime Act 1953, Restriction of Offensive Weapons Act 1959, Criminal Damage Act 1971, Public Order Act 1986, Criminal Justice Act 1988, Road Traffic Act 1988, Football (Offences) Act 1991, Protection from Harassment Act 1997, Crime and Disorder Act 1998, Criminal Justice and Police Act 2001, Sexual Offences Act 2003 and Serious Crime Act 2015.

1517. Subsection (5) amends paragraph 6B of Part 1 of Schedule 1 to the Bail Act 1976 by substituting "Class A" for "controlled" drugs to reflect the amendment to the heading of section 63B of PACE.

1518. Subsection (6) makes consequential repeals and amendments to the 2000 Act to reflect the amendments made by subsection (3). This subsection repeals the definition of a "trigger offence" in the 2000 Act, Schedule 6 to the 2000 Act (which lists the trigger offences), and the power to amend Schedule 6. As outlined above, new Schedule 2B of PACE now defines a trigger offence for the purposes of section 63B of PACE. As a result, the reference to trigger offences in the 2000 Act (and the related power to amend trigger offences) is now redundant as there are no remaining drug testing or assessment provisions in the 2000 Act which rely on the current definition of trigger offences.

Section 184: Assessment of misuse of controlled drugs

1519. Subsections (2) and (3) amend sections 9 and 10 of the Drugs Act 2005 ("the 2005 Act"), which outline the framework for initial and follow-up assessments following a positive drug test in police detention, to reflect the expanded testing for 'specified controlled drugs'.

1520. Subsection (4) makes a consequential amendment to section 16 of the 2005 Act, which sets out the processes for samples submitted for further analysis following a drug test in police detention, so that where a further analysis is taken and that analysis does not reveal any specified controlled drug was present, any requirements imposed under sections 9(2) and 10(2) of the 2005 Act cease to have effect, to reflect the expanded testing for 'specified controlled drugs'.

1521. Subsection (5) amends section 17 of the 2005 Act. The effect is that if someone is required, as a condition of bail under the Bail Act 1976, to attend a required assessment in respect of their Class A drug use, and they have not yet fully complied with the requirement under section 9(3)(a) or 10(4) to attend any assessment under the 2005 Act in respect of their Class A drug use, whether following a drug test in or outside of custody, their requirement to do so in respect of their Class A drug use falls away. However, their requirement to attend any assessment under the 2005 Act continues in respect of their Class B or C drug use. Subsection (6) makes a consequential amendment to section 19 of the 2005 Act, which defines terms used in Part 3 of that Act, to add a definition of "specified controlled drug".

Section 185: Power to take additional sample

1522. This section amends section 63B of PACE which enables the police to take a sample from a person in police detention for the purpose of testing for specified Class A drugs. Following the expansion in the police's power to drug test for specified Class B and C drugs (in addition to specified Class A drugs) made by sections 183 and 184, this section provides the police with the power to take an additional sample. This is to allow for circumstances where a further sample is required to test for different drugs, whether traditional or synthetic, including on a separate machine/testing kit.

1523. Subsection (2) amends section 63B(1) of PACE to provide the police with the power to take an additional sample, where the additional sample condition is met. Subsection (4) inserts new section 63B(4C) which outlines the additional sample condition, namely that one sample (only) has been taken from the person under section 63B during the period of the person's detention, but it was not suitable for the same means of analysis, or it proved insufficient.

1524. Subsection (3) makes a consequential amendment to section 63B(1A)(b) and 63B(2)(b), so that the inspector's authorisation for the taking of samples in accordance with this section may be given once, whether one sample or an additional sample is taken.

1525. Subsection (5) amends section 63B(5) so that before requesting the person concerned to give a sample, an officer must if no sample has been taken from the person under this section during the period of the person's detention, warn them that if, when so requested, they fail without good cause to give any sample which may be taken under this section they may be liable to prosecution.

1526. Subsection (6) amends section 63B(5B) to clarify that if a sample is taken under section 63B from a person in respect of whom the arrest condition is met, if the charge condition is also met in respect of them at any time during the same continuous period of detention, the sample must be treated as a sample taken by virtue of the fact that the charge condition is met and it must be so recorded in the person's custody record.

Section 186: Removal of power to continue detention

1527. Subsection (2) repeals subsections (8A) and (8B) of section 37 of PACE which enable the police to continue to detain an individual before charge for the purposes of taking a sample under section 63B of PACE. Subsection (3) amends section 38 of PACE to remove the police's power to continue to detain an individual after charge for the purposes of taking a sample under section 63B of PACE. This is because this power is no longer necessary due to changes in operational procedures.

Section 187: Removal of notification conditions

1528. This section removes the notification conditions in section 63B of PACE and the 2005 Act that the relevant chief officer must have been notified by the Secretary of State that appropriate arrangements have been made before conducting drug testing or initial and follow-up drug assessments.

1529. Home Office guidance issued in 2011 advised forces that they did not need to seek additional, individual authorisation from the Home Office to conduct drug testing in police detention. These amendments reflect that guidance by removing the notification condition from both PACE and the 2005 Act.

Section 188: Cautions given to persons having limited leave to enter or remain in UK

1530. Subsection (1) amends section 22 of the CJA 2003, which provides for a conditional caution to be given to a foreign national offender without leave to remain to secure their departure from the UK. The subsection inserts new paragraph (za) into section 22(3G) of the CJA 2003, which expands the cohort of those offenders who can be given a foreign national conditional caution to those with limited leave to remain in the UK.

1531. Subsection (2) amends section 103 of the 2022 Act to achieve the same effect in relation to that legislation. It inserts new paragraph (za) into section 103(4) of the 2022 Act, which expands the cohort of those offenders who can be given a diversionary caution to foreign nationals with limited leave to remain in the UK. Part 6 of the 2022 Act creates two tiers of cautions, prospectively replacing the existing six disposals, including the conditional caution. There will be a lower-tier disposal (community caution) and an upper-tier disposal (diversionary caution).

Part 12: Proceeds of crime and other property connected with criminal behaviour

Section 189 and Schedules 21 to 23: Confiscation

1532. Section 189(1) introduces Schedule 21 to the Act which reforms the confiscation regime in respect of proceeds of crime in England and Wales, principally by amending Part 2 of POCA.

1533. Paragraph 1 of Schedule 21 inserts new section 5A into POCA, which defines the principal objective for which confiscation powers under Part 2 must be exercised. Part 2 of POCA does not contain an overarching objective to which the courts should have regard. The objectives of the regime are principally derived from two sources: (i) the "legislative steer" in section 69 of POCA (which makes provision about how the Crown Court and receivers appointed under the Act are to exercise their powers); and (ii) case law. It is important to specify the principal objective of the criminal confiscation regime, not least because proportionality can only be assessed with respect to the aim of the regime.

1534. The principal objective (as specified in new section 5A(2)) is to deprive the defendant of their benefit from crime, so far as within the defendant's means (that is to say, the powers must be exercised proportionately with respect to the specified objective). Powers under the criminal confiscation regime must be exercised in a way that is best calculated to further the principal objective (new section 5A(4)). New section 5A(5) provides that the overarching objective in new section 5A(2) takes precedence over the objective in section 2A(1) of POCA (which requires a relevant authority – the NCA, prosecutors and others – to exercise its functions under the Act in the way which it considers is best calculated to contribute to the reduction of crime) in respect of those powers to which new section 5A relates and to the extent that the two objectives are in conflict.

1535. Paragraph 2 provides that the court must only decide whether the defendant had a criminal lifestyle (for the purposes of section 6(4) of POCA) if asked to do so by the prosecutor. The criminal lifestyle provisions apply a series of assumptions regarding the calculation of benefit such that all property obtained or expended by the defendant since that date is assumed to constitute benefit from crime unless the defendant can show otherwise. If the criminal lifestyle provisions are not applied in a given case, the court will calculate benefit by reference to particular (rather than general) criminal conduct. This prosecutorial discretion imports flexibility into the application of the criminal lifestyle provisions, allowing efficient allocation of investigative and prosecutorial resources.

1536. Paragraph 3 amends section 10 of POCA by clarifying the scope of the "serious risk of injustice" test. The current confiscation regime provides that the court should not apply the assumptions if there would be a "serious risk of injustice" in their application (section 10(6)(b) of POCA). This provision has been narrowly construed in case law, such that it is ordinarily applied only to prevent double counting, rather than more generally in the interests of justice. Paragraph 3 inserts new subsection (6A) into section 10, requiring the court to consider all the circumstances of the case when determining whether there would be a serious risk of injustice if the criminal lifestyle assumptions were made.

1537. Paragraph 4 changes the test for when an offence constitutes conduct forming part of a course of criminal activity in criminal lifestyle cases by reducing the number of offences of which the defendant must be convicted from three offences to two. The test will also be satisfied if the defendant benefitted, or intended to benefit, from the conduct which constitutes the offence.

1538. Paragraph 5 inserts three further offences into Schedule 2 to POCA. Schedule 2 contains a list of substantive criminal offences to which the criminal lifestyle provisions will automatically apply (defined in section 75 of POCA, which determines whether the defendant is subject to the confiscation of benefit from their particular criminal conduct or their general criminal conduct). The new offences are the offence at section 33A of the Sexual Offences Act 1956 (keeping a brothel for use in prostitution) and two environmental offences – depositing certain waste otherwise than in accordance with an environmental permit (section 33(1)(a) of the Environmental Protection Act 1990), and operating a regulated facility, or causing or knowingly permitting a water discharge activity or groundwater activity, otherwise than in accordance with an environmental permit (regulation 38(1)(a) of the Environmental Permitting (England and Wales) Regulations 2016).

1539. Paragraph 6 concerns the "recoverable amount" (defined in section 7 of POCA, which specifies how the amount recoverable under a confiscation order is to be calculated) and amends section 7 of POCA. It provides that further categories of property must be ignored when calculating the total value of the defendant's benefit from crime. Section 7(4) of POCA currently provides that certain property should be ignored when calculating the defendant's benefit from criminal conduct. However, the property that should be ignored is limited to property that has been forfeited or is forfeitable under specific powers, or is subject to a recovery order. This does not extend to other forms of property of which the defendant may legitimately have divested themselves or, because the property has been seized, which the defendant is unable to realise and apply towards payment of the order.

1540. Section 7(4) is amended to include new and further categories of property to be ignored when calculating the defendant's benefit. This is to ensure that the benefit figure realistically reflects the defendant's benefit from crime and, in accordance with the overarching objective, ensures that what has already been given up to the State or to victims should not be paid twice. Specifically, it provides that, when calculating the defendant's benefit, the court should also ignore property seized under any rule of law, property restored to the victim of the criminal conduct, property handed over to an appropriate officer (as defined in 41A(3) and 47A(1) of POCA), and money paid by way of compensation to a victim of the criminal conduct in respect of loss, injury or damage sustained by that victim.

1541. Paragraph 6 also amends section 7(2) of POCA to put on a statutory footing the burden of proof as understood in case law. As currently drafted the burden is on a defendant to "show" that the amount available for confiscation is less than the benefit and to "show" the extent of the available amount. Section 7(2), as amended, requires a defendant instead to prove such matters or to otherwise satisfy the court.

1542. Paragraph 7 makes statutory provision for the hidden property determinations made in confiscation proceedings by inserting new section 9A into POCA. Currently, a "hidden assets" determination means this: where the value of the defendant's available amount appears to be lower than the value of their benefit, the court may treat the difference between the values as assets which have been hidden by or on behalf of the defendant, and which are available to satisfy the confiscation order. Such determinations therefore describe any unexplained difference between a person's benefit from crime and the value of their known assets. New section 9A makes provision for such determinations (at subsections (1) and (2)), though also requires the court to consider whether there are other circumstances that may account for the difference (at subsection (3)).

1543. Paragraph 8 amends section 77 of POCA to ensure that the definition of "tainted gift" captures individuals who transfer criminal property to others on the day of their offending. This aligns with Parliament's original intention for the tainted gift regime.

1544. Paragraph 9 amends sections 76 and 84 of POCA. These provisions concern the calculation of a person's benefit from crime. The calculation of benefit has a real significance throughout the confiscation process. Section 76 of POCA provides that a person benefits from criminal conduct if the person obtains property in connection with or as a result of criminal conduct. Section 84 of POCA defines "property" in wide terms and outlines the rules that apply in relation to property.

1545. This paragraph amends section 84 such that a person will be treated as "obtaining" property if, as a result of or in connection with conduct, a person keeps property that the person already has (where the court believes it is just to do so).

1546. Paragraph 9 also inserts new subsection (8) into section 76. That subsection affords the court discretion to amend the benefit figure where it would be unjust to regard obtained property as amounting to criminal benefit because the person: (i) intended to have only a limited power to control or dispose of all or part of the property, (ii) obtained the property temporarily, or (iii) is treated as having "obtained" property as a result of the new provisions inserted by this paragraph in section 84(3). The paradigmatic example of property that should not form part of the benefit calculation is money that was held temporarily by a person (for example, a person coaxed into allowing their bank account to be used by a criminal gang such that they took temporary possession of funds). The effect of new section 76(8) would be that not all funds passing through the hands of a defendant would necessarily be treated as his or her benefit from crime.

1547. Paragraph 10 makes provision in relation to the value of the property obtained from conduct, codifying two principles from case law. Firstly, the paragraph amends section 80 of POCA to ensure that, where the purchase of property was only part-funded by the proceeds of criminal conduct, only that proportion funded by criminal proceeds may be regarded as benefit.

1548. Secondly, the paragraph inserts new section 80A. This provides – and thus qualifies the new provisions in section 80 – that property obtained with a loan secured by a mortgage will count towards benefit only by the amount of any increase in value as is attributable to the mortgage. The paragraph provides a formula for calculating this. The greater the percentage of the property that was attributable to the mortgage (that is, the greater the loan-to-value ratio), the greater the percentage of the increase in value will be attributable to the mortgage. If the property was purchased with a loan-to-value ratio of 75%, and the property increased in value by £100,000, then the increase that is attributable to the mortgage is £75,000. Separate provision needs to be made for mortgages because, unlike normal loans, a person never "obtains" the mortgage advance (that is, the money), so you cannot treat the mortgage

advance as benefit. The mortgage advance remains in the beneficial ownership of the lender until completion, when it passes direct to the vendor. At no stage does the person receive the mortgage advance or have any direct power over it. The person only has a chose in action against the bank to pay money to the vendor and that right has no market value.

1549. Paragraph 11 makes further provision in relation to the calculation of benefit. The paragraph inserts new subsections (3A) to (3C) into section 80 (value of property obtained from conduct). New subsection (3A) provides that, where property was obtained from conduct and subsequently sold, the value of the property is taken to be the higher of the proceeds of sale or the value immediately before the sale. New subsection (3B) provides that, where the property obtained was cryptoassets and has been destroyed by virtue of a court order, the value is the market value at the time as set out by the order. New subsection (3C) provides that, if the proceeds of sale are in a currency other than sterling, the rate of exchange to be applied when calculating the equivalent sterling value will be whatever the rate of exchange was at the end of the day on which the property was sold. These provisions as to the value of property sold or destroyed reflect the provision in paragraph 16 (new section 21A). That provision allows for downwards variation of the benefit figure where property that was taken into account when calculating the benefit figure is subsequently sold or destroyed, and at a value less than had been ascribed to it at the point the benefit figure was calculated.

1550. Paragraph 12 makes provision in relation to priority orders. "Priority orders" are defined in section 13(3A) of POCA. They include compensation orders, surcharge orders, unlawful profit orders, and slavery and trafficking reparation orders. At present, the court may direct that the proceeds of a confiscation order be applied towards payment of a compensation order, but only where the defendant does not have the means to pay both orders. Paragraph 12 provides that the court must direct that sums recovered under the confiscation order be applied to priority orders (so not just compensation orders, and whether or not the defendant lacks the means to satisfy both orders). This prioritises the application of funds to victims of victims' funds. This provision allows for the court to order that confiscation sums as calculated after reconsideration to be paid towards priority orders (where those orders were made as part of the same overall confiscation proceedings).

1551. Paragraph 13 refers to applications made under section 22 of POCA 2002. Section 22 applies where the court has made a confiscation order in an amount lower than the defendant's assessed benefit because there was insufficient realisable property to satisfy an order in the full amount. At a section 22 application, if the court considers that the defendant's available amount has increased, it may vary the amount payable under the confiscation order but may not increase it beyond the defendant's assessed benefit. This measure intends to introduce a new provision for the court to redirect any increased sums owed by the defendant, by way of a compensation direction, to the defendant's victim(s) in certain circumstances.

1552. Paragraph 13(2) inserts a new section 22A into POCA which provides the court with the discretion to make a compensation direction when considering a section 22 application. If the court decides that the available amount has increased and varies the amount repayable under the confiscation order, the court has the discretion to consider whether some or all of the sums owed by the defendant are redirected to the defendant's victim(s) to compensate for their loss (new section 22A(3)).

1553. By way of example, a defendant may commit a fraud offence against an individual (the victim) who has suffered a loss of £50,000 from the offence. At the confiscation hearing, the defendant's benefit is calculated at £50,000, however their available amount (or means) is calculated at £10,000. Therefore, a compensation order of £10,000 is made in favour of the victim and a nominal confiscation order is made (£0). It is later discovered that the defendant

has a further £30,000 of assets. At a section 22 application, the court varies the original confiscation order to include the new £30,000 of assets and makes a compensation direction to redirect the £30,000 to the victim who was not compensated fully for their loss at the original confiscation hearing, therefore the total amount of compensation awarded to the victim since the confiscation proceedings is £40,000. The remaining amount to be paid towards the confiscation order remains nominal (£0).

1554. This measure further applies where at the time of the section 22 application, an existing compensation order is part-fulfilled (for example if the defendant is paying this in instalments) if the victim's total loss was not compensated fully at the time of the confiscation order.

1555. As determined in new section 22A(2), this order only applies where at a confiscation hearing, a compensation order has been made against the defendant, the court has assessed the victim's loss and that loss is greater than the amount required to be paid under the compensation order, except where new section 22A(6) applies. The aim of this provision is to compensate the victim, so far as possible, for their total original loss not covered by a compensation order in the original confiscation proceedings.

1556. New sections 22A(4) and (5) provides that a victim(s) can receive a compensation direction up to the total value of their assessed loss. Referring to the example at paragraph 1553, the victim could only receive a compensation order up to the value of £50,000 irrespective of how much the defendant's available amount may increase under a section 22 application (or multiple section 22 applications).

1557. New section 22A(6) provides that a victim(s) can receive a compensation direction if their loss was recognised and assessed in the original confiscation proceedings against the defendant, however a compensation order was not made. This may occur where the court at the confiscation hearing did not make a compensation order because they determined that the defendant had inadequate means to fulfil a compensation order. Further, the court may decide to a make a compensation direction if at a section 22 application a victim's loss was included in the calculation to the defendant's benefit at the confiscation hearing, however they could not be fully identified at the time of the proceedings and therefore were not awarded a compensation order at that time.

1558. New sections 22A(8) and (9) limits the amount that can be included in a compensation direction to ensure that any redirection of sums at a section 22 application are limited to the victim's loss, as calculated, at the time of the original confiscation proceedings.

1559. Paragraph 13(3) insets new subsection (5B) into section 55 of POCA. This clarifies the position of compensation directions in relation to other types of priority orders under section 55 of POCA.

1560. Paragraph 14 makes provision for the timing of confiscation proceedings and effect on sentencing. It replaces sections 14 and 15 of POCA – which provide for the 'postponement' of proceedings for up to two years – with new section 15A. That section primarily changes the current law in two ways. Firstly, it requires the court to draw up a timetable for confiscation proceedings before the end of the hearing at which it sentences the defendant for the offence (new section 15A(3)).

1561. Secondly, new section 15A(7) provides that the court may vary the sentence imposed on the defendant in certain ways (per section 14A(6)) within a period of 56 days from the point at which a confiscation order was made (or from the point at which the court decided not to make a confiscation order). Under the current law, if the court sentences prior to making a confiscation order and refrains from imposing any financial, forfeiture or

deprivation order pursuant to section 15(2) of POCA, the court may amend the sentence within 28 days of the end of the period of postponement to impose such an order. The current limit of 28 days to correct such an error has proved to be a trap for the unwary, because a period of 56 days is permitted to vary a substantive sentence under what is referred to as the "slip rule" (section 385 of the Sentencing Act 2020). This provision therefore makes POCA consistent with the general slip rule in sentencing.

1562. Paragraph 15 formalises the existing practice of agreeing confiscation orders prior to the confiscation hearing by providing for a process called the Early Resolution of Confiscation ("EROC") process. The purpose of this process is to fast-track agreed orders and narrow the issues in dispute, to save court time and to avoid protracted enforcement proceedings. New section 15B makes provision for the EROC process. This is a two-stage process, in which there will be a meeting between the defence and prosecution, followed, if necessary, by an EROC hearing in court. The court can direct that an EROC meeting will take place, either of its own motion, or on application by the prosecutor. As per new section 15B(3), the first stage, the EROC meeting, is a meeting held with a view to the defendant and prosecution either agreeing the terms of the confiscation order, or, where agreement is not reached, identifying the issues for confiscation proceedings. Paragraph 15(2) then provides, where agreement is reached at the EROC meeting, that the court may make determinations about the defendant's criminal lifestyle under section 6(4) and recoverable amount under section 6(5) in accordance with the terms of the agreement reached by the prosecutor and defendant at the EROC meeting. The second stage, the early resolution hearing, is required if no agreement was reached or where the prosecutor and defendant did reach agreement, but the court decided not to make a confiscation order under section 6 requiring the defendant to pay the amount agreed. The purpose of the hearing is for the court to consider the next steps in confiscation proceedings as part of active case management.

1563. Paragraph 16 inserts new section 21A into POCA providing for downwards reconsideration of the defendant's benefit where criminally obtained property is sold or, in the case of cryptoassets, destroyed under court order, and the value ascribed to it following its sale or destruction is lower than the value at which it was previously taken into account (new section 21A(3)). If it appears that the value of the benefit following sale or court-ordered destruction is lower than the value as previously calculated, then the court must make a new calculation of the benefit figure by deducting from the benefit figure (adjusted for inflation) the reduction in value of the sold or destroyed property (new section 21A(4)). If the effect of the reduction in the benefit figure is such that the new benefit figure is lower than the amount required to be paid, the amount required to be paid will be reduced in line with the newly calculated benefit figure (new section 21A(6)). The new provision will only apply if the applicant believes that a new calculation of the defendant's overall benefit would not exceed the amount found pursuant to new section 21A(4) of POCA.

1564. Sub-paragraphs 16(3) and (4) clarify that the time for payment in section 11 of POCA is to be read according to when the new calculation is made, rather than when the original order is made. This accounts for instances where an enforcement authority may grant more or less time to pay an order where an order has been varied upward. New subsection (11B) of section 21 of POCA clarifies how section 12 of POCA (interest on unpaid sums) works in a case where the order is varied under section 21 (reconsideration of benefit) and the court allows time for payment. New subsection (7B) clarifies how section 12 works in a case where the order is varied under section 22 of POCA (reconsideration of available amount) and the court allows time for payment.

1565. Paragraph 17 inserts new sections 24A, 24B and 24C into POCA, which make provision for the provisional discharge of confiscation orders. Provisional discharge enables a confiscation order to be placed temporarily in abeyance when there is no realistic prospect of recovery in the immediate term, despite the reasonable efforts of enforcement authorities. The discharge would be provisional so that money could still be recovered in time if the provisional discharge is revoked. Unlimited enforcement is not viable because it comes at a cost that is ultimately borne by the taxpayer. This principle is already recognised by sections 24 and 25 of POCA, which provide for confiscation orders to be written off in certain circumstances.

1566. Paragraph 17 clarifies the effect of the revocation of the provisional discharge of a confiscation order, in particular that, from the time of the revocation, the order is no longer treated as satisfied, and proceedings are treated as not having been concluded. Where the provisional discharge is revoked, the time to pay period in section 11 and section 12 are to be read according to the day on which the provisional discharge is revoked. Whilst a confiscation order has been provisionally discharged, no interest can accrue on the order but any interest that was payable for the order before the provisional discharge becomes payable upon revocation of the discharge.

1567. New section 24A allows for the provisional discharge of confiscation orders where it is in the interest of justice so to do. In determining whether it is in the interests of justice to discharge the order on a provisional basis, the court must have regard to the factors in new section 24A(4), which include the amount already paid, the extent to which the amount outstanding represents interest on the original order, and what enforcement steps may reasonably be taken.

1568. New section 24B provides that, where the order is provisionally discharged, the order is deemed to be satisfied unless an application for variation is made (in which case the court may revoke the provisional discharge) or where the court finds, on application the prosecutor or receiver, that it would be in the interests of justice to revoke the order. The interests of justice will be determined by reference to the same factors as for new section 24A(4).

1569. New section 24C allows the court to make an order requiring the defendant to provide information about their assets and other financial circumstances, and documentary or other evidence in support of that information as the court may require in connection with the exercise of its functions under section 24A or 24B. Failure for the defendant to comply with the order, or providing false information, is considered contempt of court and perjury.

1570. Paragraph 18 relates to the proactive enforcement of confiscation orders. It inserts new sections 13ZA and 13ZB into POCA, and provides that, during the initial confiscation hearing, when a court makes a confiscation order under section 6, it must also prepare an enforcement plan if there are reasonable grounds to believe that the defendant might default on the confiscation order or the court otherwise believes it is appropriate to do so for the purpose of ensuring that the confiscation order is effective. This is to ensure that enforcement is addressed by the parties at the earliest opportunity, so to make the process of enforcement (should it have to arise) more efficient and timely. New section 13ZA(4) provides that an enforcement plan is a document setting out drafts of one or more orders that the court considers the enforcing court could make in the event that the defendant defaults on the confiscation order. New section 13ZB provides that the court must, as part of the plan, set the date for an enforcement hearing to take place in the event that the defendant defaults on the confiscation order, and that date must be the first date then available to the enforcing court after the expiry of the time to pay period. (See also paragraph 19, introducing new section 35F, which requires the enforcing court to make the orders in accordance with the enforcement plan, subject to conditions.)

1571. Paragraph 19 replaces section 35 of POCA (enforcement as fines) with new sections 35A to 35R. The purpose of these new provisions is to allow the Crown Court to enforce confiscation orders where appropriate. (Under the current law, enforcement of confiscation orders is dealt with by a magistrates' court.)

1572. New section 35B specifies the formula by which the default term should be reduced where there has been part payment of the confiscation order. The amount of the part payment is compared to the amount required to be paid when the default term was fixed (per section 35A(2)) – accrued interest is thus not relevant for these purposes.

1573. New section 35C provides that a warrant of commitment ceases to have effect if the defendant pays the amount in respect of which the default term was fixed.

1574. New section 35D defines which court is to be the enforcing court. When making the confiscation order, the Crown Court must determine which court (the Crown Court or a magistrates' court) is to be the enforcing court. If the Crown Court is the enforcing court, it may order that a magistrates' court is to be the enforcing court. If a magistrates' court is the enforcing court, it may only order that the Crown Court is to be the enforcing court if the time to pay period has not expired.

1575. New section 35E provides that a subsequent enforcing court has the power to vary or revoke orders made by the prior court in relation to enforcement.

1576. New section 35F requires the enforcing court, at the initial enforcement hearing, to make the orders that were prepared as part of the enforcement plan (the initial enforcement orders). However, this is subject to the condition in subsection (4) that those orders would not result in the realisation of property where the proceeds of that realisation would be greater than the amount then remaining to be paid under the confiscation order, and that the interests of justice do not require that an initial enforcement order not be made. If that condition is not met, then the court must consider what other steps to take for the purpose of enforcing the confiscation order (new section 35F(3)).

1577. New section 35G gives the enforcing court the power to compel a defendant to attend court at any stage of confiscation enforcement proceedings. It provides that the enforcing court may, for any purpose in connection with the enforcement of the order, issue a summons requiring the defendant to appear before the court at the time and place appointed in the summons, or issue a warrant to arrest the defendant and bring them before the court.

1578. New section 35H makes provision for financial status orders. It provides that the enforcing court may make an order requiring the defendant to give the court any information about the defendant's assets and other financial circumstances, and documentary or other evidence in support of that information that the court may require in connection with the enforcement of the confiscation order. Failure by the defendant to comply with the order, or providing false information, can constitute contempt of court or perjury.

1579. New section 35I gives the enforcing court the power to appoint a confiscation assistance adviser to assist a defendant in satisfying their confiscation orders. It may appoint (with that person's consent) any person the court thinks appropriate. It is expected that this will be the Asset Confiscation Enforcement ("ACE") teams. This reflects trials that have already taken place under Project Mariner. Project Mariner was established in 2021 with funding from the Asset Recovery Incentivisation Scheme Top-Slice and has been led by the NPCC. Appropriately qualified members of the police are appointed to work alongside prison staff to assist serving defendants with their confiscation orders. Following the success of these trials, and the related Law Commission recommendation, this process is being put on a statutory basis.

1580. New section 35J makes provision for the enforcement of confiscation orders where a magistrates' court is the enforcing court. The amount required to be paid under the confiscation order is to be treated as if it were a fine imposed by a magistrates' court on conviction. This means that the confiscation sum can be enforced in the same way as fines imposed upon conviction (albeit with some amendments to take account of the fact that there are differences in substance and procedure between confiscation orders and fines).

1581. New sections 35K to 35R grant to the Crown Court (where it is the enforcing court) the enforcement powers corresponding to those of a magistrates' courts.

1582. Paragraph 20 extends to the Crown Court powers – currently only available to magistrates' courts – in relation to money, cryptoassets and personal property that are found in sections 67, 67ZA, 67A, 67AA, 67B, 67D and 69 of POCA.

1583. Paragraph 21 extends to the Crown Court the powers under Schedule 5 to the Courts Act 2003 the powers to make attachment of earnings orders and applications for benefit deductions. These powers are available to a magistrates' courts, so this paragraph ensures that the powers are available to the Crown Court when it is the enforcing court.

1584. Paragraph 22 applies the Attachment of Earnings Act 1971 to attachment of earnings orders made by the Crown Court when enforcing confiscation orders.

1585. Paragraph 23 clarifies the basis upon which collection orders can be made under Schedule 5 to the Courts Act 2003 in the context of confiscation.

1586. Paragraph 24 amends Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 (taking control of goods) to make provision for the fact that the Crown Court may be the enforcing court.

1587. Paragraph 25 relates to the conditions for making of a restraint order under section 40 of POCA. Restraint orders provide the preservation of assets which may later be used to satisfy a confiscation order. Paragraph 25 codifies the "risk of dissipation" test that is currently applied by courts when determining restraint applications, but is not explicitly mentioned in Part 2 of POCA. The paragraph imposes a further condition that must be satisfied before an order is made under section 41 (restraint orders), such that there must be a real risk that property held by any person will be dissipated unless the Crown Court makes a restraint order in relation to that property. New section 40(1B) provides that the court, when determining the risk of dissipation, must have regard to various factors.

1588. Paragraph 26 amends section 41 of POCA to allow for an exception to a restraint order to be made for legal expenses in respect of the offence with which confiscation proceedings are concerned. This is subject to the provisions in new section 41ZA (as inserted by paragraph 26(3)). New section 41ZA further provides that the exception may be made subject to conditions as specified in regulations made by the Lord Chancellor.

1589. Paragraph 27 inserts new subsection (3A) into section 41 of POCA (restraint orders) to make provision for exceptions for reasonable living expenses. Exception can already be made for reasonable living expenses (section 41(3)(a)); new section 41(3A) provides that, in making an exception to a restraint order that makes provision for reasonable living expenses the court must have regard to particular factors such as the person's applicable standard of living and the extent to which expenditure by the specified person is necessary or desirable for the purpose of improving or maintaining the value of relevant realisable property held by them. Paragraph 27 also inserts new subsection (11), which defines "applicable standard of living".

1590. Paragraph 28 clarifies the basis upon which restraint orders can be discharged where proceedings have not begun within a reasonable time by inserting new subsection (7CA) in section 41 and new subsection (7A) in section 42.

1591. Paragraph 29 inserts new section 42A into POCA and provides for a list of factors to which the court must have regard where is makes or varies a restraint order after the defendant's conviction for the offence. New section 42A(3) also requires the court to review the appropriateness of an exception granted in respect of legal or reasonable living expenses.

1592. Paragraph 30 concerns the appointment of a management receiver (as defined in section 48 of POCA; that is, persons appointed to manage a defendant's property pending their conviction (and sometimes afterwards), but prior to the making of a confiscation order). Under the current law, the Crown Court first has to make a restraint order prior to appointing a management receiver. Paragraph 30 inserts new subsection (1A) into section 48 of POCA, further allowing the Crown Court to appoint a management receiver where a magistrates' court has made an order for the further detention of seized property (defined in section 47M of POCA). In order to preserve the value of seized assets, it may be necessary to sell them. Assets may be sold where there is a management receivership order. This provision extends the ability of the police to apply to the Crown Court for a management receivership order.

1593. Paragraph 31 concerns appeals in connection with proceedings under Part 2 of POCA. The purpose of this section is to codify and clarify existing appeal rights. This paragraph does not introduce any new rights of appeal.

1594. Paragraphs 32 to 53 make further amendments to POCA and other enactments consequential upon the proceeding provisions in Schedule 16.

1595. Paragraphs 54 to 57 apply the provisional discharge provisions (see paragraph 17 of Schedule 16) to confiscation orders made under legislation that pre-dates POCA (namely the Drug Trafficking Offences Act 1986, the Criminal Justice Act 1988, and the Drug Trafficking Act 1994). This enables a court, where it is in the interests of justice to do so, to discharge on a provisional basis a confiscation order made under saved legislation and to revoke such a provisional discharge.

1596. Section 189(2) introduces Schedule 22 to the Act, which reforms the confiscation regime in respect of proceeds of crime in Northern Ireland, principally by amending Part 4 of POCA. The provisions are of equivalent effect to the England and Wales provisions in Schedule 21 to the Act, save that the provisions relating to the enforcing court (that is, which court is responsible for enforcement), and the resultant extension of enforcement powers to the Crown Court, do not apply to Northern Ireland. In Northern Ireland, the Crown Court is responsible for enforcing confiscation orders, and the Act does not alter this position.

1597. Section 189(3) introduces Schedule 23 to the Act, which makes certain reforms to the confiscation regime in respect of the proceeds of crime in Scotland by amending Part 3 of POCA. Schedule 23 only makes analogous provision in respect of meaning of "criminal lifestyle" and compensation directions for the purposes of confiscation orders in Scotland, equating to the changes made to Part 2 of POCA by Parts 2 and 5 of Schedule 16 in respect of England and Wales.

Section 190: Proceedings for civil recovery: costs and expenses

1598. Subsection (1) inserts new section 288A in Part 5 of POCA. It introduces a provision to protect enforcement authorities from paying costs (or, in Scotland, expenses) during High Court (or, in Scotland, Court of Session) civil recovery proceedings, preventing the court from ordering costs (or expenses) against them unless the authority acted unreasonably, dishonestly or improperly as outlined in new section 288A(1)(a) and (1)(b). The costs principles applicable to civil recovery proceedings in a magistrates' court and the Crown Court are unaffected by this section.

1599. New section 288A(1)(c) provides that a court may disapply protections where it would be 'just and reasonable' for an enforcement authority to pay costs in certain circumstances. This is in recognition that civil recovery orders engage the right to peaceful enjoyment of possessions by permanently depriving a person of their property, ensuring compliance with the right of access to a court under Article 6 of the European Convention of Human Rights.

1600. It is at the courts discretion to decide what is 'just and reasonable' any particular case, but it is anticipated that matters which the court might take into consideration when deciding would include the particular circumstances of the defendant if an order for costs is not made in their favour. In so far as determining the amount of costs ordered to be paid, the costs provisions in the Civil Procedure Rules apply.

1601. Subsections (2) to (4) provide that the new limits on when the court can make a costs or expenses order against an enforcement authority under Chapter 2 of Part 5 of POCA apply only in the case of civil recovery proceedings started after new section 288A comes into force. Proceedings include those in respect of pre-commencement interim applications such as property freezing orders.

Part 13: Management of offenders

Section 191: Extension of polygraph condition to certain offenders

1602. This section amends section 28 of the Offender Management Act 2007 ("the 2007 Act") which provides for specified offenders to have a condition included in their licence requiring them to undergo polygraph testing. Currently the section is limited to sex offenders, specified terrorist offenders, and certain domestic abusers, and associated service offenders, aged 18 or over and where the custodial sentence is 12 months or over. Most offenders released from custody in England and Wales serve a licence period in the community. Licences contain conditions to manage risk and help re-integrate the offender.

1603. Subsection (3) inserts new subsections (2A) and (2B) into section 28 of the 2007 Act. New section 28(2A) allows polygraph testing to be imposed on an offender convicted of murder, whom the Secretary of State considers pose a risk of committing a relevant sexual offence (as defined in section 28(4)) on release on licence. New section 28(2B) allows polygraph testing to be imposed on an offender serving a relevant custodial sentence in respect of an offence who, at any earlier time during that sentence, was also serving a relevant custodial sentence for a relevant sexual offence. The new subsections apply to offenders who are aged 18 or over on the day that they are released.

1604. Subsections (4) to (8) extend the polygraph provisions to cases where the Secretary of State is satisfied the offending was or took place in the course of an act of terrorism, or was committed for the purposes of terrorism.

1605. As there are different cohorts of these offenders owing to changes in the terrorism connection sentencing framework (see policy background), the identification of these offenders is set out in three separate subsections. New subsection (4BA) applies to those who committed non-terrorist offences (including service offences) carrying a maximum penalty of over two years' imprisonment before 18 June 2009. New subsection (4BB) applies to those who committed non-terrorist offences carrying a maximum penalty of over two years' imprisonment between 19 June 2009 and 29 June 2021, who could not be given a terrorist connection aggravating factor by the court.

1606. At the time of drafting, section 1 of the CTSA 2021 has not yet been commenced for service offenders. New subsection (4BC) enables the polygraph provisions to apply to service offenders who commit the service equivalent of a non-terrorist offence carrying a maximum penalty of over two years' imprisonment between 19 June 2009 and the date of that commencement, who could not be given a terrorist aggravating factor by the court.

Section 192: Duty of offender to notify details

1607. This section places a new duty on offenders serving a sentence in the community, requiring them to inform their responsible officer if they change their name, use a different name (for example, an alias), or change their contact information. This duty applies to both adults and children.

1608. Subsection (2) amends the Sentencing Code by inserting new section 97A which relates to offenders under the age of 18.

1609. New section 97A(1) provides that new section 97A applies to offenders that have been sentenced to a referral order that has not been revoked or discharged, and a youth offender contract between an offender and youth offender panel has taken effect.

1610. New section 97A(2)(a) establishes a requirement for youth offenders sentenced to a referral order to notify the relevant member of the youth offender panel ("the panel") if they begin using a name that is not specified in the referral order whilst the terms of the contract are active (this could be an alias, or a name used in online gaming). New section 97A(2)(b) requires offenders sentenced to a referral order to notify the relevant members of the panel of any telephone numbers or email addresses they have.

1611. New section 97A(3) provides that the offender must notify the panel of the change of name and contact details as soon as reasonably practicable in the relevant circumstances.

1612. New section 97A(4) provides that the obligation in subsection (2) to notify the relevant member of the panel is to be treated as a term of the youth offender contract. The youth offender contract is the agreement made between the child and the panel which contains the terms that the child must adhere to.

1613. New section 97A(5) defines the "relevant member" as the member of the panel who, in accordance with the arrangements made by the panel, is responsible for receiving the notifications of a change of name or contact details.

1614. New section 97A(6) states that a "relevant member" for the purposes of section 97A, must be the person specified as the panel member appointed by the youth offending team from among its members in accordance with section 91(4)(a) of the Sentencing Code.

1615. New section 97A(7) requires the panel to provide the offender with written notification and contact details of the relevant member they must notify if they change their name or contact details.

1616. New section 97A(8) provides that the obligation in subsection (2) apply to an order made at any time including before this section comes into force.

1617. Subsection (3) amends section 193 of the Sentencing Code, which imposes a duty on offenders to keep in touch with their responsible officer. In subsection (2), paragraph (b) is substituted for new paragraph (b), and new subsections (2A) and (4) of section 193 make further provision about the obligation to keep in touch. These amendments place a duty on youth offenders sentenced to a youth rehabilitation order to notify their responsible officer if they change their name or contact details, and to notify the responsible officer of any telephone numbers or email addresses they have.

1618. New section 193(2A) provides that offenders must comply with the obligation in subsection (2)(b)(i) and (ii) as soon as reasonably practicable.

1619. New section 193(4) provides that the obligation in section 193(2)(b)(i) and (ii) apply to a youth rehabilitation order made at any time including before (as well as those made after) this section comes into force.

1620. Subsection (3)(c) amends section 193(3) to provide for the court to deal with an offender who breaches the obligation in subsection (2) in the same way as someone who breaches a youth rehabilitation order. The powers of the court when a breach of a youth rehabilitation order is proven are set out in Schedule 7 to the Sentencing Code and include ordering the offender to pay a fine (not exceeding £2,500), amending the terms of the order to add or substitute any requirements that could be included in a youth rehabilitation order and re-sentencing the offender.

1621. Subsections (4) and (5) make like amendments to section 215 of the Sentencing Code, which applies to offenders sentenced to community orders, and to section 301 of the Sentencing Code, which applies to offenders sentenced to suspended sentences, as the amendments made by subsection (3) in respect of youth rehabilitation orders. Court powers on a breach of a community order are set out in Schedule 10 to the Sentencing Code and include making the order more onerous, imposing a fine or resentencing the offender. Powers on a breach of a suspended sentence order are set out in Schedule 16 to the Sentencing Code. If a breach is proven there is a presumption that the court will activate the custodial sentence.

Section 193 and Schedule 24: Notification requirements for child cruelty offenders

1622. Subsection (1) confers a power on the Secretary of State, by regulations (subject to the draft affirmative procedure), to establish a system of notification requirements for those convicted or cautioned of a 'child cruelty' offence specified in Schedule 24.

1623. Subsections (2) and (3) define the meaning of a child cruelty offender for the purposes of notification requirements.

1624. Subsection (4) sets out the parameters of a notification requirement scheme to be established by these regulations, including the duration of requirements, the method and timing of notifications and necessary safeguards.

1625. Subsection (5) specifies that regulations must provide individuals subject to an indefinite period of notification requirements with an opportunity for the requirements to be reviewed and ceased where appropriate.

1626. Subsection (6) ensures that details of the notification requirements for child cruelty offences align with those imposed on registered sex offenders under Part 2 of the 2003 Act.

1627. Subsection (7) places a requirement on the Secretary of State to consult with the National Police Chiefs' Council and others before making regulations under section 193.

1628. Subsection (8) defines terms for the purposes of this section.

Section 194: Notification requirements for child cruelty offenders: enforcement

1629. This section establishes parameters relating to any offence introduced by regulations made under section 193, the ability of such regulations to confer police powers required to monitor compliance with the notification requirements, and necessary safeguards.

1630. Subsection (1) specifies that regulations may provide for an offence where (without a reasonable excuse) an individual has either failed to comply with notification requirements or knowingly provided false information in connection with such requirements. Subsection (2) specifies the maximum penalties that regulations may provide for such an offence.

1631. Subsections (3) and (4) provides that regulations under section 193 may confer powers on the police to enter and search relevant premises for the purposes of assessing the risk posed by an individual who is subject to notification requirements. Such powers may only be exercisable under a judicially approved warrant, and in situations where the police have sought and been unable to obtain entry at least twice.

1632. Subsections (5) and (6) define terms for the purposes of this section.

Section 195: Notification requirements for child cruelty offenders: power to amend Schedule 24

1633. Subsection (1) confers a power on the Secretary of State to amend the list of 'child cruelty' offences listed in Schedule 24 which may bring an individual in scope of notification requirements. It also enables the Secretary of State to amend the provisions of section 196 (which relate to the interpretation of convictions and offences in these sections). Regulations made under this section are subject to the draft affirmative procedure.

1634. Subsection (2) provides that regulations may add a new offence to Schedule 24 only where the Secretary of State is satisfied this is appropriate in view of the serious harm the offence may pose to children; and where the offence is not already covered by notification requirements which may be placed on registered sex offenders through Part 2 of the 2003 Act.

1635. Subsection (3) provides that any offence added to Schedule 24 via regulations must include a condition that the victim was under 18 (where this is not already made clear by the definition of the offence itself).

1636. Subsections (4) and (5) provide that where the Secretary of State adds an offence to Schedule 24 (or amends the conditions relating to convictions or offences set out in section 198), notification requirements cannot be retroactively applied to such cases.

1637. Subsection (6) places a requirement on the Secretary of State to consult with the National Police Chiefs' Council and such other persons as they consider appropriate before making regulations under this section.

Section 196: Notification requirements for child cruelty offenders: interpretation

1638. Subsections (1) and (2) set out that for the purposes of the child cruelty notification requirements, an individual is to be treated as 'convicted' in cases where they receive a hospital order, an absolute discharge or conditional discharge in relation to their offence.

1639. Subsection (3) provides that the definitions in Schedule 24 include attempts and conspiracy to commit such offences; as well as encouraging, assisting or procuring the commission of those offences.

1640. Subsection (4) specifies that a reference to a person's age in Schedule 24 should be taken as their age at the time the offence occurred.

1641. Subsection (5) specifies the various forms of detention and custodial arrangements covered by the term 'imprisonment' where it appears in Schedule 24.

Part 14: The police

Section 197: Accelerated investigation procedure in respect of criminal conduct

1642. This section amends the prohibition, imposed by paragraph 20 of Schedule 3 to the 2002 Act, preventing criminal proceedings from being brought before completion of the final report on an investigation under Schedule 3 (save in exceptional circumstances).

1643. Subsection (1) inserts paragraph 20(1)(za) into Schedule 3 stating that criminal proceedings may be brought before completion of a final report on an investigation where a determination is made under new paragraph 20ZA.

1644. Subsection (2) inserts new paragraph 20ZA in Schedule 3. This new paragraph allows the Director General of the IOPC or the appropriate authority (as the case may be) to make a determination for the purposes of new paragraph 20(1)(za) (inserted by subsection (1)) enabling criminal proceedings to be brought before completion of a final report on the investigation. In order for a determination in new paragraph 20ZA to be made, the conditions in new paragraph 20ZA(3) to (6) must be met.

1645. The conditions set out in new paragraph 20ZA(3) to (6) align with the conditions applicable under paragraphs 23 or 24 for the purposes of notifying the Director of Public Prosecutions ("DPP") on the investigation. Namely the Director General of the IOPC, or the appropriate authority (as the case may be), must consider:

- that the investigation at the time of the determination indicates that there is a realistic prospect of conviction of a criminal offence against the person to whom the investigation relates;
- it is appropriate for the matter under investigation to be considered by the DPP;
- considerations as to whether it is appropriate to refer a matter to the DPP include circumstances where it is not considered in the public interest to refer matters to the CPS; and
- in considering whether the conditions are met, the Director General or appropriate authority must have regard to the Code for Crown Prosecutors issued under section 10 of the Prosecution of Offences Act 1985.

1646. Subsection (3) substitutes the heading of paragraph 20 to Schedule 3 to the 2002 Act to reflect the above changes.

1647. Subsection (4) states that the changes made by this section only apply to those matters in respect of which a complaint was made, or that have come to the attention of the IOPC on or after the day the section comes into force.

Section 198: Conditions for notification of Director of Public Prosecutions of investigation report

1648. This section amends Schedule 3 to the 2002 Act which sets out the framework for investigations into complaints against police officers, the conduct of police officers, and deaths and serious injuries caused by the police. This section amends the conditions applicable to the Director General of the IOPC, and to the appropriate authority (the chief officer of police or the local policing body for the force concerned depending on the matter investigated) which must be met for matter subject of an investigation to be notified to the DPP and for the final report on the investigation to be transmitted to the DPP.

1649. Subsection (1) amends paragraph 23 of Schedule 3 to the 2002 Act, which sets out the actions the Director General of the IOPC must take on receipt (or on completion as the case may be) of a report on an investigation under Schedule 3. Paragraph 23(2A) and (2B) sets out conditions for the Director General to consider. The condition in paragraph 23(2A) is that the report indicates that a criminal offence may have been committed. The condition in paragraph 23(2B) is that the Director General consider it appropriate to refer the matter to the DPP. If both conditions are met the Director General must notify the DPP on the investigation.

1650. Subsection (1)(a) substitutes paragraph 23(2A). New paragraph 23(2A) sets out the amended first condition which the Director General must consider in respect of the report on the investigation for the purposes of deciding whether the DPP should be notified. The new condition is that the report indicates that there is a realistic prospect of conviction of a criminal offence against the person to whom the investigation relates.

1651. Subsection (1)(b) inserts new paragraph 23(2C) and (2D) into Schedule 3. New paragraph 23(2C) clarifies that considerations under paragraph 23(2B) as to whether it is appropriate for a matter to be referred to the DPP to include circumstances where it is not considered in the public interest to refer matters to the CPS.

1652. New paragraph 23(2D) imposes a duty on the Director General to have regard to the Code for Crown Prosecutors issued under section 10 of the Prosecution of Offences Act 1985 when considering whether the conditions set out in paragraph 23(2A) and (2B) are met. This code sets out the general principles crown prosecutors should follow when deciding whether to prosecute a case.

1653. Subsection (2) amends paragraph 24 of Schedule 3, which sets out the actions to be taken by the appropriate authority when a report on an investigation carried out by the appropriate authority on its own behalf or directed by the IOPC is considered the appropriate authority. Paragraph 24(2A) and (2B) sets out conditions for the appropriate authority to consider. The condition in paragraph 24(2A) is that the report indicates that a criminal offence may have been committed. The condition in paragraph 24(2B) is that the appropriate authority consider it appropriate to refer the matter to the DPP. If both conditions are met the appropriate authority must notify the DPP on the investigation. These conditions are identical to those applicable to the Director General of the IOPC under paragraph 23. The amendments to paragraph 24 are identical to those made to paragraph 23.

1654. Subsection (2)(a) substitutes paragraph 24(2A). New paragraph 23(2A) sets out the amended first condition which the appropriate authority must consider in respect of the report on the investigation for the purposes of deciding whether the DPP should be notified. The new condition is that the report indicates that there is a realistic prospect of conviction of a criminal offence against the person to whom the investigation relates.

1655. Subsection (2)(b) inserts paragraphs 24(2C) and (2D). New paragraph 24(2C) clarifies that considerations under paragraph 24(2B) as to whether it is appropriate for a matter to be referred to the DPP to include circumstances where it is not considered in the public interest to refer matters to the CPS.

1656. New paragraph 24(2D) imposes a duty on the appropriate authority to have regard to the Code for Crown Prosecutors issued under section 10 of the Prosecution of Offences Act 1985 when considering whether the conditions set out in paragraph 24(2A) and (2B) are met.

1657. Subsection (3) amends paragraph 25 of Schedule 3, which sets out the process of review of the outcome of an investigation into a complaint where certain conditions are met. In particular, the amendment concerns paragraph 25(4F) which sets out the conditions to be met for a decision to be made by the relevant review body (the Director General of the IOPC or a local policing body as the case may be) as to whether the person investigated should be referred to the DPP. Subsection (3) amends paragraph 25(4F) and inserts sub-paragraphs (4FA) and (4FB) to ensure the conditions applicable to a review under paragraph 25 are identical to the conditions relevant for decisions to refer a matter to the CPS under paragraphs 23 or 24.

1658. Subsection (4) states that the changes made by this section only apply to those matters in respect of which a complaint was made, or that have come to the attention of the IOPC on or after the day the section comes into force.

Section 199: Duty of IOPC Director General to give victims right to request review

1659. This section inserts a new paragraph 23A in Schedule 3 to the 2002 Act, setting out in statute a right for victims to request a review of a proposed decision by the Director General of the IOPC not to refer to the DPP a person under criminal investigation by the Director General, on the basis that the conditions in paragraph 23(2A) or (2B) are not met. This new right is intended to place on a statutory footing the existing IOPC scheme on victims' right to review. The measure is also intended to balance the raising of the threshold in paragraph 23(2A) and (2B) of Schedule 3, providing victims with a right to request a review of decisions concerning that threshold.

1660. New paragraph 23A(1) sets out the scope of the new right. The victims right to review applies in respect of investigations where an officer whose conduct is investigated was informed that the investigation was being treated as concerning a conduct constituting or involving the commission of a criminal offence and where the Director General intends to make a determination that one of the conditions in paragraph 23(2A) or (2B) are not met.

1661. New paragraph 23A(2) imposes a duty on the Director General to enable victims to request that the proposed determination is reviewed within a set timeframe.

1662. New paragraph 23A(3) enables the Director General to determine persons or class of persons who should be considered victims for the purposes of this provision, and timeframes for the review to take place.

Section 200: Anonymity for authorised firearms officers charged with qualifying offences

1663. This section creates a presumption that, in criminal proceedings where the defendant is a qualifying firearms officer, the defendant's name, address and date of birth will be withheld from the public, and a reporting direction will be made, unless to do so would be contrary to the interests of justice. A reporting direction is defined at section 202. This section also creates a power to make an anonymity order in respect of a qualifying defendant where the court is satisfied that such an order is necessary in the interests of justice. An anonymity order is defined at section 203. Section 200 applies where a defendant in criminal proceedings is accused of a qualifying offence, which is one alleged to have been committed in the exercise of a defendant's functions as an authorised firearms officer involving the discharge by the defendant of a conventional round from a lethal barrelled weapon which the defendant was authorised to use. Definitions for the purposes of section 200 are provided at subsection (7). The presumptions and powers set out in section 200 cease to apply where the defendant is convicted of a qualifying offence, and any restriction imposed by the court under this section ceases to have effect when the defendant is sentenced for the offence.

1664. Subsection (1) provides that the section applies in criminal proceedings in a magistrates' court or the Crown Court in England and Wales, and that it applies in service justice proceedings anywhere. It also provides that the section only applies where the defendant in those proceedings is charged with a qualifying offence.

1665. Subsection (2) provides that the offence is a qualifying offence if the offence took place while the defendant was carrying out the functions of an authorised firearms officer, and where the offence involved the discharge of the firearm that the defendant was authorised to use as a firearms officer. An offence is not a qualifying offence if it involves the discharge of a round or other missile that does not meet the definition of a conventional round because it is designed to be used without giving rise to a substantial risk of causing death or serious injury. Definitions for the purposes of subsection (2) are provided at subsection (7).

1666. Subsection (3) confers powers on the court to:

- Ensure the defendant's name, address and date of birth is withheld from the public in court proceedings, unless withholding such information would be contrary to the interests of justice.
- Impose a reporting direction in respect of the defendant (if one is not already in place), unless it would be contrary to the interests of justice to do so. A reporting direction is defined at section 202(1).

1667. Subsection (4) provides that the court may make an anonymity order in respect of the defendant. An anonymity order is defined at section 203(1).

1668. Subsection (5) provides that if the defendant is convicted:

- The section no longer applies to the defendant, and
- Any reporting direction given or anonymity order made under this section ceases to have effect at the time that the defendant is sentenced for the offence.

1669. Subsection (6) defines an authorised firearms officer by reference to the authorisation required. The definition includes authorised firearms officers in a territorial police force, BTP, MDP, CNC and NCA. The definition extends to authorised firearms officers of the police services of Scotland or Northern Ireland who are providing assistance to a police force in England and Wales. The definition also extends to members of the armed forces who are deployed to support a police force or the NCA, and who are authorised to use a lethal barreled weapon with a conventional round for the purposes of that deployment.

1670. Subsection (7) provides definitions for the purposes of this section.

1671. Subsection (8) requires that this section does not apply to proceedings which started before the section comes into force.

Section 201: Anonymity for authorised firearms officers appealing convictions for qualifying offences

1672. This section provides a power to a court which has convicted a defendant of a qualifying offence, as defined at section 200(2), to make any anonymity or reporting direction which it could have made prior to conviction under section 200, where necessary in the interests of justice. Any such anonymity order or reporting direction ceases to have an effect if no appeal against conviction is brought within the applicable time limit. If an appeal against conviction is brought within the time limit, the court dealing with the appeal must decide whether to make an anonymity order or reporting direction at the earliest possible opportunity. Any such order or direction ceases to have effect if the appeal against conviction is abandoned or dismissed.

1673. Subsection (1) provides that section 201 applies in criminal proceedings in a magistrates' court or the Crown Court in England and Wales, and that it applies in service justice proceedings anywhere. It also provides that the section only applies where the defendant in those proceedings is charged with a qualifying offence.

1674. Subsection (2) states that the court which has convicted the defendant may make any anonymity order or reporting direction where it is necessary in the interests of justice to do so.

1675. Subsection (3) requires that any reporting direction given or anonymity order made under subsection (2) ceases at the end of the appeal period unless the defendant submits an appeal against the conviction within that period.

1676. Subsection (4) requires that where the defendant brings an appeal against the conviction during the appeal period, the court may make any necessary reporting direction or anonymity order where it is necessary in the interests of justice to do so.

1677. Subsection (5) provides that any reporting direction or anonymity order made under subsection (4) must be made at the earliest opportunity.

1678. Subsection (6) provides that any reporting direction given or anonymity order made under subsection (2) prior to an appeal being made, will cease should the court make a reporting direction or anonymity order under subsection (5).

1679. Subsection (7) sets out that the abandonment or dismissal of the appeal causes a reporting direction or anonymity order made under subsection (4) to cease to have effect.

1680. Subsection (8) defines terms used in this section.

1681. Subsection (9) requires that this section does not apply if the proceedings in which the defendant was convicted started before this section came into force.

Section 202: Authorised firearms officers: reporting directions

1682. This section defines a reporting direction for the purposes of sections 200 and 201 as a direction that prohibits the publication of any matter likely to lead members of the public to identify the defendant as the defendant in criminal proceedings. It also provides a non-exhaustive list of matters relating to the defendant that would, in particular, be likely to identify the defendant if published. Reporting directions may be indefinite in length, or may be made for a fixed period. A reporting direction may be revoked where it is necessary in the interests of justice to do so.

1683. This section also provides for excepting directions allowing the court to explicitly dispense with the restrictions imposed under a reporting direction, where such an excepting direction is necessary in the interests of justice. An excepting direction could clarify that publication of specific details would not breach the reporting direction. An excepting direction may be revoked or varied by the court who made the reporting direction, by a court which assumes conduct of criminal proceedings from the court which made the reporting direction, or by the court dealing with appeal proceedings arising from the criminal proceedings in which the excepting direction was made.

1684. Subsection (1) defines a reporting restriction for the purposes of sections 200 and 201.

1685. Subsection (2) provides a non-exhaustive list of details which are likely to lead to the identification of the defendant if published.

1686. Subsection (3) requires that the court may direct, by way of an "excepting direction", that, to any extent, the restrictions imposed by a reporting restriction may be dismissed.

1687. Subsection (4) determines when an "excepting direction" can be made and that it can be varied or revoked.

1688. Subsection (5) provides the length of time for which a reporting direction may be in effect.

1689. Subsection (6) allows a court to revoke a reporting direction if it is necessary in the interests of justice to do so.

1690. Subsection (7) defines terms used in this section.

Section 203: Authorised firearms officers: anonymity orders

1691. This section defines an anonymity order for the purposes of sections 200 and 201. An anonymity order is an order which requires specified measures to be taken to withhold the defendant's identity from the public in proceedings. A non-exhaustive list of measures that may form part of an anonymity order is also provided. However, an anonymity order cannot screen the defendant so as to prevent them from being seen by the judge or any other member of the court, or the jury; nor can it be used to modulate the defendant's voice to the extent the defendant's natural voice cannot be heard by the judge or any other member of the court, or the jury. An anonymity order may be varied or discharged if it is necessary in the interests of justice to do so.

1692. Subsection (1) defines an anonymity order.

1693. Subsection (2) provides examples of measures which may form part of an anonymity order.

1694. Subsection (3) clarifies the limitations of an anonymity order, specifying that such an order may not allow certain actions.

1695. Subsection (4) provides that the court may vary or discharge an anonymity order.

1696. Subsection (5) defines terms used in this section.

Section 204: Appeals to police appeals tribunals

1697. This section creates a power for the Secretary of State to make rules enabling a statutory route of appeal to the police appeals tribunal for chief officers (in respect of police officers, or former police officers, in their force) and local policing bodies (in respect of chief officers, or former chief officers, in their force area). Reference to police officers is a reference to members of a police force and special constables.

1698. Police officers (or former officers) who wish to appeal against the finding or outcome of their misconduct proceedings may do so by appealing to the police appeals tribunal established by section 85 of, and Schedule 6 to, the 1996 Act. Section 85(1) of the 1996 Act enables the Secretary of State to make rules specifying the circumstances in which a police officer (or former officer) may bring such an appeal (see the Police Appeals Tribunals Rules 2020 (SI 2020/1)). Currently, only the officer (or former officer) subject to misconduct proceedings may appeal the finding or outcome of their misconduct hearing. Chief officers may only challenge a decision by a misconduct panel by way of judicial review - a process which is considered to be more long-winded, limited in scope and expensive than appeals to the specialist police appeals tribunal. This section amends the 1996 Act to enable the Secretary of State to provide by rules that the force's chief officer, as the individual with overall responsibility for the professional standards of its workforce, can have a statutory route to appeal such decisions. Further parity and fairness are achieved by enabling the Secretary of State to provide local policing bodies (that is, PCCs or Mayors with PCC functions) with a mirroring right of appeal in cases where the hearing relates to the chief officer of police for whom it is the local policing body and the IOPC in any case in which it has presented.

1699. Subsection (2) amends section 85 of the 1996 Act, which provide the Secretary of State with the power to make rules establishing cases in which an appeal may be brought to the police appeals tribunal.

1700. Subsection (3) inserts new subsections (1A) to (1C) into section 85 of the 1996 Act, enabling the Secretary of State to make rules – in practice amendments to the existing Police Appeals Tribunals Rules 2020 - on the circumstances where a chief officer, local policing body or IOPC may appeal to the police appeals tribunal, in order to challenge the finding or outcome at a police misconduct hearing.

1701. New section 85(1A) allows a chief officer of police to appeal against a decision relating to a member or former member of the chief officer's force, or special constable or former special constable of their police area. New section 85(1B) enables the Secretary of State to make rules permitting a local policing body to appeal to the police appeals tribunal when the decision relates to the chief officer, or former chief officer, of police for whom it is the local policing body. New section 85(1C) enables the Secretary of State to make rules permitting the IOPC to appeal to the police appeals tribunal in circumstances in which the IOPC has presented the case at the relevant hearing.

1702. Subsection (2) also makes a consequential amendment to section 85(2) of the 1996 Act, so that rather than referring to the "appellant", it refers to the "person to whom the appeal relates". This provision aims to make sure that the legislation works both for the current route of appeal (by officers themselves) and for the new routes of appeal (by chief officers or local policing bodies). This is necessary because in future cases, the chief officer may be the appellant and so it is important to distinguish that the appellant may be a different person than the person to whom the appeal relates.

1703. Subsection (4) amends paragraph 1 of Schedule 6 to the 1996 Act, which sets out the composition of the panel which will hear an appeal by a senior officer (officer above the rank of chief superintendent), or former senior officer. In such cases, the panel comprises an independent legally qualified chair, HM Chief Inspector of Constabulary (or one of HM Inspectors of Constabulary) and the permanent secretary of the Home Office (or a Home Office Director). The subsection inserts new sub-paragraph (A1) which clarifies that the existing composition of appeal tribunals set out in sub-paragraph (1) is applicable not only in circumstances where the senior officer concerned appeals, but also where the chief officer makes an appeal in relation to a senior officer in their force or where the local policing body makes an appeal in relation to the relevant chief officer. The effect of this provision is to ensure that the composition of the police appeals tribunals' panel applicable to senior officers is consistent in circumstances where the chief officer or local policing body are the appellant, and in circumstances where the officer concerned by the decision is the appellant.

1704. Subsection (5) amends paragraph 2 of Schedule 6 to the 1996 Act, which sets out the composition of the panel which will hear an appeal by a non-senior officer (officer of the rank of chief superintendent or below). In such cases, the panel comprises an independent legally qualified chair, a senior police officer and a lay person. This applies to serving and former officers and serving and former special constables. The subsection inserts new sub-paragraph (A1) which clarifies that the existing composition of appeal tribunals set out is applicable not only in circumstances where the officer concerned appeals, but also where their relevant chief officer makes an appeal. The effect of this provision is to ensure that the composition of appeal tribunal panels applicable to non-senior officers is consistent in circumstances where the chief officer is the appellant, and in circumstances where the officer concerned by the decision is the appellant.

1705. Subsection (6) amends paragraph 7 of Schedule 6 to the 1996 Act, which provides that, where the police appeals tribunal makes an order, replacing the original decision which is being appealed, the police appeals tribunal's order will be applicable retrospectively (for certain purposes) from the date the original decision appealed was made. Subsection (6)(c) introduces the new paragraph 7(1)(4), which sets out that where a police appeals tribunal makes a new decision to dismiss (replacing the original decision not to dismiss), the tribunal's new decision takes effect from the date on which it is made. This ensures that an officer whose sanction is increased by the police appeals tribunal further to an appeal by their chief officer (or local policing body or the IOPC), resulting in the officer's dismissal, that officer is considered to be dismissed from the date of that decision by the police appeals tribunal, and

not from the date of the original decision at a misconduct hearing. This avoids that an officer dismissed at a later date by the police appeals tribunal could be held liable for their pay between the original decision date and the subsequent dismissal decision by the tribunal. Subsection (6) also makes consequential amendments to sub-paragraph (2) and (3) of paragraph 7 of Schedule 6 to the 1996 Act so that rather than referring to the "appellant", it refers to the "person to whom the appeal relates" for the reasons set out above. This provision aims to make sure that the legislation works both for the current route of appeal (by officers themselves) and for the new routes of appeal (by chief officers or local policing bodies). This is necessary because in future cases, the chief officer may be the appellant and so it is important to distinguish that the appellant may be a different person than the person to whom the appeal relates.

1706. Subsection (7) amends paragraph 9 of Schedule 6 to the 1996 Act, which provides that, in appeals by the officer concerned, the costs of the appeal will be met by the appellant, unless the police appeals tribunal directs that the whole, or part, of their costs should instead be met by the respondent. In such appeals, the respondent is responsible for its own costs. Subsection (7) also inserts new paragraphs 9 and 10, which covers the costs in appeals by the chief officer or local policing body. In such appeals, the appellant is responsible for its own costs. The respondent is also responsible for its own costs, unless the police appeals tribunal directs otherwise. Subsection (7) also inserts new paragraph 11, which covers the costs in appeals by the IOPC. In such appeals, the IOPC is responsible for its own costs, unless the police appeals tribunal directs otherwise, except in cases in which the IOPC and appropriate authority had agreed that the IOPC should present the case from which the appeal arose. In which case, the appropriate authority is responsible for the appellant's costs. The respondent is again responsible for its own costs, unless the police appeals tribunal directs otherwise.

1707. Subsections (9) make equivalent provision to the changes being made to the power in section 85 of the 1996 Act to section 4A of the Ministry of Defence Police Act 1987 (the "MDP Act"). The MDP Act provides the statutory basis for the MDP powers and defines its jurisdiction.

1708. Subsection (9)(a) extends the power in section 4A of the MDP Act to allow the Secretary of State to make regulations enabling the chief constable for the MDP to appeal against a decision made in relation to a member or a former member (other than those who are senior officers (that is, above the rank of chief superintendent) or were, immediately before ceasing to be a member of the MDP, senior officers). It further provides that the regulations can allow the Secretary of State to appeal against a decision relating to the chief constable or a former chief constable of the MDP, or a senior officer or former senior officer (who was a senior officer immediately before ceasing to be a member).

1709. Subsection (9)(b) makes a minor consequential change for the same reason as the change being made by subsection (4).

1710. Subsection (9)(c) provides that regulations made under section 4A of the MDP Act may provide that the MDP Committee or any other person appointed in accordance with the regulations may take decisions relating to appeals that would otherwise be taken by the Secretary of State or the chief constable for the MDP.

1711. Subsection (9)(d) applies the definition of "senior officer" contained in section 4 of the MDP Act, being a member of the MDP holding a rank above that of chief superintendent, to section 4A of the MDP Act.

Section 205: Law enforcement employers may not employ etc barred persons

1712. This section requires law enforcement employers (as defined in section 206) to check the barred lists set out in subsection (8) before hiring or appointing individuals be it in the capacity of a constable, civilian employee, Police Community Support Officer, community support volunteer or policing support volunteer. It prohibits the employment or appointment of anyone who appears on the lists. The section also prohibits a law enforcement employer from entering into a contract for the provision of services if the terms of the contract would permit a barred person to be involved in the exercise of law enforcement functions (subsection (6)). This section replaces like provision in sections 88C to 88E of the Police Act 1996 which applies to a more limited list of law enforcement employers and the police barred list only.

Section 206: Meaning of "law enforcement employer"

1713. This section defines the term "law enforcement employer" for the purposes of the duties to check the barred lists and advisory lists and the prohibition on employing barred persons. It lists the chief officers of territorial forces in England and Wales, the Director General of the NCA, British Transport Police Authority, Civil Nuclear Police Authority, local policing bodies (PCCs and equivalents), the IOPC, the Chief Inspector of Constabulary, the Secretary of State (in the case of MDP), and the College of Policing as law enforcement employers. Subsection (1)(k), (2) to (5) enables the Secretary of State, by regulations (subject to the draft affirmative procedure), to specify other bodies or persons who perform law enforcement functions. Regulations made under subsection (1)(k) may not contain provision which would be within the legislative competence of the Scottish Parliament or Northern Ireland Assembly (subsections (6) and (7)). So, for example, regulations could not add the chief constable of Police Scotland or the Police Service of Northern Ireland to the list of law enforcement employers.

Section 207: Application of section 205 to Secretary of State

1714. This section provides that the Secretary of State is only required to carry out these checks when the individual will be involved in the exercise of MDP functions. This provision is necessary as the Secretary of State for Defence appoints MDP constables and is the employer of MDP civilian staff.

Section 208: Application of section 205 to specified law enforcement employer

1715. Subsection (1) provides that the duties in section 205(1) and (2) apply in relation to a specified law enforcement employer (as defined in subsection (7)) only to the extent that the proposed employee or proposed appointee (as the case may be) will be involved in the exercise of specified law enforcement functions. So, for example, where a police force employs a person wholly to undertake functions in relation to building maintenance, the duties to check the barred list and not to employ a barred person do not apply. However, where a specified law enforcement employer proposes to change the job role of an employee, appointee or secondee such that they are to take on law enforcement functions having not previously undertaken such functions, the specified law enforcement employer is required to check the barred lists and not confer law enforcement functions on the employee, appointee or secondee if they are a barred person (subsections (3) to (5)).

Section 209: Duty of law enforcement employers to check advisory lists

1716. This section requires law enforcement employers to check the advisory lists listed at subsection (6) before employing or appointing an individual. The Secretary of State is only required to carry out these checks when the individual will be involved in the exercise of MDP functions (see subsections (4) and (5)). If a person appears on an advisory list there is no bar on employing, appointing, seconding or designating (as the case may be) that person, but

the law enforcement employer would be expected to take such information into account in deciding whether to proceed with the employment, appointment, secondment or designation. This section replaces like provision in section 88K of the Police Act 1996 which applies to a more limited list of law enforcement employers and the police advisory list only.

Section 210: Application of section 209 to specified law enforcement employer

1717. Subsection (1) provides that the duties in section 205(1) and (2) apply in relation to a specified law enforcement employer (as defined in subsection (5)) only to the extent that the proposed employee or proposed appointee (as the case may be) will be involved in the exercise of specified law enforcement functions. Where a specified law enforcement employer proposes to change the job role of an employee, appointee or secondee such that they are to take on law enforcement functions having not previously undertaken such functions, the specified law enforcement employer is required to check the advisory lists (subsections (2) to (4)). If a person appears on an advisory list there is no bar to conferring law enforcement functions on that person, but the specified law enforcement employer would be expected to take such information into account in deciding whether to proceed with the proposed change in the person's role such that they take on such functions.

Section 211: Interpretation of sections 205 to 210

1718. This section defines terms used in sections 205 to 210.

Section 212 and Schedule 25: Special police forces: barred persons lists and advisory lists

1719. Section 212 introduces Schedule 25 which makes provision for barred persons lists and advisory lists to be maintained by the British Transport Police Authority, the Civil Nuclear Police Authority, the Director General of the NCA, and the Secretary of State in respect of the MDP. Sections 88B and 88J of the Police Act 1996 already place a duty on the College of Policing to maintain a police barred list and police advisory list in respect of territorial police forces in England and Wales.

1720. Paragraph 1 of Schedule 25 establishes that certain UK law enforcement authorities are required to maintain a list of individuals who are barred from employment. These authorities are the British Transport Police Authority, the Civil Nuclear Police Authority, the Director General of the NCA, and the Secretary of State (for the MDP). Each authority must keep its own "barred persons list," which must contain specific information about each barred individual, as defined by regulations set by the Secretary of State (subject to the negative procedure). The lists are named according to the law enforcement agency to which they relate.

1721. Paragraph 2 outlines the requirement for law enforcement authorities to add individuals to their barred persons lists if they have been dismissed due to disciplinary proceedings, or if it is determined they would have been dismissed had they not retired or resigned. The Director General of the NCA must include such individuals in the NCA barred list. Likewise, the British Transport Police Authority, Civil Nuclear Police Authority, and the Secretary of State (for the MDP) must do the same for former constables of their respective forces. The term "relevant police force" refers to the specific force under each authority's oversight.

1722. Paragraph 3 provides that the Civil Nuclear Police Authority and the British Transport Police Authority must add individuals to their barred persons lists if they are dismissed as civilian employees (as defined in sub-paragraph (3)) due to issues related to conduct, efficiency, or effectiveness—or if it is found they would have been dismissed had they not retired or resigned. For the purposes of this provision, dismissal is defined in line with the Employment Rights Act 1996.

1723. Paragraph 4 provides that individuals must be removed from a barred persons list if certain conditions are met. This includes cases where a previously barred person is reinstated as an NCA officer or as a constable of the relevant police force, or where a disciplinary finding that would have led to dismissal is later overturned. In such cases, the relevant policing authority is required to remove the individual from the list.

1724. Paragraph 5 sets out that civilian employees must be removed from a barred persons list if their dismissal is later ruled unfair by an employment tribunal or on appeal, or if a disciplinary finding that they would have been dismissed is overturned through appeal proceedings specified by the Secretary of State. In such cases, the relevant policing authority is required to remove the individual from the list.

1725. Paragraph 6 provides that the Secretary of State may by regulations (subject to the negative procedure) make further provision about the removal of individuals from barred persons lists in circumstances not already covered by paragraphs 4 or 5.

1726. Paragraph 7 provides that the Secretary of State may, by regulations (subject to the negative procedure) require the British Transport Police Authority, the Civil Nuclear Police Authority, and the Secretary of State (for the Ministry of Defence Police)—to publish information about individuals on their barred persons lists. Regulations may specify which individuals are included on the published list, what information must be published, when and for how long it should be made public, and the manner of publication. The NCA barred person lists is not covered by these regulations as their list will be held privately due to the sensitive nature of the roles within the NCA.

1727. Paragraph 8 permits a relevant policing authority to disclose information from its barred persons list about a specific individual if it considers doing so is in the public interest.

1728. Paragraph 9 requires each relevant policing authority to maintain an advisory list, which must include specific information about individuals as set out in regulations made by the Secretary of State (subject to the negative procedure).

1729. Paragraph 10 requires relevant policing authorities to include individuals in their advisory lists if they resign or retire while under investigation or if a relevant allegation arises after they leave. Inclusion is triggered if the resignation or retirement occurred after an allegation came to light but before disciplinary proceedings concluded (Condition 1), or if the allegation emerged after the individual left the force (Condition 2). The requirement applies to NCA officers, constables, and, for condition 1 only, civilian employees of the Civil Nuclear Police Authority and British Transport Police Authority. The allegation must relate to conduct, efficiency, or effectiveness and be serious enough that, if proven, it could have led to dismissal.

1730. Paragraph 11 requires a relevant policing authority to remove a person from its advisory list if it is determined that no disciplinary proceedings will be brought, if proceedings are withdrawn, or if they conclude without a finding that the person would have been dismissed had they not resigned or retired. Additionally, a person must be removed from the advisory list if they are added to the barred persons list. The Secretary of State may also make regulations (subject to the negative procedure) for removals from the advisory list in other circumstances not covered by these provisions.

1731. Paragraph 12 allows a relevant policing authority to disclose information from its advisory list about a specific individual if it considers such disclosure to be in the public interest.

1732. Paragraph 13 defines "disciplinary proceedings" as it applies to different policing bodies. For NCA officers, it refers to any process concerning conduct and resulting actions. For constables of the BTP, CNC, and MDP, it refers to proceedings under specific regulations tied to their respective governing legislation. For the CNC, it refers to proceedings under provision relating to matters which are the subject of specific regulations For civilian employees of the British Transport Police Authority, the definition is set by regulations made by the Secretary of State (subject to the negative procedure).

1733. Paragraph 14 defines terms used in Schedule 25.

1734. Paragraph 15 provides that the Secretary of State must consult the Scottish Ministers and Department of Justice in Northern Ireland before making regulations under this Schedule containing provision which would be within the legislative competence of the Scottish Parliament or Northern Ireland Assembly respectively.

Section 213: Consequential amendments

1735. Subsection (1) repeals sections 88C to 88E and 88K of the Police Act 1996 which contain provisions relating to checks against the police barred list and police advisory list which are superseded by the provisions in sections 205 to 208.

1736. Subsections (3) and (4) amend section 42(3AA) and (3B) of the Police Reform and Social Responsibility Act 2011 to provides that a person on one of the new barred lists, or the Scottish police barred list, cannot be appointed as Metropolitan Police Commissioner or Deputy Commissioner.

Section 214: Power to give directions to critical police undertakings

1737. This section inserts new section 40D into the Police Act 1996 so that the Secretary of State may give a direction to a critical police undertaking.

1738. New section 40D(12) applies the definition of an "undertaking" in section 1161(1) of the Companies Act 2006, namely: a body corporate or partnership, or an unincorporated association carrying on a trade or business, with or without a view to profit.

1739. New section 40D(1) provides that the Secretary of State may give a notice of designation to a critical police undertaking as defined in section 40D(2).

1740. New section 40D(2) defines an undertaking as a critical police undertaking if:

- it provides facilities or services to two or more police forces,
- the provision of facilities or services to police forces is its principal business activity,
- it is wholly or partly funded by grants from the Secretary of State, and
- the Secretary of State considers that the facilities or services it provides to police forces are calculated to promote the efficiency and effectiveness of the police.

1741. New section 40D(3) provides that a critical police undertaking to which a notice is given must comply with any directions given to it under section 40D by the Secretary of State.

1742. New section 40D(4) to (6) and (11) sets out when a notice or direction can be given and what a direction may contain. A direction may require the critical police undertaking to whom it is given to take, or not to take, any action that is calculated to promote the efficiency and effectiveness of the police. This may include:

a) entering into agreements, including contracts of employment;

b) appointing officers;

c) exercising a function of management in a particular way;

d) providing information to the Secretary of State (a notice under section 40D is subject to the general data protection override in section 183A of the Data Protection Act 2018.).

1743. New section 40D(7) provides that the Secretary of State must consult the affected critical police undertaking before giving a notice or direction.

1744. New section 40D(8) and (9) provide that a notice or direction must be given in writing, published and laid before Parliament.

1745. New section 40D(10) enables the Secretary of State to vary or revoke a notice or direction by issuing a further direction.

Part 15: Terrorism and national security
Chapter 1: Youth diversion orders

Section 215: Power to make youth diversion orders

1746. Chapter 1 of Part 15 introduces new Youth Diversion Orders ("YDOs") for terrorism-related cases. The YDO is a new counter-terrorism risk management tool available for young people aged up to and including 21 years. The intention of the YDO is to divert a young person away from terrorist offending (and/or further terrorist offending) and enable the police to intervene at an earlier stage.

1747. Section 215 introduces a power for the police to make an application to the courts for a YDO.

1748. Subsection (1) explains that a chief officer of police may apply to an appropriate court (as defined in subsection (3)) for a YDO for an individual who is aged between 10 and 21 years old in England and Wales or Northern Ireland, or aged between 12 and 21 years old in Scotland. The increased minimum age limit in Scotland recognises the higher age of criminal responsibility in that jurisdiction.

1749. Subsection (2) sets out the conditions which must be met for the court to approve an application for a YDO. Subsection (2)(a) sets out the required conduct which the respondent must be involved in for the court to approve a YDO. On receiving an application from the police for a YDO, a court must be satisfied, on the balance of probabilities, that the respondent has committed a terrorism offence, a relevant offence with a terrorism connection or has been engaged in conduct likely to facilitate the commission of a terrorism offence. Terrorism offences, for the purposes of the YDO, are those offences listed in section 41(1) of the Counter-Terrorism Act 2008 ("CTA 2008") or an ancillary offence (within the meaning of section 94 of the CTA 2008) in relation to a section 41(1) offence. An offence with a terrorism connection means a relevant offence as defined by subsection (3).

1750. Subsection (2)(b) sets out the second limb of the test for making a YDO, namely that the court considers it necessary to make an order for the purposes of protecting the public from a risk of terrorism or other serious harm. Terrorism is defined with reference to section 1 of the Terrorism Act 2000. Section 216 provides the definition of serious harm for the purposes of the YDO.

Section 216: Meaning of "serious harm"

1751. This section provides for the definition of serious harm which the court will need to consider when making a decision on whether a YDO is necessary to protect the public from a risk of serious harm. For the purposes of the YDO, serious harm refers to harm from conduct that involves serious violence against a person, endangers the life of another person, or creates a serious risk to the health and safety of the public or a section of the public. Subsection (1)(b) provides that the risk of serious harm may also include harm from the threat of such conduct, for example the threat of serious violence. Subsections (2) and (3) provide that a reference to conduct or a person in this section may refer to conduct or a person in any part of the world. This recognises that a respondent may pose a risk of serious violence to a person based overseas.

Section 217: Content of youth diversion orders

1752. This section makes provision relating to the content of YDOs, such as the prohibitions or requirements ("measures") which may be included in a YDO. Subsection (1) sets out that a YDO may prohibit the respondent from doing anything described in the order or require the respondent to do anything described in the order.

1753. Subsection (2) sets out examples of prohibitions or restrictions that may be imposed through a YDO. Subsection (3) provides examples of requirements, for instance that the respondent may be required to attend appointments or provide information. Subsection (3)(d) provides that a YDO may also impose notification requirements on a respondent. These requirements are set out in section 218. Subsection (4) provides that a YDO may impose restrictions on the possession of weapons or explosives and such restrictions may be similar to those that the Secretary of State can impose through the Terrorism Prevention and Investigation Measures Act 2011 (see section 6A of Schedule 1 to the 2011 Act). Subsection (5) provides further detail about the types of measures that may be imposed under subsection (2)(c) - restrictions on the possession or use of electronic communication devices. These may include conditions which support the police to monitor compliance with such restrictions, for example by surrendering the device to a constable temporarily to allow a constable to undertake an inspection of a device.

1754. Subsection (6) provides further detail on the interpretation of "inspection" used in subsection (5). Inspection in this context includes accessing the device or the online account, examining information held on the device or accessed by means of the device, and extracting that information. Extracting information could include, for example, copying or downloading the information.

1755. Subsection (7) provides that the court may only include a prohibition or requirement in a YDO if it considers it necessary for the purposes of protecting the public from a risk of terrorism or serious harm.

1756. Subsection (8) sets out safeguards which limit the extent of measures that can be included in a YDO. Any measure must avoid, so far as practicable, conflict with the respondent's religious beliefs, any interference with the times that the respondent normally attends educational establishments or works, and any conflict with the requirements of any other court order or injunction to which the respondent is subject. For example, if the individual were already subject to a civil injunction, the court must consider whether similar measures imposed by a YDO are necessary and proportionate, and that they do not conflict with the requirements imposed by the civil injunction.

1757. Subsection (9) provides that a YDO must specify the duration of the order (which must not exceed 12 months).

1758. Subsection (10) provides that a YDO may specify different periods for which specific measures will be applied, for example some measures may be applied for a shorter amount of time in comparison to others which could last for the full duration of the YDO.

Section 218: Notification requirements

1759. This section sets out that a YDO may include a requirement for the defendant to notify the police of their name(s), including any aliases, home address, and the name and address of any educational establishment the respondent normally attends. This is not a mandatory requirement for all YDOs, but may be included in a YDO if included in an application by the police and approved by the court. This section sets out where and how that notification is to occur and the requirement for the police to acknowledge it.

1760. If this requirement is included in a YDO, the defendant must notify their local police of their name(s), home address, and name and address of any educational establishment the respondent normally attends, such as a college or university, within three days (subsection (2)). Changes of name, home address, or educational establishment must also be notified within three days of the change (subsections (3) and (4)).

1761. The respondent's "home address" for these purposes is defined in subsection (7), as meaning either the person's sole or main residence in England and Wales or, where they have no such residence, the address or location in England and Wales they can regularly be found. If a person can regularly be found at two or more locations (for example, at a family home during university holidays but in university accommodation during term time) they would need to select one of these places and provide details of its address. Equally, if a person is homeless, they would need to provide details of one location where they can regularly be found.

1762. Notification must be given by attending at a police station in the police area in which the home address, or the court which made the initial order, is situated. Notifications must be given orally to the police (subsection (5)). The police must acknowledge the notification in writing (subsection (6)).

1763. Subsection (8) provides that the three-day period within which notification must be given does not take into account time when the defendant is w lawfully detained, for example whilst the respondent is in police detention, or otherwise lawfully deprived of their liberty, or outside the UK.

Section 219: Electronic monitoring of compliance with order: England and Wales

1764. Subsection (1) sets out that YDOs can include the requirement for persons subject to an order to submit to electronic monitoring, in order to monitor their compliance with other prohibitions or requirements of the order (for instance where curfews or restrictions on movement are part of the terms of an individual's YDO).

1765. Subsections (2) and (3) stipulate the requirement for a specified person to be responsible for the monitoring in accordance with descriptions set out in regulations made by the Secretary of State. In practice, the regulations will specify the service provider or providers who are contracted to provide electronic monitoring services for the purposes of the YDO regime.

1766. Subsection (4) sets out the obligations on the person subject to an electronic monitoring requirement as part of an YDO regarding the fitting, installation, inspection or repair of the device. Someone who is subject to this requirement must: allow any necessary

device to be fitted to them or installed; allow the device to be inspected; not interfere with the working of any device necessary for the electronic monitoring (such as tampering or intentionally damaging the device); and take any steps required by the 'responsible person' (the service provider) to keep the device in working order.

Section 220: Conditions for imposing electronic monitoring requirements: England and Wales

1767. This section sets out the statutory safeguards and provisions which courts must consider before imposing electronic monitoring as a condition of a YDO. These include that the electronic monitoring requirement cannot be imposed in the absence of the person subject to the YDO and that the consent of any additional persons must be gained if the electronic monitoring of an individual would be impractical to impose without their cooperation, for example the consent of the Youth Offending Team.

1768. Subsection (4) provides that the court may only impose an electronic monitoring requirement if it has been notified by the Secretary of State that electronic monitoring arrangements are available in the relevant police area (as defined in subsection (5)), and that the court is satisfied that the necessary provision can be made under the available arrangements to support the electronic monitoring requirement.

Section 221: Data from electronic monitoring in England and Wales: code of practice

1769. This section requires the Secretary of State to issue a code of practice relating to the processing of data gathered during electronic monitoring where this is imposed as a requirement for a YDO. It is intended that the code of practice outlines the expectations, safeguards, and broad responsibilities for the collection of data gathered, retention and sharing of information on these orders.

Section 222: Duty to consult

1770. This section requires the police to consult certain authorities before applying for a YDO or applying for a variation or discharge of a YDO.

1771. In England and Wales and Northern Ireland, the chief officer of police must consult the local youth offending team or the Youth Justice Agency, as the case may be, where the respondent is under the age of 18 at the time of the application.

1772. In Scotland, the chief constable must consult the Lord Advocate and the relevant local authority in all cases. The chief constable must also consult the Principal Reporter where the respondent is under the age of 18 at the time of the application.

Section 223: Applications without notice

1773. Applications for a YDO will normally be made following the giving of notice to the respondent, however this section allows the police to apply for a YDO without giving such notice (subsection (1)). Without notice applications should, in practice, only be made in exceptional or urgent circumstances and the police will need to produce evidence to the court as to why a without notice hearing is necessary.

1774. Subsection (2) provides that, where the application is made without notice in England and Wales or Northern Ireland, the applicant is not required to comply with the consultation requirements set out in section 222(1). In Scotland, the duty to consult the Lord Advocate continues to apply for applications without notice but the section 222(2)(b) and (c) duties to consult the relevant local authority or the Principal Reporter to not apply. However, the applicant must meet the section 222 consultation requirements before the first hearing, of which notice has been given (subsections (4) and (5)).

1775. Subsection (3) provides that, where a without notice application is made, the court may adjourn the proceedings without granting an interim YDO, adjourn the proceedings and grant an interim YDO, or dismiss the application.

Section 224: Interim youth diversion orders

1776. An interim YDO may be made by a court where it is considering an application for a YDO (whether made with notice or without). Subsection (2) provides that where the court considers it necessary to do so, an interim order can be made lasting until the determination of the application.

1777. Subsection (3) provides that while an interim YDO may impose such prohibitions as may be imposed in a full YDO (and as the court thinks are required), the only requirement it may contain is a requirement to provide information or a requirement to comply with section 218 (notification requirements). Other positive requirements, such as attending appointments or participating in activities, cannot be part of an interim YDO.

1778. If an interim YDO is made at a hearing without notice, it only takes effect upon being served on the respondent (subsection (5)).

Section 225: Variation and discharge of youth diversion orders

1779. Subsection (1) permits the chief officer of police who applied for the YDO or the respondent (referred to collectively as "a relevant person") to apply to the relevant court. Subsection (2) specifies which court the application must be made to.

1780. Subsection (3) provides that, before the court makes any order to vary or discharge the YDO, the applicant and the other relevant person have a right to be heard.

1781. Subsection (4) provides that a variation may include the addition of new measures, an extension of the duration of any measure, or an extension of the YDO. The YDO may only be extended up to six months on a maximum of two occasions. As a result, the maximum duration of a YDO is two years. Subsection (5) ensures that such provisions can only be made where the court considers the provision, for example an additional prohibition or requirement, is necessary for the purpose of protecting the public from a risk of terrorism or serious harm. Subsection (6) provides that the safeguards in section 217(8) and (10) apply to additional prohibitions or requirements included in a variation of an order, namely that the prohibition or requirement must avoid, so far as practicable, interference with the times that the respondent normally attends educational establishments or works, and any conflict with the requirements of any other court order or injunction to which the respondent is subject; and that the variation may specify periods for which particular additional prohibitions or requirements have effect.

1782. Subsection (7) prevents the applicant, in the case of a dismissal, from reapplying to the court for a variation or discharge without prior consent of the court or agreement from the other party.

Section 226: Appeal against youth diversion orders etc

1783. This section makes provision for the parties to appeal.

1784. Subsection (1) provides that a relevant person (the applicant or the respondent) may appeal a decision made by the court following an application for a YDO, a decision made in relation to an interim youth diversion order, or a decision made on an application to vary or discharge a YDO.

1785. Subsection (2) provides for the relevant court for appeals to be made. In England and Wales, relevant parties may appeal to the Crown Court in Scotland to the Sheriff Appeal Court, and in Northern Ireland to the county court.

1786. Subsection (3) sets out that, on appeal, the relevant court may make such orders that the court considers necessary to give effect to its determination on the appeal. This means that the court may, for example, vary the duration of a YDO or the relevant measures.

1787. Subsection (4) sets out that relevant rules of court may provide that an appeal against a decision made to dismiss an application without notice (under section 223) or to refuse to make an interim YDO (under section 224) may be made without notice being given to the respondent.

Section 227: Offence of breaching youth diversion order

1788. Subsection (1) makes it a criminal offence to breach a YDO, without reasonable excuse.

1789. Subsection (2) makes it a separate offence to knowingly provide any information or produce any document that the person knows to be false.

1790. Subsection (3) makes it a separate offence to fail, without reasonable excuse, to comply with, or knowingly provide false information for the purposes of complying with the notification requirements (section 218), where these are included in a YDO.

1791. Subsection (4) provides for the maximum penalty for the offences. On conviction on indictment the maximum penalty is two years' imprisonment, a fine, or both.

1792. Subsection (5) outlines that if a person is found guilty of an offence under this section, the court that convicts them is not permitted to issue a conditional discharge for that offence.

1793. Subsections (6) and (7) provide clarification around the offence in subsection (3)(a) and how this will be calculated against days where there is a reasonable excuse for non-compliance. Subsection (8) sets out that the individual may not be prosecuted for this offence more than once in respect of the same failure.

1794. Subsection (9) provides that a copy of the YDO, certified by the proper officer of the court that made it, is admissible as evidence of the YDO having been made and its contents to the same extent that oral evidence of those matters would be admissible in those proceedings.

1795. Subsection (10) makes a consequential amendment to the Sentencing Code to ensure conditional discharge is not available for youth diversion orders.

Section 228: Guidance

1796. Subsection (1) confers a duty on the Secretary of State to issue guidance to chief officers of police on three particular matters. Firstly, this must include guidance on matters to be taken into account by the police before making an application for a YDO, including alternative interventions or approaches that could be considered. Secondly, this must include guidance on how the police are to comply with their duties to consult under section 222, for example, how they should consult youth justice agencies. Thirdly, this must include guidance on the circumstances in which it may be appropriate for the police to consult persons beyond those listed at section 222 (for example other agencies) before making an application for a YDO or a variation or discharge application.

1797. Subsection (2) confers a power on the Secretary of State to issue guidance to the police about the exercise of their other functions in respect of YDOs, and to revise any guidance under this section.

1798. Subsection (3) provides that chief officers of police are required to have regard to such guidance issued under this section (subsection (1) and (2)).

1799. Subsection (4) requires the Secretary of State to consult with specified persons before issuing or revising such guidance. The list of consultees covers youth justice partners, prosecuting authorities, the NPCC and the chief constables of Police Scotland and the Police Service of Northern Ireland, the Independent Reviewer of Terrorism Legislation and such other persons as the Secretary of State considers appropriate. In Scotland, given there is no equivalent to the Youth Justice Board or Youth Justice Agency, the Secretary of State must consult the Scottish Ministers.

1800. Subsection (5) provides for such guidance or revisions to the guidance to be subject to the negative resolution procedure.

1801. Subsection (6) provides that the requirement to consult in subsection (4), and the negative resolution procedure, do not apply to revisions of the guidance which the Secretary of State considers are insubstantial.

1802. Subsection (7) requires the Secretary of State to lay before Parliament any guidance or revisions to the guidance, or in the case of insubstantial revisions, the Secretary of State must lay a statement before Parliament which explains why the Secretary of State does not consider the revisions to be substantial.

Section 229: Rules of court about anonymity for respondents

1803. This section makes provisions for rules of court relating to YDO proceedings to make provision for anonymity orders.

1804. Subsection (2) provides for an anonymity order to include such prohibitions or restrictions as the court considers are appropriate relating to the disclosure of information, by such persons as the court specifies or by persons generally, regarding the identity of the respondent or any information that may identify the respondent.

Section 230: Applications

1805. This section makes provision for YDO applications to be made by complaint to a youth court or other magistrates' court and, in any other case, should be made in accordance with rules of court.

1806. Subsection (2) provides that the time limit for complaints in a magistrates' court in England and Wales and Northern Ireland (that the magistrates' court shall not hear a complaint unless the information was laid, or the complaint made, within six months from the time the offence was committed or the matter of complaint arose) does not apply to YDO applications.

1807. Subsection (3) enables proceedings in Scotland for or in relation to a youth diversion order to be heard by a summary sheriff.

Section 231: Reviews of operation of this Chapter

1808. This section provides for independent oversight of the operation of YDOs. Subsection (1) adds YDOs to the list of statutory powers in section 44(2) of the Counter-Terrorism and Security Act 2015, which the person appointed under section 36(1) of the Terrorism Act 2006 (referred to as the Independent Reviewer of Terrorism Legislation) must keep under review. Section 44(2) of the 2015 Act provides that the independent reviewer must send a report on the outcome of any reviews under that section as soon as reasonably practicable after the review is completed, and on receipt, the Secretary of State must lay a copy of it before Parliament.

Chapter 2: Other provisions about terrorism and national security

Section 232: Prevention of terrorism and state threats: weapons etc

1809. Paragraph 6A of Schedule 1 to the Terrorism Prevention and Investigation Measures Act 2011 ("the TPIM Act") allows the Home Secretary to impose a measure prohibiting anyone subject to a TPIM notice from possessing "offensive weapons". Paragraph 7 of Schedule 7 to the National Security Act 2023 makes the same provision for individuals subject to a State Threat Prevention and Investigation Measures notice ("STPIM"). "Offensive weapons" are defined in both these provisions as "an article made or adapted for use for causing injury to the person, or intended by the person in possession of it for such use (by that person or another)".

1810. Subsection (1) amends the definition of "offensive weapons" in the TPIM Act to refer to things which the Secretary of State reasonably considers could be used for causing injury to the person, and specifically to include within that definition corrosive substances (as defined by section 6 of the Offensive Weapons Act 2019) and motor vehicles. Subsection (2) makes analogous amendments to the National Security Act 2023. Subsection (3) provides that the amendments made by subsections (1) and (2) apply to TPIMs and STPIMs in force on the commencement date of this section as well as to future orders.

Section 233: Offence of wearing or displaying articles in support of proscribed organisation

1811. This section amends section 13 of TACT 2000. It is an offence under section 13(1) of TACT 2000 for a person in a public place to wear, carry or display articles in such a way or circumstances as to arouse reasonable suspicion that the person is a member or supporter of a proscribed organisation. A proscribed organisation is an organisation listed in Schedule 2 to TACT 2000 for being concerned in terrorism. On summary conviction for an offence under section 13, a person is liable to imprisonment for no more than six months, an unlimited fine, or both.

1812. Under section 13(4) of TACT 2000 a constable may seize articles reasonably suspected of being evidence of the offence under section 13(1) where satisfied that it is necessary to do so to prevent the evidence being concealed, lost, altered or destroyed.

1813. Subsection (2) inserts new section 13(1ZA) which provides for a new offence that replicates the offence under section 13(1) for conduct taking place in prisons and other relevant premises (as defined in new section 13(8)). For example, a person who displays a Hamas flag in a prison cell may commit the new offence. Hamas is an organisation currently proscribed in Schedule 2 to TACT 2000.

1814. Subsection (3) expands the existing seizure power at section 13(4) to make it available to the police in cases where there is no person connected with the article. The effect of section 13(4) as amended is: i) to confer the power on a constable to seize an item of clothing (outer garments only) or other article, such as a flag or banner, if they reasonably suspect that the item is evidence of an offence under new section 13(1ZA); and ii) to permit the police to seize an article in order to prevent its ongoing display in a public place. The intention of the amendment is to ensure that an article can also be seized by the police even without an investigation into a potential offence under section 13(1). In practice, this would, for example, enable the seizure of a flag or poster which arouses reasonable suspicion the individual who displayed it was a member or supporter of a proscribed organisation, but where there is no evidence to connect the display of the article with a specific individual (for example, where it has been abandoned but remains on display).

1815. Subsection (4) also inserts new section 13(7) which is a power for the police to destroy articles they have seized under section 13(4). This destruction power would be used where the police do not need to retain the article as evidence in relation to an offence under subsection (1).

1816. Subsection (5) inserts a new section 93ZE into the Armed Forces Act 2006. This enables service police to seize and destroy articles on service custody premises which they reasonably suspect of being evidence of an offence under section 42 of the Armed Forces Act 2006. The offence under section 42 of the Armed Forces Act 2006 must be a corresponding offence under new section 13(1ZA) of the Terrorism Act 2000.

Section 234 and Schedule 26: Management of terrorist offenders

1817. Subsection (1) introduces Schedule 26 (notification orders) to the Act.

1818. Schedule 26 amends Part 4 of the CTA 2008 to allow the police or the Secretary of State to apply to the court for a notification order imposing the terrorist notification requirements on an offender who committed their offence, or was sentenced for it, prior to the commencement of the CTA 2008 on 18 June 2009 or between 2009 and 2021 (for an offence which fell outside the specified list in Schedule 2 to the CTA 2008).

1819. Paragraphs 2 to 7 of Schedule 26 make consequential amendments to the CTA 2008 to reflect the insertion of new Schedules 4A and 6A to that Act by paragraphs 8 and 9 respectively.

1820. Paragraph 8 of Schedule 26 introduces new Schedule 4A into the CTA 2008. The purpose of new Schedule 4A is to allow the police or the Secretary of State to apply to the court for a notification order for those offenders sentenced before the commencement of the CTA2008 on 18 June 2009 or for those sentenced for an offence that fell outside of the list specified in Schedule 2 to the CTA 2008 who were sentenced between 2009 and 2021 (since 2020 the provisions for England and Wales are found in the Sentencing Code).

1821. Paragraph 1 of new Schedule 4A defines the terms used throughout that Schedule.

1822. Paragraph 2(1) of new Schedule 4A allows an authorised person (as defined in paragraph 1) to apply to the appropriate court for a domestic offence notification order.

1823. Paragraph 2(2) of new Schedule 4A sets out that the court must make a domestic notification order if it is satisfied that the four conditions set out in paragraphs 2(3) to (8) are met. If they are not, the court must refuse the application.

1824. Paragraph 2(3) to (5) of new Schedule 4A sets out that the first condition is that the offender was convicted of the offence before 29 June 2021, that the penalty for that offence was for more than two years' imprisonment and that it is not an excluded offence. This is a three-limb test in which all limbs must be met.

1825. The definition of an excluded offence is detailed in paragraph 2(4). Paragraphs (a) to (c) are intended to excluded orders being made in relation to cases where it was open to a court to find a terrorism connection at the relevant time, but no such finding was made (either because the connection was not alleged by the prosecution, or the court determined that there was no connection). Paragraph (d) excludes certain offences that remain outside the scope of the terrorist connection provisions.

1826. Paragraph 2(5) makes a slight modification to the condition provided by paragraph 2(4)(a) to produce an equivalent effect for offences that were dealt with prior to the commencement of Part 4 of the CTA 2008.

1827. Paragraph 2(6) of new Schedule 4A sets out the second condition, which is a three-limb test: the person subject to the order must have been sentenced to a term of imprisonment or detention of at least 12 months (or a sentence falling with section 45 of the CTA 2008) for the offence in question, must have been aged 16 years old or over at the time of their sentence, and at the time at which the domestic notification order is made, must be either imprisoned (including being absent without leave) or released on licence.

1828. Paragraph 2(7) of new Schedule 4A sets out that the third condition is that the relevant offence has a terrorist connection (as defined by section 93 of the CTA 2008). Under this section, an offence has a terrorist connection if the offence either is, or takes place in the course of, an act of terrorism, or is committed for the purposes of terrorism.

1829. Paragraph 2(8) of new Schedule 4A sets out that the fourth condition is that the notification requirement period (that is, the period for which the person will be subject to the notification requirements upon their release) has not expired before the application to the court. The notification requirement period can remain in place upon release on licence for a minimum of 10 years and for up to 30 years depending on the length of sentence imposed.

1830. Paragraph 3 of new Schedule 4A places restrictions on the police force that can make applications to the court. The chief officer of police (for England and Wales), the Chief Constable of the Police Service of Scotland and the Chief Constable of the Police Service of Northern Ireland may only make an application if the individual resides in their respective area or if they believe that the person is in, or is intending to come to, that area.

1831. Paragraph 4 of new Schedule 4A provides that the effect of a domestic offence notification order is that the offender is then subject to the notification requirements in Part 4 of the CTA 2008. In summary, the notification regime requires notification of certain information about an individual, including their name and date of birth, addresses and foreign travel.

1832. Paragraph 5 of new Schedule 4A makes certain modifications of a consequential nature to Part 4 to ensure that the various notification requirements operate effectively in applying to individuals who are subject to domestic notification orders (who, in contrast to other individuals to whom the notification requirements apply, become subject to the requirements after they have been sentenced for their offence).

1833. Paragraph 9 of Schedule 26 inserts new Schedule 6A (Service Offence Notification Orders) into the CTA 2008, enabling a court to make service offence notification orders. These orders are the equivalent of domestic offence notification orders for service offences.

1834. Subsection (2) amends section 43B of Terrorism Act 2000, extending the powers of urgent arrest and personal search for those on licence (where it is suspected that they have breached a licence condition) to anyone who is subject to either the new domestic offence notification order or the service offence notification order. The power of urgent arrest gives a constable the power to arrest and detain a terrorist offender or a terrorist connected offender on suspicion of a breach of licence conditions, pending a decision on whether or not to recall the person to prison, if considered necessary to protect the public. The power of personal search gives a constable the power to stop and search a terrorist offender or terrorist connected offender who is released on licence. The power applies if it is a condition of the offender's licence that they submit to a search, and the constable considers that the search is necessary to protect the public.

Section 235 and Schedule 27: Sentences for offence of breaching foreign travel restriction order

1835. This section introduces Schedule 27 which makes amendments relating to sentences for an offence under paragraph 15 of Schedule 5 to the Counter-Terrorism Act 2008 (breach of a foreign travel restriction order), to ensure consistency with other terrorism offences carrying a maximum penalty of more than two years' imprisonment.

1836. Paragraph 1 of Schedule 27 amends Schedule 1A to the Prisoners and Criminal Proceedings (Scotland) Act 1993 (offences with restricted eligibility of terrorist prisoners for release on licence) to add the offence of breaching a foreign travel restriction order. This ensures that the first eligible release point for an individual convicted for this offence will be the two-thirds point of their custodial sentence at the discretion of the Parole Board.

1837. Paragraph 2 of Schedule 27 amends the Criminal Procedure (Scotland) Act 1995. Sub-paragraphs 2(2) and 2(3) amend section 205ZC (sentence with fixed licence period) of, and paragraph 4 of Schedule 5ZB (list of terrorism offences) to, the Criminal Procedure (Scotland) Act 1995 respectively to insert reference to the offence of breaching a foreign travel restriction order. These changes mean that individuals convicted for this offence on or after the day on which paragraph 2 of Schedule 27 comes into force will be eligible to receive a sentence with fixed licence period. Offenders who receive this sentence will only be eligible for release at the two-thirds point of the custodial part of their sentence if the Parole Board decides that they do not pose a risk to the public. On release, offenders will be subject to a minimum one-year licence period, regardless of whether they are released early or serve their full custodial term.

1838. Paragraph 3 of Schedule 27 amends the CJA 2003. Sub-paragraph 3(2) amends section 247A (restricted eligibility for release on licence of terrorist prisoners) of the CJA Act 2003, to provide that this section applies to relevant prisoners on the date on which paragraph 3 of Schedule 27 comes into force. Sub-paragraph 3(3) amends paragraph 8 of Schedule 19ZA to the 2003 Act (offences to which section 247A applies) to include the breach of a foreign travel restriction order offence. This ensures that the first eligible release point for an individual convicted for this offence is the two-thirds point of their custodial sentence at the discretion of the Parole Board.

1839. Paragraph 4 of Schedule 27 amends Schedule 1A to the Counter-Terrorism Act 2008 (offences where terrorism connection not required to be considered) to include reference to the offence of breaching a foreign a travel restriction order and specify that this change applies to a person convicted of this offence on or after the day on which paragraph 4 of Schedule 27 comes into force. This means that from this date a court in Northern Ireland or Scotland is no longer be required to consider at the point of sentencing whether this offence was committed with a terrorist connection.

1840. Paragraph 5 of Schedule 27 amends the Criminal Justice (Northern Ireland) Order 2008. Sub-paragraph 5(2) amends Article 15A of the 2008 Order (sentence with fixed licence period), by providing that this Article applies to convictions on or after the day on which paragraph 5 of Schedule 27 comes into force. These changes, read with the change in sub-paragraph 5(4), mean that from this date individuals sentenced for the offence of breaching a foreign travel restriction order are eligible to receive a sentence with fixed licence period. Sub-paragraph 5(3) amends Article 20A (restricted eligibility for release on licence of terrorist prisoners) of the 2008 Order to specify that it applies to relevant prisoners from the date on which paragraph 5 comes into force. From this date the first eligible release point for an individual convicted for this offence is the two-thirds point of their custodial sentence at the discretion of the Parole Commissioners. Sub-paragraph 5(4) amends paragraph 32 of

Schedule 2A to the 2008 Order (offences specified for various purposes of this Order relating to terrorism) to include the breach of foreign travel restriction order offence and give effect to the changes mentioned above.

1841. Paragraph 6 of Schedule 27 amends the Sentencing Code. Sub-paragraphs 6(2), 6(3) and 6(4) amend sections 252A, 265 and 278 (special sentence for offences of particular concern) of the Sentencing Code respectively, to specify that these sections apply in relation to relevant convictions on or after the day on which paragraph 6 of Schedule 27 comes into force. Sub-paragraph 6(5) amends paragraph 4 of Schedule A1 (terrorist connection aggravating factor – offences where terrorism connection not required to be considered) to the Sentencing Code by providing that it applies to someone who is convicted of the offence of breaching a foreign travel restriction order on or after the day on which paragraph 6 of Schedule 27 comes into force. Sub-paragraph 6(6) amends paragraph 4 of Schedule 13 (offences attracting special sentence for offenders of particular concern) to the Sentencing Code, to include the breach of a foreign travel restriction order offence. These changes mean that in relation to someone convicted on or after the date paragraph 6 of Schedule 27 comes into force for breaching a foreign travel restriction order a court in England and Wales is no longer required to consider at the point of sentencing whether this offence was committed with a terrorist connection, and the offender will no longer receive a standard determinate sentence. If they do not receive a life sentence or an extended sentence, they must receive a 'sentence for offenders of particular concern'.

Section 236: Length of terrorism sentence with fixed licence period: Northern Ireland

1842. Section 236 amends Article 7 of the Criminal Justice (Northern Ireland) Order 2008 ("the 2008 Order") to ensure that judges may only pass a sentence with fixed licence period, under Article 15A of the 2008 Order, that is commensurate with the seriousness of the offence.

1843. Subsection (2) provides that the section applies to those convicted on or after its commencement.

Section 237: Terrorism offences excepted from defence for slavery or trafficking victims

1844. Section 45 of the Modern Slavery Act 2015 provides for a defence for slavery or trafficking victims. The defence is intended to provide further encouragement to victims to come forward and give evidence without fear of being convicted for offences connected to their slavery or trafficking situation. The defence does not apply in the case of certain serious offences as specified in Schedule 4 to the Modern Slavery Act 2015. Schedule 4 already includes a number of terrorism offences, this section amends Schedule 4 to add further such offences to that Schedule.

Section 238: Ports and border security: retention and copying of articles

1845. This section makes a series of amendments to the provisions governing the retention and copying of articles powers under Schedule 7 to the Terrorism Act 2000 and Schedule 3 to the Counter-Terrorism and Border Security Act 2019.

1846. Subsection (1)(a) amends paragraph 11 of Schedule 7 to extend the maximum retention period under sub-paragraph (2)(a) from seven days to 14 days. To retain beyond seven days, an examining officer will require authorisation from a senior officer (as defined in new sub-paragraph (5)) who has not been directly involved in the exercise of any power to take the article or to question a person from whom the article was taken. This change is to allow examining officers more time to examine electronic devices and extract information from online accounts, but only with senior officer oversight.

1847. Subsection (1)(b) amends paragraph 11A of Schedule 7 to allow an examining officer to authorise another person to exercise the copying powers at sub-paragraph (2).

1848. Subsection (3) and (6) makes equivalent changes to Schedule 3 to the Counter-Terrorism and Border Security Act 2019 by amending paragraph 11 and 17 of that Schedule.

1849. Subsection (4) amends paragraph 12(6) of Schedule 3. Under paragraph 12(6), where the Investigatory Powers Commissioner ("the Commissioner") does not request the destruction or approve the retention of an article that has been retained by virtue of paragraph 11(2)(d) or (e) (other than an article in respect of which an authorisation is granted under paragraph 14), the article must be returned to the person from whom it was taken. This amendment allows the Commissioner to request that the article is returned to another person if they consider it would be more appropriate to do so. This is relevant where, for example, the article belongs to a person other than the person from whom it was taken. Subsection (5) makes a similar change to paragraph 16(6)(b) of Schedule 3.

1850. Subsections (7) and (8) remove an unnecessary reference to "where the examining officer is a constable". Subsection (8) also omits paragraph 20(8)(b) and (c) of Schedule 3 to reflect the fact that only a constable may retain a copy under paragraph 17.

Section 239: Prevention and investigation measures: online information

1851. This section amends the provisions in the Terrorism Prevention and Investigation Measures ("TPIM") Act 2011 and Part 2 of the National Security Act 2023, which provides for State Threat Prevention and Investigations Measures ("STPIMs"), relating to the conditions that can be imposed on the electronic communications device of an individual subject to such a measure. The amendments provide for a clear legal basis for the police to access information stored in online accounts linked to an electronic communications device of a person that is subject to such a measure.

1852. Paragraph 7(4) of Schedule 1 to the TPIM Act 2011 provides a non-exhaustive list of examples of the types of conditions that may be specified in a subject's TPIM notice. Subsection (2) inserts a new requirement to this list which provides that a TPIM notice may include requirements relating to the inspection of any online account accessed by means of a device.

1853. Subsection (3) inserts a new subparagraph (4A) into paragraph 7 of Schedule 1 to the TPIM Act with contains examples of activities that may be included in an "inspection" of a device, or an online account accessed by means of a device, namely accessing the device or the online account by means of the device, examining that information, and extracting such information.

1854. Subsection (4) adds sub-paragraphs (7) and (8) to paragraph 7 of Schedule 1 to the TPIM Act to provide the definition of an "online account" and clarify that "extracting" information may include reproducing this information in any form.

1855. Subsections (5) to (8) make equivalent amendments to those explained above to paragraph 8 of Schedule 7 to the National Security Act 2023, which contains measures which may be imposed by the Secretary of State through a STPIM.

Section 240: Duty to make statement about proscription regime

1856. This section requires the Secretary of State to lay before Parliament, and publish, a statement about the general policies and procedures of the Secretary of state in respect of the proscription of terrorist organisations under the powers conferred by section 3 of the Terrorism Act 2000. Such a statement must be laid and published within six months of Royal Assent.

Part 16: Abortion

Section 241: Removal of women from the criminal law relating to abortion

1857. This section disapplies criminal offences related to abortion from a woman acting in relation to her own pregnancy at any gestation.

1858. The section disapplies sections 58 (administering drugs or using instruments to procure an abortion) and 59 (procuring drugs etc to cause abortion) of the 1861 Act and the Infant Life (Preservation) Act 1929 ("the 1929 Act"), in respect of a pregnant woman acting in relation to her own pregnancy.

1859. The disapplication of sections 58 and 59 of the 1861 Act means that it is not a criminal offence for a pregnant woman to do any act with the intention of procuring her own miscarriage at any stage of pregnancy.

1860. The disapplication of the 1929 Act means that it is not a criminal offence for a woman to intentionally end the life of her child that is capable of being born alive (defined as 28 weeks' gestation or more in the 1929 Act).

1861. It remains an offence under the 1861 Act and 1929 Act for another person to administer drugs or use instruments to procure an abortion; procure drugs, poison, or instruments to cause an abortion; or to intentionally end the life of a child capable of being born alive. It is also still an offence for a pregnant woman to do these acts in respect of another woman.

Section 242: Provision for pardons and criminal records of women prosecuted under abortion law

1862. Subsection (2) inserts a new section 165B into the Policing and Crime Act 2017.

1863. New section 165B(1) provides that subsections (2) and (3) of new section 165B apply in respect of a woman (whether living or deceased) previously convicted of, cautioned for, arrested for or investigated on suspicion of a criminal offence related to abortion, including those under sections 58 and 59 of the 1861Act and the 1929 Act, when acting in relation to her own pregnancy. New section 165B(2) provides that where the woman has been convicted of, or cautioned for, an offence detailed in subsection (1), she is pardoned for that offence. New section 165B(3) places a duty on relevant data controllers to delete, or amend as deleted, from relevant official records any details of which they are aware of a conviction, caution, arrest or investigation detailed in subsection (1) and as far as it is reasonably practicable to make the deletion. New section 165B(4) defines the terms "relevant data controller", "relevant official records" and "delete" for the purposes of subsection (3). New section 165B(5) sets out that other expressions used in new section 165B or section 167(1) of the Policing and Crime Act 2017 (so far as relating to new section 165B) and in Chapter 4 of Part 5 of the Protection of Freedoms Act 2012 have the same meaning in new section165B or (as the case may be) section 167(1) as in that Chapter.

1864. Subsection (3) makes consequential amendments to section 167 of the Policing and Crime Act 2017.

1865. Section 242 does not apply to other persons previously convicted of, cautioned for, arrested for, or investigated on suspicion of a criminal offence related to abortion. It also does not apply to women who were pregnant at the relevant time previously convicted of, cautioned for, arrested for, or investigated on suspicion of such offences when acting in respect of another woman.

Part 17: Miscellaneous and general

Section 243: Implementation of law enforcement information sharing agreements

1866. This section provides the appropriate national authority (as defined in section 244) with the power to make regulations (subject to the negative procedure) to implement the technical and, where appropriate operational detail, of any new or existing legally binding international law enforcement information-sharing agreements. Such international law enforcement information-sharing agreements preceding the making of regulations under this section are subject to usual treaty ratification procedures, including the provisions regarding parliamentary scrutiny as provided for in Part 2 of the Constitutional Reform and Governance Act 2010. Regulations made under section 243 are subject to the general data protection override in section 183A of the Data Protection Act 2018.

Section 244: Meaning of "appropriate national authority"

1867. This section defines the "appropriate national authority" by which regulations may be made under section 243 as the Secretary of State or, where a provision falls within devolved competence, Scottish Ministers, Welsh Ministers or the Northern Ireland Department of Justice, as stipulated in subsections (2) to (4).

1868. Restrictions in Schedule 7B to the Government of Wales Act 2006 prevent the Senedd from removing, without the consent of the appropriate UK Government Minister, any function of a Minister of the Crown, that relates to a qualified devolved function in that Act. Subsection (6) disapplies the relevant restriction in Schedule 7B to the Government of Wales Act 2006, in respect of the concurrent powers provided in section 243 of the Act, by adding the Crime and Policing Act 2026, to the lists of enactments in paragraph 11(6)(b) of Schedule 7B to the Government of Wales Act 2006, to which the general restriction referenced above will not apply. This allows the Senedd to alter the concurrent arrangements in future without needing the UK Government's consent.

Section 245: Consultation with devolved authorities about regulations under section 243

1869. This section requires the Secretary of State, before making regulations under section 243, to consult devolved governments about any provision in the regulations which would be within the legislative competence of the relevant devolved legislature, by virtue of section 244.

Section 246: Extradition: cases where a person has been convicted

1870. Sections 20 (for EU member states) and 85 (for non-EU member states) of the Extradition Act 2003 deal with conviction cases, that is where the person has already been tried for the offence for which extradition is sought and has been found guilty.

1871. Where a person has been convicted in their absence but the judge finds that they did not deliberately absent themselves from the trial for the purposes of section 20(3) or 85(3), the judge must then decide whether the person would be entitled to a retrial or review amounting to a retrial on return to the requesting territory (sections 20(5) and 85(5) respectively).

1872. Currently, a conditional entitlement to a retrial/appeal, contingent on a finding in the requesting state that the requested person was not deliberately absent from their trial, is insufficient for a judge to proceed with the extradition hearing and the court may be required to order the requested person's discharge.

1873. This section amends sections 20 and 85 of the Extradition Act 2003 so that an entitlement to retrial/appeal which is conditional upon the requesting state court finding that the requested person was not deliberately absent is sufficient for a judge to proceed to the next step of the extradition hearing.

1874. The section also amends sections 20 and 85 so that the existence of an unexercised past right of retrial/appeal is sufficient for a judge to proceed to the next step of the extradition hearing.

Section 247: OFCOM's notices to providers of internet services

1875. Subsection (1) inserts new section 31A into Part 1 of the Coroners and Justice Act 2009 ("the 2009 Act"). This creates a duty for a coroner in England and Wales to notify Ofcom within five working days of being made aware that the body of a deceased child (aged between 5 and 17) is within their area. The duty does not apply if, within that timeframe, the coroner decides that they do not have a duty to investigate the death under section 1 of the 2009 Act (that is, they do not suspect the cause of death to have been violent, unnatural, of unknown cause, or to have occurred in custody or other state detention); or the coroner is satisfied that preserving information about the child's online activity would serve no purpose because it is of no relevance to their death.

1876. Subsections (2) and (3) amend section 101 of the OSA 2023 so that notification by a coroner under the section 31A duty triggers a requirement for Ofcom to issue a data preservation notice to providers of services described in regulations (and updated by reference to relevant external sources), and a discretion for a notice to be issued to any other provider identified by the coroner.

1877. Subsection (4) amends section 102 of the OSA 2023 so that, where a service provider is issued with a data preservation notice in relation to an investigation by a coroner in England and Wales, that data is retained for a period of six months. The existing one-year retention period is retained for investigations in Northern Ireland and Scotland.

Section 248: Power to amend Online Safety Act 2023: AI

1878. Subsection (2) inserts new section 216A into the OSA 2023 and enables the Secretary of State, by regulations, to bring currently unregulated generative AI services, including chatbots in scope of regulation under the OSA 2023 and subject to duties to tackle illegal AI content and the commission or facilitation of priority offences (as defined in section 59 of the OSA 2023) on their services. New section 216A(1) confers a power for the Secretary of State to make regulations amending that Act in order to minimise or mitigate the risks of harm to individuals in the UK presented by illegal AI-generated content and the use of AI services (as defined in new section 216A(2)) for priority offences.

1879. New section 216A(3) and (4) provide that regulations made under new section 216A(1) may impose specific duties on providers of generative AI services, including chatbots, that correspond or are similar to a number of existing duties in the OSA 2023 relating to illegal content and activity. These include the Online Safety Act's illegal content duties for user-to-user or search services, and by virtue of new section 216A(7), reporting duties related to reporting child sexual exploitation and abuse ("CSEA") content.

1880. New section 216A(8) provides that regulations made under new section 216A(1) may also impose on providers of AI services, including chatbot service providers, requirements corresponding or similar to the Online Safety Act's existing requirements relating to fees. Regulations may also impose on Ofcom duties in relation to generative AI services, including chatbot service providers, corresponding or similar to the Online Safety Act's existing duties relating to Ofcom's register of risks and risk profiles, so far as these relate to illegal AI-generated content generated by such services or the use of these services to facilitate or commission a priority offence. Similarly, the regulations may also confer on Ofcom functions corresponding or similar to Ofcom's existing powers to provide notices to service providers to deal with terrorism content and CSEA content – where this is AI generated. They may also

confer on Ofcom functions in relation to generative AI services regarding information-gathering, enforcement and the production of guidance or a code of practice relating to regulating AI services in relation to illegal content or priority offences.

1881. New section 216A(11) and (12) provide that regulations made under new section 216A may make provision to exempt certain types of generative AI services, or to specify threshold conditions that service providers must meet in order to be regulated by the OSA 2023.

1882. New section 216A(13) provides that regulations made under new section 216A(1) can apply to generative AI services, including chatbots, provided from outside the UK, provided they have links with the UK. A service is considered as having links with the UK if the service has a significant number of UK users or UK users form a target market for the service, or if the service is capable of being used in the UK-by-UK users, and there are reasonable grounds to believe that there is a material risk of significant harm to UK users from AI generated illegal content on the service. This corresponds to the existing conditions in the OSA 2023.

1883. Subsection (3) amends section 225 of the OSA 2023 to provide that regulations made under new section 216A(1) are subject to the draft affirmative procedure.

Section 249: Section 248: duty to make progress report

1884. This section requires the Secretary of State to lay before Parliament a report on the progress made towards making the regulations under new section 248 of the OSA 2023 by no later than 31 December 2026. This duty ceases to apply if draft regulations are laid before Parliament before that date.

Section 250: Criminal liability of bodies corporate and partnerships where senior management commits an offence

1885. This section enables a corporate body or partnership to be held criminally liable where a senior manager commits any offence while acting within the actual or apparent authority granted by the organisation.

1886. At present, for most offences, whether a corporate body will be criminally liable relies on the application of the common law "identification doctrine", under which the offence must be carried out by a person representing the "directing mind and will" of the body corporate. The provisions in this section do not replace or amend the common law identification doctrine, but provides a new statutory route to corporate liability for all offences. In doing so, they replace provisions in sections 196 to 198 of the Economic Crime and Corporate Transparency Act 2023 which made provision for corporate liability where a senior manager commits an offence while acting in the scope of their actual or apparent authority, in relation to economic crime offences only.

1887. Subsection (1) provides that the corporate body or partnership will be guilty of an offence if the offence is carried out by a "senior manager". A senior manager is an individual who plays a significant role in the making of decisions about how the whole or a substantial part of the activities of the body are to be managed or organised, or the actual managing or organising of the whole or a substantial part of those activities. This covers both those in the direct chain of management as well as those in, for example, strategic compliance roles. "Substantial part of the business" relates to the importance of the activity over the operations of a business as a whole.

1888. "Senior management" would normally include a company's directors and other senior officers such as a Chief Financial Officer or Chief Operating Officer, whether or not they are members of the Board. This would include organisations such as charities where, because of restrictions on trustees receiving benefits from the charity, the organisation's

salaried chief officers are not usually members of the Board. Other individuals who have significant roles in relation to a substantial part of the organisation's activity, such as its human resources function, would also be included. The term "senior management" is not limited to individuals who perform an executive function or are board members, it covers any individual who falls within the definition irrespective of their title, remuneration, qualifications or employment status.

1889. The senior manager must be acting within the actual or apparent scope of their authority. This does not mean that the senior manager must have been authorised to carry out a criminal offence. It would be enough that the act was of a type that the senior manager was authorised to undertake, or which would ordinarily be undertaken by a person in that position. For instance, if a Chief Financial Officer commits fraud by deliberately making false statements about a company's financial position, the company would be liable for the offence since the act of making statements about the company's financial position is within the scope of that person's authority.

1890. Subsection (2) ensures criminal liability will not attach to an organisation based and operating overseas for conduct carried out wholly overseas, simply because the senior manager concerned was subject to the UK's extraterritorial jurisdiction: for instance, because that manager is a British citizen. Domestic law does not generally apply to conduct carried out wholly overseas unless the offence has some connection with the UK. This is an important matter of international legal comity. However, certain offences, regardless of where they are committed, can be prosecuted against individuals or organisations who have a close connection to the UK. Subsection (2) makes sure that any such test will still apply to organisations when the new rule applies.

1891. Subsections (4) to (6) make procedural provision for prosecutions of partnerships under the new rule and applies laws applying to the prosecution of companies to such cases. It requires any fine imposed for an offence committed by a partnership to be paid from the partnership's assets.

1892. Subsection (7) repeals sections 196 to 198 and 217(5)(f) of and Schedule 12 to the Economic Crime and Corporate Transparency Act 2023 which make like provision but limited to economic crime related offences.

Commencement

1893. Section 255(2) provides for the following provisions to come into force on Royal Assent: section 68 (causing internal concealment of item for criminal purposes) for the purposes of making regulations; sections 69 and 70 (Part 4 guidance); section 84 (power to scan for child sexual abuse images at the border); section 181 (access to driver licensing information) and section 183 (testing of persons in police detention for presence of controlled drugs) for the purposes of making regulations; sections 193 to 196 and Schedule 24 (notification requirements for child cruelty offences); section 204 (appeals to police appeals tribunals) for the purpose of making rules; section 239 (duty to make statement about proscription regime); section 241 (removal of women from criminal law relating to abortion); sections 243 to 245 (international law enforcement data-sharing agreements); sections 248 and 249 (power to amend Online Safety Act 2023); and sections 251 to 257 (general).

1894. Section 255(3) provides for the following provisions to come into force two months after Royal Assent: section 83 (child sex offences: grooming aggravating factor); section 96 (removal of limitation period in child sexual abuse cases); sections 107 to 109 (online pornography (age and consent verification)); sections 111 and 112 (obscenity etc: technology

testing defence); section 164 (places of worship: restriction on protests); section 167 (amendments relating to BTP and MDP); section 168 (return to unauthorised encampments: prohibited period); section190 (proceedings for civil recovery: costs and expenses); section 191 (extension of polygraph condition to certain offenders); section 192 (duty of offender to notify details); sections 200 to 203 (anonymity for authorised firearms officers); section 232 (prevention of terrorism and state threats: weapons etc); section 235 and Schedule 27 (sentence for offence of breach of foreign travel restriction order); section 236 (length of terrorism sentence with fixed licence period: Northern Ireland); section 237 (terrorism offences excepted from defence for slavery or trafficking victims); and section 250 (criminal liability of bodies corporate and partnerships where senior manager commits offence).

1895. Section 255(7)(a) provides for the following provisions to come into force insofar as they apply to Scotland by commencement regulations made by Scottish Ministers: section 35 (delivery of knives etc); sections 48 and 49 (offence of child criminal exploitation); and Chapter 5 of Part 5 (except section 125(2) and (3)) (management of sex offenders). Section 255(10) provides for the following provisions to come into force by commencement regulations made by Scottish Ministers: section 33 (remote sale or letting of knives etc: Scotland); sections 36 to 38 (sale and delivery of crossbows), so far as extending to Scotland; section 64(1) and Schedule 7 (CCE prevention orders: Scotland); section 74 (child sexual abuse image generators: Scotland); section 76 (possession of advice or guidance about child sexual abuse or CSA images: Scotland); section 105 (pornographic images of strangulation or suffocation: Scotland); and section 189(3) and Schedule 18 (confiscation).

1896. Section 255(7)(b) provides for the following provisions to come into force insofar as they apply to Northern Ireland by commencement order made by the Department of Justice: section 35 (delivery of knives etc); sections 48 and 49 (offence of child criminal exploitation); and Chapter 5 of Part 5 (except section 125(2) and (3)) (management of sex offenders). Section 255(8) provides for the following provisions to come into force by commencement order made by the Department of Justice in Northern Ireland: section 34 (remote sale or letting of knives etc: Northern Ireland); sections 39 and 40, 41(1) to (3) and section 41(4) so far as extending to Northern Ireland (sale and delivery of crossbows); section 43(1) to (3) and section 43(4) so far as extending to Northern Ireland (duty to report remote sale etc of knives etc in bulk); section 64(2) and Schedule 8 (CCE prevention orders: Northern Ireland); section 71(2), (3) and (4)(b) so far as relating to an offence under section 48 (protections for witnesses, and lifestyle offences); section 73 (child sexual abuse image generators: Northern Ireland); section 104(1) to (3) so far as extending to Northern Ireland (pornographic images of strangulation or suffocation: England and Wales and Northern Ireland); section 125(3) (restriction on applying for replacement identity documents in new name); sections 130 and 133 (stalking); section 134 (administering etc harmful substance (including by spiking)); sections 135 and 136 (offences of encouraging or assisting serious self-harm); section 138 (child abduction); and section 189(2) and Schedule 22 (confiscation).

1897. Section 255(9) provides for section 140 (regulated activity) to come into force by commencement order made by the Department of Health in Northern Ireland.

1898. The remaining provisions will be brought into force by means of commencement regulations made by the Secretary of State (section 255(1)).

1899. Section 256 requires the Secretary of State to consult Scottish Ministers and the Department of Justice in Northern Ireland before bringing into force Chapters 2 or 4 of Part 4 (cuckooing). Section 256 further requires the Secretary of State, Scottish Ministers and the Department of Justice in Northern Ireland to consult each other before bringing into force section 125(1) which places restrictions on relevant sex offenders applying for replacement identity documents in a new name.

Related documents

1900. The following documents are relevant to the Act and can be read at the stated locations:

- The Terrorism Acts in 2018: Report of the Independent Reviewer Of Terrorism Legislation on the operation of the Terrorism Acts 2000 and 2006, March 2020, Jonathan Hall Q.C., Independent Reviewer of Terrorism Legislation.
- The Government Response to the Annual Report on the Operation of the Terrorism Acts in 2018 by the Independent Reviewer of Terrorism Legislation, October 2020.
- Confiscation of the proceeds of crime after conviction: A consultation paper, Law Commission, 17 September 2020.
- Confiscation of the proceeds of crime after conviction: A final report, Law Commission, 9 November 2022.
- Harmful Online Communications: The Criminal Offences: A Consultation paper, Law Commission, 11 September 2020.
- Modernising Communications Offences: A final report, Law Commission, 21 July 2022.
- Government interim response to the Law Commission's review, 'Modernising Communications Offences', 4 February 2022
- Intimate image abuse: A consultation paper, Law Commission, 26 February 2021.
- Report on Child Sexual Exploitation by Organised Networks Investigation, Independent Inquiry into Child Sexual Abuse, February 2022.
- The Terrorism Acts in 2020: Report of the Independent Reviewer Of Terrorism Legislation on the operation of the Terrorism Acts 2000 And 2006, and the Terrorism Prevention and Investigation Measures Act 2011, Jonathan Hall QC, Independent Reviewer of Terrorism Legislation, April 2022.
- The Government Response to the Annual Report on the Operation of the Terrorism Acts in 2020 by the Independent Reviewer of Terrorism Legislation, January 2023.
- Terrorism in Prisons, Jonathan Hall QC, Independent Reviewer of Terrorism Legislation, April 2022.
- Tackling Terrorism in Prisons: A Response to the Independent Reviewer of Terrorism Legislation's Review of Terrorism in Prisons, Ministry of Justice, April 2022.
- Intimate image abuse: a final report, Law Commission, 7 July 2022.
- Corporate criminal liability: an options paper, Law Commission, 22 June 2022.
- Report of the Independent Inquiry into Child Sexual Abuse, IICSA, 20 October 2022
- Two legislative measures to improve the law enforcement response to serious and organised crime: Government consultation, Home office, 24 January 2023.

- Review of the Computer Misuse Act 1990: consultation and response to call for information, Home Office, 7 February 2023.
- The Terrorism Acts in 2021: Report of the Independent Reviewer Of Terrorism Legislation on the operation of the Terrorism Acts 2000 And 2006, and the Terrorism Prevention and Investigation Measures Act 2011, Jonathan Hall QC, Independent Reviewer of Terrorism Legislation, March 2023.
- The Government Response to the Annual Report on the Operation of the Terrorism Acts in 2021 by the Independent Reviewer of Terrorism Legislation, February 2024.
- Community Safety Partnerships Review and Anti-Social Behaviour Powers: Government consultation, Home office, 27 March 2023.
- New measures to tackle child sexual abuse, Home Office, 3 April 2023
- Consultation on new knife legislation proposals to tackle the use of machetes and other bladed articles in crime: Government consultation, Home office, 18 April 2023.
- Preventing the use of SIM farms for fraud: Government consultation, Home office, 3 May 2023.
- Mandatory reporting of child sexual abuse: call for evidence, Home Office, 22 May 2023
- Consultation on new knife legislation proposals to tackle the use of machetes and other bladed articled in crime – Government response to consultation and summary of public responses, Home Office, 30 August 2023
- Government response to the Law Commission's review of confiscation, Home Office, 25 October 2023.
- Terms of reference for the review of investigatory arrangements which follow police use of force and police driving related incidents, Home Office, October 2023.
- Mandatory reporting of child sexual abuse consultation, Home Office, 2 November 2023
- Government Response to the Consultation: "Preventing the use of SIM farms for fraud", November 2023.
- Consultation on two legislative measures to improve the law enforcement response to serious and organised crime – Summary of consultation responses and conclusion, Home Office, 14 November 2023.
- Review of the Computer Misuse Act 1990 – Analysis of Consultation Responses, Home Office, 14 November 2023.
- Community Safety Partnerships Review and Anti-Social Behaviour Powers: Government Response, 14 November 2023.
- Mandatory reporting of child sexual abuse: Government response, Home Office, 8 May 2024.
- Limitation law in child sexual abuse cases Consultation, Ministry of Justice, 15 May 2024.

- The Government Response, Limitation law in child sexual abuse cases, Ministry of Justice, 5 February 2025.
- Firearms licensing: Proposal to use a legislative reform order to remove sound moderators from firearms licensing controls - Government consultation, Home Office, 21 February 2024.
- Firearms licensing: Proposal to remove sound moderators from firearms licensing controls - Government response, Home Office, June 2025.
- The nature of violent crime in England and Wales: year ending March 2024, Office of National Statistics, 26 September 2024.
- The hidden harms of stalking, Office of National Statistics, 26 September 2024.
- The police response to stalking: Report on the super-complaint made by the Suzy Lamplugh Trust on behalf of the National Stalking Consortium, College of Policing / His Majesty's Inspector of Constabulary and Fire and Rescue Services / Independent Office for Police Conduct, 27 September 2024.
- Factsheet on the government's policy package on police accountability, Home Office, 23 October 2024.
- Knives and offensive weapons: personal liability measures on senior executives of online platforms or marketplaces: Consultation, Home Office, 13 November 2024.
- Creating a Safer World – the Challenge of Regulating Online Pornography, Baroness Bertin, February 2025.
- Knives and offensive weapons: personal liability measures on senior executives of online platforms or marketplaces: government response, Home Office, 24 April 2025.
- The Terrorism Acts in 2022: Report of the Independent Reviewer Of Terrorism Legislation on the operation of the Terrorism Acts 2000 And 2006, and the Terrorism Prevention and Investigation Measures Act 2011, Jonathan Hall QC, Independent Reviewer of Terrorism Legislation, November 2024.
- The Government Response to the Annual Report on the Operation of the Terrorism Acts in 2022 by the Independent Reviewer of Terrorism Legislation, November 2024.
- Report on the government review on introducing costs protections in civil recovery proceedings in the High Court under Part 5 of the Proceeds of Crime Act 2002, Home Office, December 2024.
- Non-crime hate incidents review, College of Policing and National Police Chiefs' Council, March 2026.
- ECHR memorandums.
- Delegated powers memorandums.

Annex A – Glossary

ACE	Asset Confiscation Enforcement
Affirmative resolution procedure	Affirmative procedure is a type of parliamentary procedure that applies to statutory instruments ("SIs"). Its name describes the form of scrutiny that the SI receives from Parliament. An SI laid under the affirmative procedure must be actively approved by both Houses of Parliament.
ASB	Anti-social behaviour
AI	Artificial Intelligence
BTP	British Transport Police
CAID	Child Abuse Image Database
CBO	Criminal Behaviour Order
CCE	Child criminal exploitation
CCEPO	Child criminal exploitation prevention order
CJA 2003	Criminal Justice Act 2003
CJIA 2008	Criminal Justice and Immigration Act 2008
CNC	Civil Nuclear Constabulary
CPN	Community Protection Notice
CPS	Crown Prosecution Service
CSA	Child sexual abuse
CSAM	Child sexual abuse material
CTA 2008	Counter Terrorism Act 2008
CTSA 2021	Counter Terrorism and Sentencing Act 2021
DBS	Disclosure and Barring Service
DAPO	Domestic Abuse Protection Order
DGA	Domain Generation Algorithms
DPN	Data preservation notice
DPP	Director of Public Prosecutions
DVLA	Driver and Vehicle Licencing Agency
ECCT 2023	Economic Crime and Corporate Transparency Act 2023
EROC	Early Resolution of Confiscation
FPN	Fixed Penalty Notices
GPS	Global Positioning System
HBA	'Honour'-based abuse
IICSA	Independent Inquiry into Child Sexual Abuse
IOPC	Independent Office for Police Conduct
IP	Internet Protocol
IPA	Investigatory Powers Act 2016
LPB	Local Policing Body
MAPPA	Multi-Agency Public Protection Arrangements
MDP	Ministry of Defence Police
MDP Act	Ministry of Defence Police Act 1987
NCA	National Crime Agency

Negative resolution procedure	Negative procedure is a type of parliamentary procedure that applies to SIs. Its name describes the form of scrutiny that the SI receives from Parliament. An SI laid under the negative procedure becomes law on the day the Minister signs it and automatically remains law unless a motion – or 'prayer' – to reject it is agreed by either House within 40 sitting days.
NCHIs	Non-crime hate incidents
NPCC	National Police Chiefs' Council
NPIA	National Police Improvement Agency
NPS	National Police Service
OSA 2023	Online Safety Act 2023
PACE	Police and Criminal Evidence Act 1984
PAT	Police Appeals Tribunal
PCC	Police and Crime Commissioner
PECP	Police Efficiency and Collaboration Programme
PNC	Police National Computer
POCA	Proceeds of Crime Act 2002
PfSNI Act	Protection from Stalking Act (Northern Ireland) 2022
PSPO	Public Spaces Protection Order
RSO	Registered sex offender
RTA 1988	Road Traffic Act 1988
SAR	Suspicious Activity Report
SI	Statutory instrument
SIM	Subscriber Identity Module
SMS	Short Messaging Service
SPA 2019	Stalking Protection Act 2019
TACT 2000	Terrorism Act 2000
The 1824 Act	Vagrancy Act 1824
The 1861 Act	Offences Against the Person Act 1861
The 1929 Act	Infant Life (Preservation) Act 1929
The 1959 Act	Restriction of Offensive Weapons Act 1959
The 1968 Act	Firearms Act 1968
The 1971 Act	Misuse of Drugs Act 1971
The 1980 Act	Limitation Act 1980
The 1984 Act	Child Abduction Act 1984
The 1985 Order	Child Abduction (Northern Ireland) Order 1985
The 1986 Act	Public Order Act 1986
The 1991 Act	Criminal Justice Act 1991
The 1987 Act	Crossbows Act 1987
The 1988 Act	Criminal Justice Act 1988
The 1994 Act	Criminal Justice and Public Order Act 1994
The 1996 Act	Police Act 1996
The 1998 Act	Crime and Disorder Act 1998
The 2000 Act	Criminal Justice and Court Services Act 2000

The 2001 Act	Criminal Justice and Police Act 2001
The 2002 Act	Police Reform Act 2002
The 2003 Act	Sexual Offences Act 2003
The 2005 Act	The Drugs Act 2005
The 2007 Act	Offender Management Act 2007
The 2009 Act	Coroners and Justice Act 2009
The 2011 Act	Police Reform and Social Responsibility Act 2011
The 2014 Act	Anti-social Behaviour, Crime and Policing Act 2014
The 2015 Act	Modern Slavery Act 2015
The 2019 Act	Offensive Weapons Act 2019
The 2022 Act	Police, Crime, Sentencing and Courts Act 2022
The 2023 Act	The Economic Crime and Corporate Transparency Act 2023
UK	United Kingdom
URL	Uniform Resource Locator
VAWG	Violence Against Women and Girls
YDO	Youth diversion order
YOT	Youth Offending Teams

Annex B - Territorial extent and application in the United Kingdom

Provision	England	Wales	Scotland	Northern Ireland
	Extends to E & W and applies to England?	**Extends to E & W and applies to Wales?**	**Extends and applies to Scotland?**	**Extends and applies to Northern Ireland?**
Section 1	Yes	Yes	No	No
Section 2	Yes	Yes	No	No
Section 3	Yes	Yes	No	No
Section 4	Yes	Yes	No	No
Section 5	Yes	Yes	No	No
Section 6	Yes	Yes	No	No
Section 7	Yes	Yes	No	No
Section 8	Yes	Yes	No	No
Section 9	Yes	No	No	No
Section 10	Yes	Yes	Yes	No
Sections 11 and 12	Yes	Yes	No	No
Sections 13 to 27	Yes	Yes	Yes	Yes
Section 28	Yes	Yes	No	No
Section 29	Yes	Yes	Yes	In part
Section 30	Yes	Yes	No	No
Section 31	Yes	Yes	Yes	Yes
Section 32	Yes	Yes	No	No
Section 33	No	No	Yes	No
Section 34	No	No	No	Yes
Section 35	Yes	Yes	Yes	Yes
Section 36	Yes	Yes	Yes	No
Section 37	Yes	Yes	Yes	No
Section 38	Yes	Yes	Yes	No
Sections 39 to 41	No	No	No	Yes
Section 42	Yes	Yes	Yes	No

Provision	England	Wales	Scotland	Northern Ireland
	Extends to E & W and applies to England?	**Extends to E & W and applies to Wales?**	**Extends and applies to Scotland?**	**Extends and applies to Northern Ireland?**
Section 43	No	No	No	Yes
Section 44	Yes	Yes	Yes	No
Section 45	Yes	Yes	No	No
Section 46	Yes	Yes	No	No
Section 47	Yes	Yes	No	No
Sections 48 and 49	Yes	Yes	Yes	Yes
Sections 50 to 63	Yes	Yes	No	No
Section 64	No	No	In part	In part
Sections 65 to 67	Yes	Yes	Yes	Yes
Section 68	Yes	Yes	No	No
Section 69	Yes	Yes	Yes	Yes
Section 70	No	No	No	Yes
Section 71	In part	In part	No	In part
Section 72	Yes	Yes	No	No
Section 73	No	No	No	Yes
Section 74	No	No	Yes	No
Section 75	Yes	Yes	No	Yes
Section 76	No	No	Yes	No
Sections 77 to 80	Yes	Yes	Yes	Yes
Section 81	Yes	Yes	No	No
Section 82	Yes	Yes	No	No
Section 83	Yes	Yes	No	No
Section 84	Yes	Yes	Yes	Yes
Sections 85 to 95	Yes	No	No	No
Section 96	Yes	Yes	No	No
Section 97	Yes	Yes	Yes	Yes
Section 98	Yes	Yes	No	No
Section 99	Yes	Yes	No	No

Provision	England	Wales	Scotland	Northern Ireland
	Extends to E & W and applies to England?	**Extends to E & W and applies to Wales?**	**Extends and applies to Scotland?**	**Extends and applies to Northern Ireland?**
Sections 100 and 101	Yes	Yes	Yes	Yes
Section 102	Yes	Yes	No	No
Section 103	Yes	Yes	Yes	Yes
Section 104	Yes	Yes	No	No
Section 105	No	No	Yes	No
Section 106	Yes	Yes	No	No
Section 107	Yes	Yes	No	No
Sections 108 to 110	Yes	Yes	Yes	Yes
Sections 111 and 112`	Yes	Yes	Yes	Yes
Section 113	Yes	Yes	No	No
Section 114	Yes	Yes	No	No
Section 115	Yes	Yes	No	No
Sections 116 and 117	Yes	Yes	No	No
Section 118	Yes	Yes	Yes	Yes
Section 119	Yes	Yes	In part	In part
Section 120	Yes	Yes	Yes	Yes
Section 121	No	No	Yes	Yes
Section 122	Yes	Yes	Yes	Yes
Section 123	Yes	Yes	No	No
Section 124	No	No	No	Yes
Section 125	Yes	Yes	Yes	In part
Section 126	In part	In part	In part	In part
Section 127	Yes	Yes	Yes	Yes
Sections 128 and 129	Yes	Yes	No	No
Section 130	No	No	No	Yes
Sections 131 and 132	Yes	Yes	No	No
Section 133	No	No	No	Yes
Section 134	Yes	Yes	No	Yes

Provision	England	Wales	Scotland	Northern Ireland
	Extends to E & W and applies to England?	**Extends to E & W and applies to Wales?**	**Extends and applies to Scotland?**	**Extends and applies to Northern Ireland?**
Sections 135 and 136	Yes	Yes	No	Yes
Section 137	Yes	Yes	No	No
Section 138	No	No	No	Yes
Section 139	Yes	Yes	No	No
Section 140	No	No	No	Yes
Section 141	Yes	Yes	Yes	No
Section 142	Yes	Yes	No	No
Sections 143 and 144	Yes	Yes	No	No
Section 145	Yes	Yes	In part	In part
Sections 146 to 148	Yes	Yes	No	No
Sections 149 and 150	Yes	Yes	Yes	Yes
Sections 151 to 156	Yes	Yes	Yes	Yes
Sections 157 to 163	Yes	Yes	No	No
Sections 164 to 166	Yes	Yes	No	No
Section 167	Yes	Yes	In part	No
Section 168	Yes	Yes	No	No
Section 169	Yes	Yes	No	No
Section 170	Yes	Yes	Yes	Yes
Section 171	Yes	Yes	No	No
Section 172	Yes	Yes	Yes	Yes
Sections 173 to 180	Yes	Yes	Yes	Yes
Section 181	Yes	Yes	Yes	Yes
Section 182	Yes	Yes	No	No
Sections 183 to 187	Yes	Yes	No	No
Section 188	Yes	Yes	No	No
Section 189	In part	In part	In part	In part
Section 190	Yes	Yes	Yes	Yes

Provision	England	Wales	Scotland	Northern Ireland
	Extends to E & W and applies to England?	**Extends to E & W and applies to Wales?**	**Extends and applies to Scotland?**	**Extends and applies to Northern Ireland?**
Section 191	Yes	Yes	No	No
Section 192	Yes	Yes	No	No
Sections 193 to 196	Yes	Yes	No	No
Sections 197 to 199	Yes	Yes	No	No
Sections 200 to 203	Yes	Yes	In part	In part
Section 204	Yes	Yes	In part	In part
Sections 205 to 213	Yes	Yes	Yes	Yes
Section 214	Yes	Yes	No	No
Sections 215 to 231	Yes	Yes	Yes	Yes
Sections 232 to 235	Yes	Yes	Yes	Yes
Section 236	No	No	No	Yes
Section 237	Yes	Yes	No	No
Sections 238 to 240	Yes	Yes	Yes	Yes
Sections 241 and 242	Yes	Yes	No	No
Sections 243 to 245	Yes	Yes	Yes	Yes
Section 246	Yes	Yes	Yes	Yes
Section 247	Yes	Yes	No	No
Sections 248 and 249	Yes	Yes	Yes	Yes
Section 250	Yes	Yes	Yes	Yes
Schedule 1	Yes	Yes	No	No
Schedule 2	Yes	Yes	No	No
Schedule 3	Yes	Yes	No	No
Schedule 4	Yes	Yes	Yes	Yes
Schedule 5	Yes	Yes	Yes	No
Schedule 6	Yes	Yes	No	No
Schedule 7	No	No	Yes	No

Provision	England	Wales	Scotland	Northern Ireland
	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Extends and applies to Scotland?	Extends and applies to Northern Ireland?
Schedule 8	No	No	No	Yes
Schedule 9	Yes	Yes	Yes	Yes
Schedule 10	Yes	Yes	Yes	Yes
Schedule 11	Yes	Yes	No	No
Schedule 12	Yes	No	No	No
Schedule 13	Yes	Yes	No	No
Schedule 14	Yes	Yes	Yes	Yes
Schedule 15	In part	In part	In part	In part
Schedule 16	Yes	Yes	Yes	Yes
Schedule 17	Yes	Yes	No	No
Schedule 18	Yes	Yes	Yes	Yes
Schedule 19	Yes	Yes	Yes	Yes
Schedule 20	Yes	Yes	No	No
Schedule 21	Yes	Yes	No	No
Schedule 22	No	No	No	Yes
Schedule 23	No	No	Yes	No
Schedule 24	Yes	Yes	No	No
Schedule 25	Yes	Yes	Yes	Yes
Schedule 26	Yes	Yes	Yes	Yes
Schedule 27	In part	In part	In part	In part

Minor or consequential effects

1 The following provisions that apply to England and Wales have effects outside England and Wales, all of which are, in the view of the Government of the UK, minor or consequential.

2 Section 29(1) amend section 141 of the 1988 Act which extends and applies to England and Wales, Scotland and Northern Ireland. The amendments made by the Act restate the existing law in Northern Ireland and, as such, the amendments affect the application of the relevant provisions in England and Wales, and Scotland only.

3 Sections 164 and 165 amend sections 12, 14, 14ZA, 14A and 16 of the 1996 Act which extends and applies to England and Wales, and Scotland. The amendments preserve the existing law in Scotland while amending police powers to impose conditions on protests in England and Wales, as such, the amendments affect the application of the relevant provisions in England and Wales only.

4 Section 167(5) amends section 60 of 1994 Act which extends and applies to England and Wales, and Scotland. The amendments preserve the existing law in Scotland while amending the stop and search powers of MDP in England and Wales, as such, the amendments affect the application of the relevant provisions in England and Wales only.

Subject matter and legislative competence of devolved legislatures

5 The provisions of the Act relate, amongst other things, to crime, public order, policing, anti-social behaviour, knives and sentencing. Subject to certain exceptions these are all matters within the legislative competence of the Scottish Parliament and Northern Ireland Assembly.

6 In relation to Scotland, the Act includes measures which apply to Scotland and relate, wholly or partly, to the following reserved matters: defence of the realm; national security; special powers, and other special provisions, for dealing with terrorism; import and export controls; telecommunications; and internet services.

7 In relation to Northern Ireland, the Act includes measures which apply to Northern Ireland and relate, wholly or partly, to the following excepted or reserved matters: defence of the realm; Ministry of Defence Police; national security; special powers and other provisions for dealing with terrorism; import and export controls; telecommunications; and internet services.

8 The Act generally deals with reserved matters in Wales, including matters relating to civil or criminal proceedings; defence; national security; crime, public order and policing; anti-social behaviour; dangerous items; telecommunications and wireless telegraphy; transport security; prisons and offender management; and criminal law.

Annex C - Hansard References

The following table sets out the dates and Hansard references for each stage of the Bill's passage through Parliament.

Stage	Date	Hansard Reference
House of Commons		
Introduction	25 February 2025	Vol. 762 Col. 672/673
Second Reading	10 March 2025	Vol. 763 Col. 677-769
Public Bill Committee	27 March; 1, 3, 8, 24 and 29 April; and 8 and 13 May 2025	Col. 1-658
Report and Third Reading	17 and 18 June 2025	Vol. 769 Col. 168-346 Vol 769 Col. 400-542
House of Lords		
Introduction	19 June 2025	Vol. 846 Col. 2146
Second Reading	16 October 2025	Vol. 849 Col. 375-468
Committee	10 November 2025	Vol. 850 Col. 43-88 and 103-128
	17 November 2025	Vol. 850 Col. 592-660
	19 November 2025	Vol. 850 Col. 818-848 and 897-926
	27 November 2025	Vol. 850 Col. 1427-1451 and 1468-1566

Stage	Date	Hansard Reference
	9 December 2025	Vol. 851 Col. 117-192 and 197-228
	15 December 2025	Vol. 851 Col. 527-597 and 609-641
	17 December 2025	Vol. 851 Col. 736-798 and 806-834
	7 January 2026	Vol. 851 Col. 1994-161 and 1274-1306
	13 January 2026	Vol. 851 Col. 1599-1663 and 1677-1718
	15 January 2026	Vol. 851 Col. 1851-1954
	20 January 2026	Vol. 852 Col. 141-204 and 220-268
	22 January 2026	Vol. 852 Col. 407-473
	27 January 2026	Vol. 852 Col. 780-851 and 862-880
	2 February 2026	Vol. 852 Col. 1307-1359 and 1371-1416
	5 February 2026	Vol..852 Col. 1740-1854
Report	25 February 2026	Vol. 853 Col. 612-671 and 682-732
	2 March 2026	Vol.853 Col. 977-1075 and 1088-1134
	4 March 2026	Vol. 853 Col 1270-1306 and 1318-1402
	9 March 2026	Vol. 854 Col. 23-89 and 102-158
	11 March 2026	Vol. 854 Col. 283-346 and 360-430
	18 March 2026	Vol. 854 Col. 873-940 and 952-1050
Third Reading	25 March 2026	Vol. 854 Col. 1504 to 1532
Commons Consideration of Lords Amendments	14 April 2026	Vol. 783 Col. 734 to 799
Lords Consideration of Commons Amendments and Reasons	16 April 2026	Vol. 855 Col. 408 to 494
Commons Consideration of Lords Amendments	20 April 2026	Vol. 784 Col. 102 to 129
Lords Consideration of Commons Amendments	22 April 2026	Vol. 855 Col. 688 to 709
Commons Consideration of Lords Amendments	22 April 2026	Vol. 784 Col. 397 to 403
Lords Consideration of Commons Amendments	27 April 2026	Vol. 855 Col. 935 to 941
Royal Assent	29 April 2026	House of Commons Vol. 784 Col. 904
		House of Lords Vol. 855 Col. 1147

Annex D - Progress of Bill Table

This Annex shows how each section of and Schedule to the Act was numbered during the passage of the Bill through Parliament.

Section of the Act	Bill as Introduced in the Commons	Bill as amended in Committee in the Commons	Bill as introduced in the Lords	Bill as amended in Committee in the Lords	Bill as amended on Report in the Lords
Section 1	Clause 1	Clause 1	Clause 1	Clause 1	Clause 1
Section 2	Clause 2	Clause 2	Clause 2	Clause 2	Clause 2
Section 3	Clause 3	Clause 3	Clause 3	Clause 3	Clause 3
Section 4	Clause 4	Clause 4	Clause 4	Clause 4	Clause 4
Section 5	Clause 5	Clause 5	Clause 5	Clause 5	Clause 5
Section 6	Clause 6	Clause 6	Clause 6	Clause 6	Clause 6
Section 7	Clause 7	Clause 7	Clause 7	Clause 7	Clause 7
Section 8	Clause 8	Clause 8	Clause 8	Clause 8	Clause 8
Section 9	Clause 9	Clause 9	Clause 9	Clause 9	Clause 9
Section 10					
Section 11			Clause 10	Clause 10	Clause 13
Section 12			Clause 11	Clause 11	Clause 14
Section 13		Clause 10	Clause 12	Clause 12	Clause 15
Section 14		Clause 11	Clause 13	Clause 13	Clause 16
Section 15		Clause 12	Clause 14	Clause 14	Clause 17
Section 16		Clause 13	Clause 15	Clause 15	Clause 18
Section 17		Clause 14	Clause 16	Clause 16	Clause 19
Section 18		Clause 15	Clause 17	Clause 17	Clause 20
Section 19		Clause 16	Clause 18	Clause 18	Clause 21
Section 20		Clause 17	Clause 19	Clause 19	Clause 22
Section 21		Clause 18	Clause 20	Clause 20	Clause 23
Section 22		Clause 19	Clause 21	Clause 21	Clause 24
Section 23		Clause 20	Clause 22	Clause 22	Clause 25

Section 24		Clause 21	Clause 23	Clause 23	Clause 26
Section 25		Clause 22	Clause 24	Clause 24	Clause 27
Section 26		Clause 23	Clause 25	Clause 25	Clause 28
Section 27		Clause 24	Clause 26	Clause 26	Clause 29
Section 28	Clause 10	Clause 25	Clause 27	Clause 27	Clause 30
Section 29	Clause 11	Clause 26	Clause 28	Clause 28	Clause 31
Section 30	Clause 12	Clause 27	Clause 29	Clause 29	Clause 32
Section 31	Clause 13	Clause 28	Clause 30	Clause 30	Clause 33
Section 32		Clause 29	Clause 31	Clause 31	Clause 34
Section 33					Clause 35
Section 34					Clause 36
Section 35		Clause 30	Clause 32	Clause 32	Clause 37
Section 36		Clause 31	Clause 33	Clause 33	Clause 38
Section 37		Clause 32	Clause 34	Clause 34	Clause 39
Section 38		Clause 33	Clause 35	Clause 35	Clause 40
Section 39					Clause 41
Section 40					Clause 42
Section 41					Clause 43
Section 42		Clause 34	Clause 36	Clause 36	Clause 44
Section 43				Clause 37	Clause 45
Section 44					Clause 46
Section 45	Clause 14	Clause 35	Clause 37	Clause 38	Clause 47
Section 46	Clause 15	Clause 36	Clause 38	Clause 39	Clause 48
Section 47	Clause 16	Clause 37	Clause 39	Clause 40	Clause 49
Section 48	Clause 17	Clause 38	Clause 40	Clause 41	Clause 50
Section 49			Clause 41	Clause 42	Clause 51
Section 50	Clause 18	Clause 39	Clause 42	Clause 43	Clause 52
Section 51	Clause 19	Clause 40	Clause 43	Clause 44	Clause 53

Section 52	Clause 20	Clause 41	Clause 44	Clause 45	Clause 54
Section 53	Clause 21	Clause 42	Clause 45	Clause 46	Clause 55
Section 54	Clause 22	Clause 43	Clause 46	Clause 47	Clause 56
Section 55	Clause 23	Clause 44	Clause 47	Clause 48	Clause 57
Section 56	Clause 24	Clause 45	Clause 48	Clause 49	Clause 58
Section 57	Clause 25	Clause 46	Clause 49	Clause 50	Clause 59
Section 58	Clause 26	Clause 47	Clause 50	Clause 51	Clause 60
Section 59	Clause 27	Clause 48	Clause 51	Clause 52	Clause 61
Section 60	Clause 28	Clause 49	Clause 52	Clause 53	Clause 62
Section 61			Clause 53	Clause 54	Clause 63
Section 62	Clause 29	Clause 50	Clause 54	Clause 55	Clause 64
Section 63	Clause 30	Clause 51	Clause 55	Clause 56	Clause 65
Section 64				Clause 57	Clause 66
Section 65	Clause 32	Clause 53	Clause 56	Clause 58	Clause 67
Section 66	Clause 33	Clause 54	Clause 57	Clause 59	Clause 68
Section 67	Clause 34	Clause 55	Clause 58	Clause 60	Clause 69
Section 68			Clause 59	Clause 61	Clause 70
Section 69	Clause 31	Clause 52	Clause 60	Clause 62	Clause 71
Section 70			Clause 61	Clause 63	Clause 72
Section 71	Clause 35	Clause 56	Clause 62	Clause 64	Clause 73
Section 72	Clause 36	Clause 57	Clause 63	Clause 65	Clause 74
Section 73				Clause 66	Clause 75
Section 74				Clause 67	Clause 76
Section 75	Clause 37	Clause 58	Clause 64	Clause 68	Clause 77
Section 76				Clause 69	Clause 78
Section 77	Clause 38	Clause 59	Clause 65	Clause 70	Clause 79
Section 78	Clause 39	Clause 60	Clause 66	Clause 71	Clause 80
Section 79	Clause 40	Clause 61	Clause 67	Clause 72	Clause 81
Section 80	Clause 41	Clause 62	Clause 68	Clause 73	Clause 82

Section 81					Clause 83
Section 82	Clause 42	Clause 63	Clause 69	Clause 74	Clause 84
Section 83	Clause 43	Clause 64	Clause 70	Clause 75	Clause 85
Section 84	Clause 44	Clause 65	Clause 71	Clause 76	Clause 86
Section 85	Clause 45	Clause 66	Clause 72	Clause 77	Clause 87
Section 86	Clause 46	Clause 67	Clause 73	Clause 78	Clause 88
Section 87	Clause 47	Clause 68	Clause 74	Clause 79	Clause 89
Section 88	Clause 48	Clause 69	Clause 75	Clause 80	Clause 90
Section 89	Clause 49	Clause 70	Clause 76	Clause 81	Clause 91
Section 90	Clause 50	Clause 71	Clause 77	Clause 82	Clause 92
Section 91	Clause 51	Clause 72	Clause 78	Clause 83	Clause 93
Section 92	Clause 52	Clause 73	Clause 79	Clause 84	Clause 94
Section 93	Clause 53	Clause 74	Clause 80	Clause 85	Clause 95
Section 94					Clause 96
Section 95	Clause 54	Clause 75	Clause 81	Clause 86	Clause 97
Section 96			Clause 82	Clause 87	Clause 98
Section 97	Clause 55	Clause 76	Clause 83	Clause 88	Clause 99
Section 98	Clause 56	Clause 77	Clause 84	Clause 89	Clause 100
Section 99					Clause 101
Section 100					
Section 101					
Section 102					
Section 103					
Section 104				Clause 90	Clause 105
Section 105				Clause 91	Clause 106
Section 106					Clause 107
Section 107					
Section 108					

Section 109					
Section 110					
Section 111				Clause 92	Clause 110
Section 112				Clause 93	Clause 111
Section 113	Clause 57	Clause 78	Clause 85	Clause 94	Clause 112
Section 114					Clause 113
Section 115	Clause 58	Clause 79	Clause 86	Clause 95	Clause 114
Section 116				Clause 96	Clause 115
Section 117				Clause 97	Clause 116
Section 118	Clause 59	Clause 80	Clause 87	Clause 98	Clause 117
Section 119	Clause 60	Clause 81	Clause 88	Clause 99	Clause 118
Section 120	Clause 61	Clause 82	Clause 89	Clause 100	Clause 119
Section 121	Clause 62	Clause 83	Clause 90	Clause 101	Clause 120
Section 122	Clause 63	Clause 84	Clause 91	Clause 102	Clause 121
Section 123	Clause 64	Clause 85	Clause 92	Clause 103	Clause 122
Section 124	Clause 65	Clause 86	Clause 93	Clause 104	Clause 123
Section 125	Clause 66	Clause 87	Clause 94	Clause 105	Clause 124
Section 126	Clause 67	Clause 88	Clause 95	Clause 106	Clause 125
Section 127	Clause 68	Clause 89	Clause 96	Clause 107	Clause 126
Section 128	Clause 69	Clause 90	Clause 97	Clause 108	Clause 127
Section 129	Clause 70	Clause 91	Clause 98	Clause 109	Clause 128
Section 130				Clause 110	Clause 129
Section 131	Clause 71	Clause 92	Clause 99	Clause 111	Clause 130
Section 132	Clause 72	Clause 93	Clause 100	Clause 112	Clause 131
Section 133				Clause 113	Clause 132
Section 134	Clause 73	Clause 94	Clause 101	Clause 114	Clause 133
Section 135	Clause 74	Clause 95	Clause 102	Clause 115	Clause 134
Section 136	Clause 75	Clause 96	Clause 103	Clause 116	Clause 135
Section 137	Clause 76	Clause 97	Clause 104	Clause 117	Clause 136

Section 138				Clause 118	Clause 137
Section 139	Clause 77	Clause 98	Clause 105	Clause 119	Clause 138
Section 140				Clause 120	Clause 139
Section 141		Clause 99	Clause 106	Clause 121	Clause 140
Section 142					Clause 141
Section 143					Clause 142
Section 144					Clause 143
Section 145					Clause 144
Section 146			Clause 107	Clause 122	Clause 145
Section 147			Clause 108	Clause 123	Clause 146
Section 148			Clause 109	Clause 124	Clause 147
Section 149	Clause 78	Clause 100	Clause 110	Clause 125	Clause 148
Section 150	Clause 79	Clause 101	Clause 111	Clause 126	Clause 149
Section 151	Clause 80	Clause 102	Clause 112	Clause 127	Clause 150
Section 152	Clause 81	Clause 103	Clause 113	Clause 128	Clause 151
Section 153	Clause 82	Clause 104	Clause 114	Clause 129	Clause 152
Section 154	Clause 83	Clause 105	Clause 115	Clause 130	Clause 153
Section 155	Clause 84	Clause 106	Clause 116	Clause 131	Clause 154
Section 156	Clause 85	Clause 107	Clause 117	Clause 132	Clause 155
Section 157	Clause 86	Clause 108	Clause 118	Clause 133	Clause 156
Section 158	Clause 87	Clause 109	Clause 119	Clause 134	Clause 157
Section 159	Clause 88	Clause 110	Clause 120	Clause 135	Clause 158
Section 160	Clause 89	Clause 111	Clause 121	Clause 136	Clause 159
Section 161	Clause 90	Clause 112	Clause 122	Clause 137	Clause 160
Section 162					Clause 161
Section 163	Clause 91	Clause 113	Clause 123	Clause 138	Clause 163
Section 164		Clause 114	Clause 124	Clause 139	Clause 164
Section 165				Clause 140	Clause 165

Section 166		Clause 115	Clause 125	Clause 141	Clause 166
Section 167		Clause 116	Clause 126	Clause 142	Clause 167
Section 168					Clause 168
Section 169					Clause 169
Section 170	Clause 92	Clause 117	Clause 127	Clause 143	Clause 170
Section 171	Clause 93	Clause 118	Clause 128	Clause 144	Clause 171
Section 172	Clause 94	Clause 119	Clause 129	Clause 145	Clause 172
Section 173			Clause 130	Clause 146	Clause 173
Section 174			Clause 131	Clause 147	Clause 174
Section 175			Clause 132	Clause 148	Clause 175
Section 176			Clause 133	Clause 149	Clause 176
Section 177			Clause 134	Clause 150	Clause 177
Section 178			Clause 135	Clause 151	Clause 178
Section 179			Clause 136	Clause 152	Clause 179
Section 180			Clause 137	Clause 153	Clause 180
Section 181	Clause 95	Clause 120	Clause 138	Clause 154	Clause 181
Section 182					Clause 182
Section 183	Clause 96	Clause 121	Clause 139	Clause 155	Clause 183
Section 184	Clause 97	Clause 122	Clause 140	Clause 156	Clause 184
Section 185	Clause 98	Clause 123	Clause 141	Clause 157	Clause 185
Section 186	Clause 99	Clause 124	Clause 142	Clause 158	Clause 186
Section 187	Clause 100	Clause 125	Clause 143	Clause 159	Clause 187
Section 188	Clause 101	Clause 126	Clause 144	Clause 160	Clause 188
Section 189	Clause 102	Clause 127	Clause 145	Clause 161	Clause 191
Section 190	Clause 103	Clause 128	Clause 146	Clause 162	Clause 192
Section 191	Clause 104	Clause 129	Clause 147	Clause 163	Clause 193
Section 192	Clause 105	Clause 130	Clause 148	Clause 164	Clause 194
Section 193					Clause 195

Section 194					Clause 196
Section 195					Clause 197
Section 196					Clause 198
Section 197	Clause 106	Clause 131	Clause 149	Clause 165	Clause 199
Section 198	Clause 107	Clause 132	Clause 150	Clause 166	Clause 200
Section 199	Clause 108	Clause 133	Clause 151	Clause 167	Clause 201
Section 200		Clause 134	Clause 152	Clause 168	Clause 203
Section 201		Clause 135	Clause 153	Clause 169	Clause 204
Section 202		Clause 136	Clause 154	Clause 170	Clause 205
Section 203		Clause 137	Clause 155	Clause 171	Clause 206
Section 204	Clause 109	Clause 138	Clause 156	Clause 172	Clause 207
Section 205			Clause 157	Clause 173	Clause 208
Section 206			Clause 158	Clause 174	Clause 209
Section 207			Clause 159	Clause 175	Clause 210
Section 208			Clause 160	Clause 176	Clause 211
Section 209			Clause 161	Clause 177	Clause 212
Section 210			Clause 162	Clause 178	Clause 213
Section 211			Clause 163	Clause 179	Clause 214
Section 212			Clause 164	Clause 180	Clause 215
Section 213			Clause 165	Clause 181	Clause 216
Section 214			Clause 166	Clause 182	Clause 217
Section 215	Clause 110	Clause 139	Clause 167	Clause 183	Clause 218
Section 216	Clause 111	Clause 140	Clause 168	Clause 184	Clause 219
Section 217	Clause 112	Clause 141	Clause 169	Clause 185	Clause 220
Section 218		Clause 142	Clause 170	Clause 186	Clause 221
Section 219		Clause 143	Clause 171	Clause 187	Clause 222
Section 220		Clause 144	Clause 172	Clause 188	Clause 223

Section 221		Clause 145	Clause 173	Clause 189	Clause 224
Section 222	Clause 113	Clause 146	Clause 174	Clause 190	Clause 225
Section 223	Clause 114	Clause 147	Clause 175	Clause 191	Clause 226
Section 224	Clause 115	Clause 148	Clause 176	Clause 192	Clause 227
Section 225	Clause 116	Clause 149	Clause 177	Clause 193	Clause 228
Section 226	Clause 117	Clause 150	Clause 178	Clause 194	Clause 229
Section 227	Clause 118	Clause 151	Clause 179	Clause 195	Clause 230
Section 228	Clause 119	Clause 152	Clause 180	Clause 196	Clause 231
Section 229	Clause 120	Clause 153	Clause 181	Clause 197	Clause 232
Section 230	Clause 121	Clause 154	Clause 182	Clause 198	Clause 233
Section 231		Clause 155	Clause 183	Clause 199	Clause 234
Section 232	Clause 122	Clause 156	Clause 184	Clause 200	Clause 235
Section 233	Clause 123	Clause 157	Clause 185	Clause 201	Clause 236
Section 234	Clause 124	Clause 158	Clause 186	Clause 202	Clause 238
Section 235	Clause 125	Clause 159	Clause 187	Clause 203	Clause 239
Section 236	Clause 126	Clause 160	Clause 188	Clause 204	Clause 240
Section 237		Clause 161	Clause 189	Clause 205	Clause 241
Section 238			Clause 190	Clause 206	Clause 242
Section 239				Clause 207	Clause 243
Section 240					
Section 241			Clause 191	Clause 208	Clause 246
Section 242					Clause 247
Section 243	Clause 127	Clause 162	Clause 192	Clause 209	Clause 248
Section 244	Clause 128	Clause 163	Clause 193	Clause 210	Clause 249
Section 245	Clause 129	Clause 164	Clause 194	Clause 211	Clause 250
Section 246			Clause 195	Clause 212	Clause 251
Section 247					Clause 252
Section 248					Clause 253
Section 249					

Section 250	Clause 130	Clause 165	Clause 196	Clause 213	Clause 254
Section 251	Clause 131	Clause 166	Clause 197	Clause 214	Clause 260
Section 252	Clause 132	Clause 167	Clause 198	Clause 215	Clause 261
Section 253	Clause 133	Clause 168	Clause 199	Clause 216	Clause 262
Section 254	Clause 134	Clause 169	Clause 200	Clause 217	Clause 263
Section 255	Clause 135	Clause 170	Clause 201	Clause 218	Clause 264
Section 256	Clause 136	Clause 171	Clause 202	Clause 219	Clause 265
Section 257	Clause 137	Clause 172	Clause 203	Clause 220	Clause 266
Schedule 1	Schedule 1	Schedule 1	Schedule 1	Schedule 1	Schedule 1
Schedule 2	Schedule 2	Schedule 2	Schedule 2	Schedule 2	Schedule 2
Schedule 3	Schedule 3	Schedule 3	Schedule 3	Schedule 3	Schedule 3
Schedule 4		Schedule 4	Schedule 4	Schedule 4	Schedule 4
Schedule 5					Schedule 5
Schedule 6	Schedule 4	Schedule 5	Schedule 5	Schedule 5	Schedule 6
Schedule 7				Schedule 6	Schedule 7
Schedule 8				Schedule 7	Schedule 8
Schedule 9	Schedule 5	Schedule 6	Schedule 6	Schedule 8	Schedule 9
Schedule 10	Schedule 6	Schedule 7	Schedule 7	Schedule 9	Schedule 10
Schedule 11					Schedule 11
Schedule 12	Schedule 7	Schedule 8	Schedule 8	Schedule 10	Schedule 12
Schedule 13	Schedule 8	Schedule 9	Schedule 9	Schedule 11	Schedule 13
Schedule 14					
Schedule 15	Schedule 9	Schedule 10	Schedule 10	Schedule 12	Schedule 14
Schedule 16	Schedule 10	Schedule 11	Schedule 11	Schedule 13	Schedule 15
Schedule 17	Schedule 11	Schedule 12	Schedule 12	Schedule 14	Schedule 16
Schedule 18	Schedule 12	Schedule 13	Schedule 13	Schedule 15	Schedule 17
Schedule 19			Schedule 14	Schedule 16	Schedule 18
Schedule 20	Schedule 13	Schedule 14	Schedule 15	Schedule 17	Schedule 19
Schedule 21	Schedule 14	Schedule 15	Schedule 16	Schedule 18	Schedule 20

Schedule 22	Schedule 15	Schedule 16	Schedule 17	Schedule 19	Schedule 21
Schedule 23			Schedule 18	Schedule 20	Schedule 22
Schedule 24					Schedule 23
Schedule 25			Schedule 19	Schedule 21	Schedule 24
Schedule 26	Schedule 16	Schedule 17	Schedule 20	Schedule 22	Schedule 25
Schedule 27	Schedule 17	Schedule 18	Schedule 21	Schedule 23	Schedule 26

© Crown copyright 2026

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Saul Nassé, Controller of His Majesty's Stationery Office and King's Printer of Acts of Parliament.