

**POLICE, CRIME, SENTENCING AND COURTS BILL**  
**EUROPEAN CONVENTION ON HUMAN RIGHTS**  
**SUPPLEMENTARY MEMORANDUM BY THE HOME OFFICE**

**Introduction**

1. The Government published a memorandum addressing issues under the European Convention on Human Rights (“ECHR”) on introduction of the Police, Crime, Sentencing and Courts Bill in the House of Commons on 09 March 2021. This supplementary memorandum addresses the issues arising from Government amendments, tabled on 15 November 2021 for Lords Committee stage (see amendments 319A to 319K on the tenth marshalled list<sup>1</sup>). This memorandum has been prepared by the Home Office.
2. The amendments considered in this memorandum are:
  - a. Amendments to the offence of wilful obstruction of the highway in section 137 of the Highways Act 1980 to:
    - i. Increase the maximum penalty from a level 3 fine (£1,000) to a term of imprisonment not exceeding six months, an unlimited fine, or both; and
    - ii. Clarify that wilful obstruction of the free passage along a highway can still occur even if the highway has been temporarily closed.
  - b. New offences of locking on and an offence of being equipped for locking on.
  - c. New offence of obstruction of major transport works.
  - d. Amendment to section 1 of the Police and Criminal Evidence Act 1984 (“PACE”) so that a constable can stop and search a person or vehicle if they have reasonable grounds for suspecting that they will find an article made, adapted or intended for use in the course of or in connection with the following offences:
    - i. obstructing the highway where it involves activity which causes or is capable of causing serious disruption to two or more individuals or to an organisation,
    - ii. intentionally or recklessly causing public nuisance,
    - iii. locking on, or
    - iv. the obstruction of major transport works.
  - e. New power to stop and search without suspicion, which can be authorised where a police officer of or above the rank of inspector reasonably believes that any of the offences mentioned in paragraph 2(d)(i)-(iv) may be committed in any locality within the officer’s police area or that persons are carrying prohibited objects in any locality within the officer’s police area.

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<sup>1</sup> [986 \(parliament.uk\)](https://www.parliament.uk)

- f. New preventative order called the “Serious Disruption Prevention Order”.

### **Amendments to the offence of wilful obstruction of the highway (amendment 319C)**

#### *Articles 10 and 11*

3. These provisions may be used in the context of protests where people are exercising their Article 10 right to freedom of expression and potentially their Article 11 right to freedom of assembly. These are qualified rights.
4. The amendment is to an offence set out in primary legislation and will be sufficiently precise to be foreseeable. The Government therefore considers that the provisions will be in accordance with the law.
5. The amendment pursues various legitimate aims, including the prevention of disorder and crime, and protecting the rights of others, and is necessary in a democratic society. Section 137 already contains a ‘lawful excuse’ exception which has been found by the Supreme Court in Ziegler as capable of embracing the exercise of Convention Rights, and requires a fact-specific enquiry by the court. The amendment is proportionate as this enquiry will still be required, and the amendment simply clarifies that the offence can still be committed in circumstances where free passage along the highway has already been temporarily restricted, for example by the police or traffic authority.
6. The police and the Crown Prosecution Service must comply with the Human Rights Act 1998 when making decisions around arrest, charge and prosecution and therefore must do so in a way that is compatible with an individual’s human rights. The court must do the same when carrying out its functions.

#### *Article 6*

7. Article 6 is also engaged as a person who wilfully obstructs free passage along a highway commits an offence. The offence is only committed where there is no lawful excuse for the obstruction, and the usual safeguards provided for in the criminal justice system will apply. Accordingly, the Government considers the provisions to be compliant with Article 6.

### **Offences of locking on and being equipped for locking on (amendments 319A and 319B)**

8. Amendment 319A creates a new offence of “locking on”. A person commits the offence if they intentionally attach themselves, a person, or an object to another person, object, or land, and it causes, or is capable of causing, serious disruption to two or more individuals or an organisation in a place other than a dwelling. The person must intend or be reckless as to the causing of serious disruption.
9. Amendment 319B creates a new offence of “being equipped for locking on”. A person commits the offence if they have an object with them in a place other than a dwelling

with the intention that it will be used in the course of or in connection with the commission by any person of the “locking on” offence.

#### *Articles 6 and 7*

10. Article 6 will be engaged by the investigation and prosecution of both offences; however, the normal safeguards provided for in the criminal justice system will apply.
11. The “locking on” offence provides that it is a defence for a person to prove that they had a reasonable excuse for the act of locking on. The burden of proof is placed on the defendant given the general nature of the defence and the facts as to whether the defendant has a reasonable excuse being within their knowledge. The prosecution must still prove all the elements of the offence to the criminal standard of proof, including that the act caused or was capable of causing serious disruption, and that the person had the necessary mens rea.
12. The Government considers that both offences will comply with Article 6.
13. The Government considers that both offences will be sufficiently certain and predictable to meet the requirements of Article 7.

#### *Article 10 and 11*

14. The offences could potentially be used against people who are exercising their Articles 10 and 11 rights to freedom of expression and freedom of assembly. The Government considers that the offences are sufficiently precise to be foreseeable and that the provisions are in accordance with the law. The offences pursue various legitimate aims, including the prevention of disorder and crime, and protecting the rights of others, and is necessary in a democratic society.
15. The police and the Crown Prosecution Service must comply with the Human Rights Act 1998 when making decisions around arrest, charge and prosecution and therefore must not act incompatibly with an individual’s human rights. The court must do the same when carrying out its functions.
16. Accordingly, the Government considers the offences comply with Articles 10 and 11.

#### **Offence of obstruction of major transport works (amendment 319D)**

17. Amendment 319D creates an offence where a person obstructs the construction or maintenance of major transport works, or interferes with apparatus related to that construction. It is a defence if the person can show a reasonable excuse for the activity.

#### *Articles 10 and 11*

18. These provisions may be used in the context of protests where people are exercising their Article 10 right to freedom of expression and potentially their Article 11 right to freedom of assembly. These are qualified rights.

19. The offence will be set out in primary legislation and will be sufficiently precise to be foreseeable. The Government therefore considers that the provisions will be in accordance with the law.
20. The offence pursues various legitimate aims, including the prevention of disorder and crime, and protecting the rights of others, and is necessary in a democratic society.
21. The 'reasonable excuse' defence will permit a fact-specific enquiry by the court, and enable consideration of the exercise of Convention rights. The amendment is proportionate as the court will take into account the specific facts. Further, the offence will only be committed where major transport works, such as HS2, are obstructed. Obstruction of such construction can result in significant delays to such projects, with a high financial cost, and continuing impacts on those living and working in the vicinity.
22. The police and the Crown Prosecution Service must comply with the Human Rights Act 1998 when making decisions around arrest, charge and prosecution and therefore must do so in a way that is compatible with an individual's human rights. The court must do the same when carrying out its functions.

#### *Article 6*

23. Article 6 is also engaged as a person who obstructs major transport works commits a criminal offence. It is a defence to show that there was a reasonable excuse for the obstruction, and the usual safeguards provided for in the criminal justice system will apply.
24. The burden of proof in relation to the reasonable excuse defence is placed on the defendant given the general nature of the defence and the facts as to whether the defendant has a reasonable excuse being within their knowledge. The prosecution must still prove all the elements of the offence to the criminal standard of proof.
25. Accordingly, the Government considers the provisions to be compliant with Article 6.

#### **Amendment to section 1 of the Police and Criminal Evidence Act 1984 (amendment 319E)**

26. Section 1 of the Police and Criminal Evidence Act 1984 ("PACE") provides that a constable may search a person or vehicle, or anything in or on a vehicle if they have reasonable grounds for suspecting that they will find stolen or prohibited articles, or certain other articles. Amendment 319E increases the range of prohibited articles that can be searched for under section 1 by adding to the offences listed in section 1(8).

#### *Article 8*

27. A search under section 1 of PACE may interfere with the Article 8 rights of the person searched. The reasonable suspicion stop and search power in section 1 of PACE, as amended by this clause, will be set out in primary legislation and therefore the Government considers that it is in accordance with the law. The Government also

considers that it pursues the legitimate aims of the prevention of disorder or crime and the protection of the rights and freedoms of others, and is proportionate to those aims.

**Power to stop and search without suspicion (amendments 319F, 319G, 319H and 319H)**

28. These amendments allows a police officer of or above the rank of inspector to give an authorisation if they reasonably believe that:
- a. particular offences may be committed or prohibited objects are being carried within the officer's police area, and
  - b. the authorisation is necessary to prevent the commission of those offences or the carrying of those prohibited objects, the specified area of the authorisation is no greater than is necessary, and the specified period of the authorisation is no longer than is necessary.
29. When an authorisation is in place, a constable may stop and search any person or vehicle for prohibited items, without the need for any grounds for suspecting that the person or vehicle is carrying a prohibited object. There are also associated powers of seizure and retention of anything found in such a search which the constable reasonably suspects to be a prohibited object.

*Articles 8, 10 and 11*

30. A search under this new power may interfere with an individual's Article 8 rights. The Government considers however that any interference with that right will be justified under Article 8(2). The provisions will be in accordance with the law, pursue one or more legitimate aim, and be a proportionate means of achieving those aims.
31. It is recognised that the power may be used against those exercising their Article 10 and Article 11 rights during a protest. The Government considers that any interference with those rights will be justified under Article 10(2) and 11(2). The consideration below is equally applicable to those Articles.
32. These clauses allow for a search power to be exercised without the need for a constable to have reasonable suspicion that a person is carrying any particular items. Such powers may be in accordance with the law for the purposes of Article 8, provided that, considered in all the relevant circumstances, they provide adequate safeguards against arbitrary use.
33. In *Gillan v UK*<sup>2</sup>, the European Court of Human Rights considered the power in section 44 of the Terrorism Act 2000 that permitted a senior officer to designate an area within which persons could be stopped and searched without suspicion, if the senior officer considered that such designation was expedient in order to prevent acts of terrorism. The ECtHR found that this power was not in accordance with the law because the power did not contain sufficient safeguards to prevent against arbitrary interference. In particular, the ECtHR highlighted the low threshold provided for by the test of "expediency", which had been found to mean "advantageous" or "helpful".

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<sup>2</sup> Application Number 4185/05

34. In *Beghal v UK*<sup>3</sup> the ECtHR considered Schedule 7 to the Terrorism Act 2000, which provided a stop and question power at ports and airports without the need for reasonable suspicion. The ECtHR said about such powers:

*“[a] requirement of reasonable suspicion is...an important consideration in assessing the lawfulness of a power to stop and question or search a person; however, there is nothing...to suggest that the existence of reasonable suspicion is, in itself, necessary to avoid arbitrariness. Rather, this is an assessment for the Court to make having regard to the operation of the scheme as a whole and...[the Court] does not consider that the absence of a requirement of reasonable suspicion by itself rendered the exercise of the power in the applicant’s case unlawful.”*

35. The Supreme Court in *R (on the application of Roberts) v Metropolitan Police Commissioner*<sup>4</sup> considered the compliance with Article 8 of the power to stop and search without the need for reasonable suspicion in section 60 of the Criminal Justice and Public Order Act 1994. In unanimously finding that section 60 was “in accordance with the law”, the Supreme Court identified a number of safeguards that protected against arbitrary use, which are incorporated into this power. The Government considers that the power contains sufficient safeguards against arbitrariness, in particular:

- a. The authorising officer must reasonably believe that an authorisation is “necessary” for the purpose of preventing the commission or particular offences, or the carrying of prohibited objects.
- b. The authorising officer must also reasonably believe that the specified locality is no greater than is necessary to prevent such activity, and the specified period is no longer than is necessary to prevent such activity.
- c. An authorisation will be limited to 24 hours, extendable by up to a further 24 hours.
- d. The authorisation and the stop and search will be subject to legal duties under:
  - i. Human Rights Act 1998, and
  - ii. Equality Act 2010.
- e. Any search will be subject to the safeguards in PACE and PACE Code of Practice A for the use of stop and search.

36. The Government therefore considers that these provisions are in accordance with the law.

37. The Government considers that the provisions pursue the legitimate aims of the prevention of disorder and crime, and the protection of the rights of others and that the time limited power to search without suspicion is proportionate. Further, the powers to make an authorisation and carry out a search when such an authorisation is in place are discretionary. In exercising these discretions, the police officer making the authorisation and the constable carrying out a search will be required to act in accordance with section 6 of the Human Rights Act 1998, and therefore will be required to assess the necessity and proportionality using the powers in each case.

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<sup>3</sup> Application Number 4755/16

<sup>4</sup> [2015] UKSC 79

## *Article 1, Protocol 1*

38. Article 1 of Protocol 1 (“A1P1”) will be engaged by the power for the police to seize and retain items which they find in the course of a search and which they reasonable suspect to be a prohibited object. The Government considers that any interference with the right to peaceful enjoyment of property is compatible with A1P1.
39. The powers of seizure and retention are in accordance with the law because they are set out in the Bill and are formulated with sufficient precision to enable a person to know in what circumstances they can be exercised. Any interference is justified by the public interest in the prevention of disorder or crime and protecting the rights of others. Property will only be seized and retained if there is a reason to suspect that it is a prohibited object, and in accordance with legislation. The powers are proportionate because the articles seized could otherwise be used for the purposes of causing disorder or committing crime, or interfering with the rights of others, and could result in evidence (that would otherwise be missed or subsequently destroyed) being available for use in a criminal prosecution. The Bill includes a power for the Secretary of State to make regulations as to the retention of items seized, which will allow for the Secretary of State to provide for the retention of property, including its destruction or return to the owner.

### **Serious Disruption Prevention Orders (amendment 319K)**

40. Amendment 319K inserts new Chapter 1B into Part 11 of the Sentencing Code and makes provision for serious disruption prevention orders (SDPOs) as a new preventative court order in England and Wales. These provisions may engage Articles 5, 6, 8, 9, 10 and 11 and A1P1.
41. A SDPO can be made by the court on application of the prosecution in relation to a person aged 18 or over who has been convicted of two protest-related offences within the relevant period<sup>5</sup>, if it is considered necessary for one of the following purposes:
- a. to prevent the person from committing a protest-related offence or a protest-related breach of an injunction;
  - b. to prevent the person from carrying out activities related to a protest that result in, or are likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales;
  - c. to prevent the person from causing or contributing to:
    - i. the commission by any other person of a protest-related offence or a protest-related breach of an injunction, or
    - ii. the carrying out by any other person of activities related to a protest that result in, or are likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales;
  - d. to protect two or more individuals, or an organisation, in England and Wales from the risk of serious disruption arising from—
    - i. a protest-related offence,
    - ii. a protest-related breach of an injunction, or

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<sup>5</sup> The “relevant period” means the period of 5 years ending with the day on which the person is convicted of the current offence, but an offence may only be taken into account if the person was aged 16 or over.

iii. activities related to a protest.

42. The two offences must relate to different protests or have been committed on different days.

43. An SDPO may also be made by the court on application of the police<sup>6</sup>, as a freestanding matter, in relation to a person aged 18 or over who has on at least two occasions<sup>7</sup> in the relevant period<sup>8</sup>:

- a. been convicted of a protest-related offence,
- b. been found in contempt of court for a protest-related breach of an injunction,
- c. carried out activities related to a protest that resulted in, or were likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales,
- d. caused or contributed to the commission by any other person of a protest-related offence or a protest-related breach of an injunction, or
- e. caused or contributed to the carrying out by any other person of activities related to a protest that resulted in, or were likely to result in, serious disruption to two or more individuals, or to an organisation, in England and Wales.

44. As with an SDPO on conviction, an SDPO made otherwise than on conviction can only be made if the court considers it necessary to make the order for one of the purposes set out in paragraph 41(a)-(d) above.

45. An SDPO may include prohibitions or requirements for the purposes set out in paragraph 41(a)-(d) above. Such prohibitions may include, for example, not being at a particular place, not being with particular persons, not participating in particular activities, not having particular articles with them, and not using the internet for particular purposes. The requirements may include, for example, attending at a particular place at a particular time.

46. In relation to SDPOs:

- a. the person concerned must comply with limited notification requirements. Failure to comply is an offence;
- b. the person concerned (and others) may apply to vary, renew or discharge an order;
- c. the person concerned (and others in certain circumstances) may appeal the making, variation, renewal or discharge of an order; and
- d. breach of an order without reasonable excuse is an offence.

## *Article 5*

### SDPO – the measures

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<sup>6</sup> A chief officer of police, the chief constable of British Transport Police Force, the chief constable of the Civil Nuclear Constabulary or the chief constable of the Ministry of Defence Police.

<sup>7</sup> Each event must relate to a different protest or have taken place on a different day.

<sup>8</sup> The “relevant period” means the period of 5 years ending with the day on which the order is made; but an event may be taken into account for the purposes of this section only if it occurred when the person was aged 16 or over.

47. The provisions give the court discretion to impose prohibitions and/or requirements on an individual in circumstances where they have not been convicted of an offence. But, if doing so, the court may only impose prohibitions or requirements restricting an individual's movements (e.g. curfew, attendance at a particular location, geographical restrictions). Article 5, however, is concerned with the deprivation of liberty and not with mere restrictions on freedom of movement. The ECtHR has held, in *Guzzardi v Italy*, that the difference between restriction on movement and deprivation of liberty is one of degree or intensity, rather than nature or substance<sup>9</sup>. The domestic courts have held, in individual cases, that no deprivation of liberty arose from control orders imposing a curfew alongside other restrictions on conduct<sup>10</sup>. Similar analysis applies to SDPOs. The SDPO provisions provide the courts with the discretion to determine appropriate prohibitions and/or requirements which do not amount to the kind of arbitrary detention proscribed by Article 5.

#### Criminal proceedings for breach of an order

48. The provisions engage Article 5 to the extent that breach of an order and failure to comply with the notification requirement are criminal offences, which can result in the arrest and detention of an individual. A constable may arrest using the power in section 24 of PACE. The penalty for breach is set out in primary legislation. As such, the penalty and power of arrest, is in accordance with a procedure prescribed by law, and would fall within the permissible grounds in Article 5(1). The subject of the order will be able to appeal against conviction and the resulting sentence in the usual way.

#### *Article 6*

#### Grant of an SDPO

49. The Government is satisfied that proceedings from making an SDPO do not involve the determination of a criminal charge<sup>11</sup>. The domestic classification of SDPO proceedings is civil. While the conduct alleged against the individual may be criminal, the clear purpose of an SDPO is not punitive, but the prevention of, and deterrence from, individuals committing protest-related offences or breaches of injunctions, or carrying out other types of behaviour at protests such as that which causes serious disruption. An SDPO can only be made where there is evidence of repeated behaviour by an individual and where the court considers it "necessary" for one of these preventative purposes. Proceedings by which these orders are obtained are therefore, civil proceedings<sup>12</sup> and will engage the civil limb of Article 6. The Government considers that these proceedings satisfy any requirements arising under Article 6(1). In relation to the application of civil (as opposed to the criminal) standard of proof, the Government is satisfied that the use of the civil standard does not violate Article 6 and adequate safeguards are provided to ensure procedural fairness<sup>13</sup>. The rules which govern the application process, and the existence of a prescribed right of appeal and

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<sup>9</sup> *Guzzardi v Italy* (1980) 3 EHRR 333.

<sup>10</sup> *E v Secretary of State for the Home Department* [2007] UKHL 47. *Secretary of State for the Home Department v MB (FC)* [2007] UKHL 46. See also *P v Cheshire West and Chester Council* [2014] UKSC, 19.

<sup>11</sup> See *Engel v Netherlands* (1979-80) 1 EHRR 647.

<sup>12</sup> See *McCann v Manchester Crown Court* [2002] UKHL 39; *Chief Constable of Lancashire v Wilson* [2015] EWHC 2763.

<sup>13</sup> See *Jones v Birmingham City Council* [2018] EWCA Civ 1189

ability to subsequently apply to the court to vary or discharge the order provide sufficient safeguards.

#### Criminal proceedings for breach of an order

50. A person subject to an SDPO will commit a criminal offence if they:
- a. fail without reasonable excuse to do anything they are required to do by the SDPO,
  - b. without reasonable excuse do anything they are prohibited from doing by the SDPO, or
  - c. notify to the police any information which they know to be false.
51. The normal safeguards and appeal routes provided for in the criminal justice system will apply to anyone investigated and prosecuted for this offence. The Government therefore considers that the new offence will comply with Article 6.
52. The Government is therefore satisfied that the provisions as a whole comply with Article 6.

#### *Articles 8, 10 and 11*

#### Grant of an SDPO and the measures

53. These provisions engage Articles 8, 10 and 11.
54. The effect of a person being made the subject of an SDPO will constitute an interference with that person's Article 8 rights. This is because the limited mandatory notification requirement may interfere with the person's right to privacy, and other prohibitions or requirements that might be imposed by a court such as prohibiting the person from associating with particular people and limitations on the use of social media may interfere with the person's right to private and family life, home and correspondence.
55. An SDPO may also interfere with a person's Article 10 and Article 11 rights. This is because prohibitions or requirements that might be imposed by a court such as prohibiting the person from being at a particular place or associating with particular people, limitations on the use of social media, and requiring the person to report to a particular place at a particular time may interfere with the person's right to freedom of expression and freedom of assembly.
56. Articles 8, 10 and 11 are qualified rights, meaning they can be interfered with provided the measure is in accordance with the law, pursues a legitimate aim and is necessary in a democratic society.
57. The Government considers that each of the potential interferences identified may be justified. Any interference will be in accordance with the law:
- a. An SDPO may only be made in accordance with the powers provided in primary legislation.
  - b. For an SDPO to be made, the person must have committed on separate occasions within the relevant period two protest-related criminal offences, or on at least two

occasions within the relevant period carried out other specific behaviour (as listed in paragraph 43(a)-(e)).

- c. The court must consider it “necessary” to make the SDPO for one of the preventative purposes (as listed in paragraph 41(a)-(d)).
- d. Only prohibitions and requirements (for which a statutory illustrative non-exhaustive list is provided) for the same preventative purposes will be imposed.
- e. The Secretary of State may publish statutory guidance to chief officers and chief constables about identifying persons in respect of whom it may be appropriate for applications for SDPOs to be made.
- f. There is provision for a person to appeal, or apply to a court to vary or discharge an SDPO.

58. The provision will therefore be clear, foreseeable and adequately accessible. It will give an adequate indication of the circumstances in which the power to make an SDPO might be exercised or when the particular prohibitions or requirements may be included in an SDPO, and will therefore enable members of the public to regulate their conduct and foresee the consequences of their actions. The Government considers there are sufficient safeguards to protect against arbitrary interference with persons’ Article 8, 10 and 11 rights.

59. Any interference will be in pursuit of the legitimate aims of preventing crime and disorder and for the protection of the rights and freedoms of others.

60. In relation to proportionality, the court has a discretion whether to grant an SDPO at all, as well as in relation to any prohibitions and requirements to be imposed under the SDPO (apart from the limited mandatory notification requirements). Under section 6 of the Human Rights Act 1998, the courts, as public bodies, must not act incompatibly with ECHR rights. This means that when exercising the discretion to make an SDPO, and if one is made, deciding which prohibitions or requirements are imposed, a court must do so in a way that is compatible with Articles 8, 10 and 11. The minimum duration of an SDPO is one week, allowing a court to make an SDPO of a proportionate duration. A court may also specify that particular requirements or prohibitions have effect for a specific period, so shorter than the duration of the SDPO. The mandatory notification requirements are limited to name and address, so those pieces of information to necessary to properly monitor the SDPO.

61. The Government is therefore satisfied that these provisions are a proportionate measure to prevent crime and disorder and to protect the rights and freedoms of others.

#### *Article 9*

62. The provisions may also engage Article 9 as prohibitions and requirements imposed by an SDPO may interfere with individuals’ rights to freedom of thought, conscience and religion. Whether Article 9 is engaged will depend on the individual circumstances of each case. If there is an interference, the issue will be, as with Articles 8, 10 and 11, whether it is in accordance with the law, pursues a legitimate aim and is necessary in a democratic society. The Government considers that any interference with Article 9 may be justified in accordance with Article 9(2). The safeguards as to legal

certainty, necessity and proportionality identified in relation to Articles 8, 10 and 11 as well as the identified legitimate aims of the prevention of disorder or crime and the protection of the rights and freedoms of others applies equally to Article 9.

63. Prohibitions or requirements such as prohibiting the person from being at a particular place or associating with particular people may interfere with a person's right to manifest their religion or belief (for example, excluding an individual from their regular place of worship). In addition to the considerations above with regards Articles 8, 10 and 11, the provisions expressly require that in imposing any prohibitions or requirements the court must try to avoid, so far as practicable, any conflict with the individual's religious beliefs. The Government is therefore satisfied that these provisions are compatible with Article 9.

**Home Office**  
**November 2021**