EXPLANATORY MEMORANDUM TO

THE BORDER SECURITY, ASYLUM AND IMMIGRATION ACT 2025 (SPECIFIED PURPOSES RELATED TO POLICING) REGULATIONS 2026

2026 No. [XXXX]

1. Introduction

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

2. Declaration

2.1 Anna Turley, Minister of State for Border Security and Asylum at the Home Office confirms that this Explanatory Memorandum meets the required standard.

2.2 Dominic Gallard, Director for Home Office Intelligence at the Home Office confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Ravdeep Pabla at the Home Office can be contacted by email at the following address with any queries regarding the instrument: trailerdataconsultation@homeoffice.gov.uk

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument specifies the meaning of 'specified purposes related to policing' for the purposes of sections 30 to 34 of the Border Security, Asylum and Immigration Act 2025 ("the BSAI Act").

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdictions which the instrument forms part of the law of) is England and Wales, Scotland, and Northern Ireland.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is the United Kingdom.

5. Policy Context

What is being done and why?

5.1 This instrument defines the meaning of "specified purposes related to policing" for the purposes of sections 30 to 34 of the BSAI Act, enabling the lawful sharing of trailer registration information held by the Driver and Vehicle Licensing Agency (DVLA) on behalf of the Secretary of State for Transport, with policing bodies, and enables the police and the Home Office to onward share that information with a person exercising public functions, for those same purposes.

5.2 The Regulations set out that "specified purposes related to policing" includes:

- protecting life and property;
- preserving order;

- preventing the commission of offences;
- bringing offenders to justice; and
- any other police duty or responsibility arising from common or statute law.

5.3 Without these Regulations, officers would be unable to access or share trailer registration information for routine policing purposes that fall outside the narrower "law enforcement" or "national security" purposes provided for in the BSAI Act. This would limit the ability of police officers to use the information in policing scenarios such as in roads and traffic policing, civil matters, public protection and safeguarding, and first response at incidents involving trailers; illustrated, for example, by Essex Police at Purfleet in October 2019 where 39 Vietnamese nationals died in a refrigerated trailer. This instrument defines the meaning of "specified purposes related to policing" consistent with these requirements.

5.4 Defining "specified purposes related to policing" is therefore necessary to close a legislative gap, ensuring the BSAI Act operates as intended, and enable the full range of operational policing activities for which the data was designed to be used, and its onward disclosure by police and Home Office users for the same purposes.

5.5 The definition also ensures consistency with policing purposes reflected (at the time of writing) elsewhere such as in the statutory codes of practice and guidance documents for police information and records management, and for IT-systems such as the Police National Computer and the Law Enforcement Data Service (LEDS), and the Police National Database (PND).[1]

What was the previous policy, how is this different?

5.6 This policy is being introduced for the first time under the regulation-making powers conferred by the BSAI Act and reflects policing purposes that are already applied in other places through established police codes of practice and information policy guidance. Prior to the enactment of the BSAI Act, and the making of these Regulations, the DVLA could only supply this information to the police on a limited basis in response to case-by-case requests from the police. Post-enactment, and the making of these Regulations, it will be possible for the DVLA to agree data sharing arrangements with police recipients, which could include providing direct access via police platforms such as LEDS, and for it to be processed for the full range of processing purposes permissible under the Act, including "specified purposes related to policing" as set out in this instrument.

6. Legislative and Legal Context

How has the law changed?

6.1 This instrument makes Regulations for the first time under powers granted by Section 36(8) of the BSAI Act 2025. This Section created regulation-making powers to specify "purposes related to policing" the use for which the Secretary of State for Transport may supply trailer registration information to the police under section 33(7)(a); and for which the police and the Home Office users may onward supply that

[1] Police information and records management Code of Practice: https://www.college.police.uk/guidance/police-information-and-records-management-code-practice ; and, the Police Service of Northern Ireland Service Policy (SP0816) on Information Management: https://www.psni.police.uk/sites/default/files/2023-03/Information%20Management%2025%20August%202021.pdf ; Code of Practice for the Police National Computer (PNC) and the Law Enforcement Data Service (LEDS): https://www.college.police.uk/guidance/pnc-and-leds/code-of-practice ; Code of practice on the operation and use of the Police National Database: https://assets.publishing.service.gov.uk/media/5a7b8841ed915d4147620fc5/9999102808.pdf

information to a person exercising public functions for use for those same purposes under section 34(1)(a)(iii), of the BSAI Act.

Why was this approach taken to change the law?

6.2 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 Article 36(4) of the UK General Data Protection Regulation requires the Government to consult with the Information Commissioners Office (ICO) - as the UK's Data Protection Authority - when developing policy proposals relating to the processing of personal data[2]. The Home Office consulted with the ICO between August and September 2025 on the basis of a proposal for "specified purposes related to policing" the same as those set out in the instrument. The ICO raised no concerns regarding the legislative change proposal with respect to the application of the UK GDPR.

7.2 Prior to making these Regulations, there is a duty on the Secretary of State to consult the Scottish Ministers, The Department of Justice in Northern Ireland, and such persons appearing to the Secretary of State to represent the views of a body of constables in the United Kingdom, as considered appropriate.

7.3 Scottish Ministers, The Department of Justice in Northern Ireland, National Police Chiefs Council, Police Scotland, Police Service of Northern Ireland, British Transport Police, Ministry of Defence Police, Civil Nuclear Constabulary, the Ports Police Chief Officers Association, and the Service Police were consulted on the Home Office's proposal during an 8-week consultation which closed on 28 January 2026.

7.4 Responses were received from all consultees. In response, most police respondents, the Scottish Ministers and the Department of Justice in Northern Ireland agreed that the proposed definition appropriately reflected core policing functions. The British Transport Police however suggested that "public protection and safeguarding" be included as an additional and separate policing purpose. The Home Office considered that these were encompassed within the proposed definition. On that basis, the proposal was not amended.

7.5 In wider remarks the Scottish Ministers sought assurances that the Regulations would be confined to core policing functions, not extend to other provisions within the BSAI Act, and would not impose obligations concerning international information sharing. They also sought clarity on how the Regulations interact with existing policing principles in Scotland. The Department of Justice in Northern Ireland sought assurances on data protection and safeguards, re-engagement with the ICO on, and access to, the draft Regulations, and their operation in practice.

7.6 The Home Office considered these representations and confirmed that the Regulations are limited to operational policing purposes, do not create new duties or obligations, and operate within existing statutory safeguards and public law requirements. It was further noted to the Scottish Ministers that the policing principles applicable in Scotland would continue to apply irrespective of whether they are expressly referenced in the Regulations. These representations did not therefore result in changes to the Regulations.

[2] UK GDPR: https://www.legislation.gov.uk/eur/2016/679/article/36

8. Applicable Guidance

8.1 The concept of "policing purposes", as defined in these Regulations, is well established and is reflected in existing police information-handling frameworks. No Regulations-specific guidance is therefore required for police forces. However, this definition, together with the other processing purposes set out in the BSAI Act and the onward disclosure provisions applicable to the police and the Home Office, will be reflected in any training materials prior to officers and police staff making operational use of the information. Detailed operational guidance will be issued by the College of Policing. This guidance will not be made publicly available in order to safeguard operational practices and protect sensitive law enforcement methodologies. The effect of these Regulations will also be reflected in future iterations of the Codes of Practice for the LEDS and the PND systems; in line with their regular update cycles.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because it only affects the Home Office and police bodies involved in the use, disclosure and digital processing of trailer registration information for "specified purposes related to policing". By placing policing purposes on a statutory footing, it enables the data to be processed by the police (and onward disclosed by the police and the Home Office) for those purposes once it becomes available on their IT-systems. There are, however, no additional implementation costs because work to make the trailer registration information available to end-users predates these Regulations, and the policing purposes specified already align with police information and records management standards already in operation.

Impact on businesses, charities and voluntary bodies

9.2 There is no impact on businesses, charities or voluntary bodies because the Regulations do not impose duties or requirements outside the Home Office and police bodies.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no significant impact on the public sector because these Regulations do not create new police or Home Office functions, duties, systems or funding requirements, but place policing purposes on a statutory footing (for the purposes of the BSAI Act) that are already applied through existing police information guidance and statutory codes of practice elsewhere. Implementation will therefore be delivered through existing business-as-usual processes.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is to use existing mechanisms of engagement with the police to monitor the implementation of the legislation and identify any issues as they arise.

10.2 The instrument does not include a statutory review clause.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 The Minister of State for Border Security and Asylum at the Home Office has made the following statement regarding Human Rights: "In my view the provisions of the Border Security, Asylum and Immigration Act 2025 (Specified Purposes Related to Policing) Regulations 2026 are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").