EXPLANATORY MEMORANDUM TO

THE SERIOUS ORGANISED CRIME AND POLICE ACT 2005 (DESIGNATED SITES UNDER SECTION 128) (AMENDMENT) ORDER 2021

2021 No. 1022

1. Introduction

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

2. Purpose of the instrument

2.1 This instrument designates Richmond House at 79 Whitehall, London, SW1A 2NL as a protected site under the Serious Organised Crime and Police Act 2005 (Designated Sites under Section 128) Order 2007 (the "2007 Order"). This instrument also amends an existing boundary at the Palace of Westminster and Portcullis House to include Peers' Car Park at Westminster, London, SW1A 0AA. The effect of designation is that it is a criminal offence to trespass on these sites.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is England and Wales.

4.2 The territorial application of this instrument is England.

5. European Convention on Human Rights

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

6. Legislative Context

6.1 The Order designates Richmond House and Peers' Car Park as a protected site for the purposes of section 128 of the Serious Organised Crime and Police Act 2005. Under this section it is an offence to enter or be on any designated site in England or Wales as a trespasser. This instrument amends the 2007 Order by adding a new site and amending an existing boundary. This instrument contains a plan showing the extent of these sites where the criminal offence will apply.

7. Policy background

What is being done and why?

7.1 Designation of Richmond House will assist with better policing and protection of the Parliamentary estate and is in line with designation of other buildings on the estate. Richmond House was acquired by the House of Commons in 2019, after the making of the 2007 Order, and is used as office space.

7.2 The boundary line of the designated site in relation to the removal of trespassers has been at the perimeter of the building rather than the perimeter of the Parliamentary estate. The designation of an additional area, adjacent to the Palace of Westminster, will mitigate the growing security threat in this area and personal security of Members of Parliament, arising from: disruptive protests whereby essential parliamentary business has been interrupted and the security of the building potentially compromised, use of non-violent direct-action tactics, access of unauthorised areas; and the potential risk from international terrorism targeting critical civic functions. This designation will deter intrusion and mitigate the increased security risk to the Parliament and its Members.

7.3 It is necessary to amend the 2007 Order to reflect the addition of these sites and corresponding boundary maps in order to clearly mark where the criminal offence of trespass applies.

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

9.1 No consolidation is required.

10. Consultation outcome

10.1 No public consultation was carried out.

11. Guidance

11.1 No guidance is necessary in connection with this instrument.

12. Impact

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

12.2 There is no, or no significant, impact on the public sector.

12.3 A full Impact Assessment has not been prepared for this instrument because no impact on business is foreseen.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 There is no proposal to monitor or review the effect of this instrument.

15. Contact

15.1 Sabrina Dullah at the Royalty, VIP and MP Security Unit, Home Office, Telephone: 07435664285 or email: Sabrina.dullah@homeoffice.gov.uk can be contacted with any queries regarding the instrument.

15.2 Tom Rutherford, Deputy Director for Royalty, VIP and MP Security Unit, at the Home Office can confirm that this Explanatory Memorandum meets the required standard.

15.3 Rt Hon Damian Hinds, Minister of State for Security at the Home Office can confirm that this Explanatory Memorandum meets the required standard.