EXPLANATORY MEMORANDUM TO

THE POLICE ACT 1997 (AUTHORISATIONS TO INTERFERE WITH PROPERTY: RELEVANT OFFENCE) REGULATIONS 2025

2025 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 Dan Jarvis, Minister of State for Security at the Home Office confirms that this Explanatory Memorandum meets the required standard.

2.2 Tom Rutherford, Deputy Director in Homeland Security Group at the Home Office confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 The Counter-Drones Unit at the Home Office (Counter-DroneUnit@homeoffice.gov.uk) can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This statutory instrument adds offences under the National Security Act 2023 to the list of 'relevant offences' in the Police Act 1997, enabling the use of counter-drone powers by police and other authorised officials. This means they will have the power to use counter-drone technology to take action against an Unmanned Aircraft (UA), more commonly referred to as a 'drone', being operated in or around a prohibited place or cordoned area without authorisation.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is the United Kingdom.

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 Under the National Security Act 2023, it is an offence to use a UA to enter, overfly or inspect a prohibited place (including any UK land or building used for defence purposes in support of the invention, development, production, operation, storage or disposal of weapons or other equipment, capability or research) or to fail to comply with an order of a constable relating to the use of a UA in a cordoned area (an area

designated by a constable to secure an aircraft, part of an aircraft, or equipment relating to an aircraft used for military purposes).

5.2 The enforcement of UA-related offences relies on authorisations under the Police Act 1997 to enable the use of counter-drone equipment to detect or prevent a drone being used to commit a 'relevant offence'. This statutory instrument will add the relevant drone-related offences under the National Security Act 2023 to the list of 'relevant offences' in the Police Act 1997.

5.3 If we do not proceed with this legislation, police would only be able to act against UAs used for committing offences related to prohibited places or cordoned areas, if it is necessary for the purposes of preventing or detecting "serious crime" under the Police Act 1997. As not all the drone-related offences constitute a "serious crime", there could be instances where an offence under the National Security Act 2023 is committed, but the police are unable to act.

What was the previous policy, how is this different?

5.4 The Police Act 1997, as amended by the Air Traffic and Unmanned Aircraft Act 2021, is the basis of counter-drone powers used in the UK. Where such conduct (i.e. interference with UAs) involves obtaining communications, private information or equipment data, an equipment interference warrant under the Investigatory Powers Act 2016 will be required. The Police Act 1997 enables police and other authorised officers to authorise the use of counter-drone equipment against drones used to commit certain "relevant offences".

5.5 This amendment adds the drone-related offences under the National Security Act 2023 to the list of "relevant offences". This change will ensure police and other authorised officials have the necessary powers to tackle drone misuse. This statutory instrument therefore ensures that the drone-related offences under the National Security Act 2023 are enforceable.

This legislative change is the only way to authorise the use of counter-drone equipment in these instances. There are no non-legislative options.

6. Legislative and Legal Context

How has the law changed?

6.1 There are already drone-specific offences listed in the Police Act 1997. This is an amendment to the existing law, to include the offences under the National Security Act 2023.

Why was this approach taken to change the law?

6.2 The Police Act 1997 allows for offences to be added to the list of "relevant offences" by way of regulations, rather than by primary legislation. Introducing these amendments by way of statutory instrument is therefore a more expedient way of ensuring that the police have the necessary powers to tackle drone misuse.

7. Consultation

Summary of consultation outcome and methodology

7.1 We have not undertaken a formal consultation, as the purpose of this instrument is to implement measures in previously enacted legislation.

7.2 We have engaged with relevant stakeholders across government, such as the Ministry of Defence, Department for Transport, Civil Aviation Authority, and police colleagues in the National Police Chiefs' Council.

7.3 We have engaged with leads in each of the Devolved Administrations directly.

7.4 The result of all these engagements was positive, with agreement that this instrument should be implemented.

8. Applicable Guidance

8.1 No specific guidance has been drafted for this instrument. This is a minor amendment to expand existing police powers.

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 the economic impact is limited. An Economic Note has been prepared which will be published on the laying date and confirms that this instrument has no monetisable costs or benefits.

9.2 Potential costs were considered in development of this instrument, such as the cost of producing guidance, familiarisation costs, equipment and training, and criminal justice costs. All costs are too minimal to accurately assess and monetising benefits is considered disproportionate.

Impact on businesses, charities and voluntary bodies

9.3 There is no, or no significant, impact on business, charities or voluntary bodies.

9.4 The legislation does not impact small or micro businesses.

9.5 The impact on the public sector is minimal. There may be some minor costs, such as updates to guidance or familiarisation with new powers. These are not monetisable and will be absorbed into existing work.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 No monitoring or review of the effects of these Regulations are required. This amendment will be monitored under existing mechanisms under the Police Act 1997 and National Security Act 2023.

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 Security has made the following statement regarding Human Rights:

"In my view the provisions of The Police Act 1997 (Authorisations to Interfere with Property: Relevant Offence) Regulations 2025 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").